



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
194 MAIN STREET
EAST MILLINOCKET, MAINE 04430

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

AMENDMENT B TO BUILDING PERMIT BP 8163

The staff of the Maine Land Use Regulation Commission, after reviewing the application and supporting documents submitted by Roland Lucius Jr. for Amendment B to Building Permit BP 8163, finds the following facts:

1. Applicant: Roland Lucius Jr.
131 Baldwinville State Road
Winchendon, MA 01475
2. Date of Completed Application: April 9, 2015
3. Location of Proposal: Lakeville, Penobscot County
Lot # 18 on Plan 11
4. Zoning: (P-GP) Great Pond Protection Subdistrict
(M-GN) General Management Subdistrict
(P-WL1) Wetland Protection Subdistrict
(P-WL3) Wetland Protection Subdistrict

While numerous zoning districts exist on the property, the existing and proposed development lies entirely within the (P-GP) Great Pond Protection District.

5. Lot Size: 23.7 Acres (owned)
6. Accessory Building(s): Existing Garage/Seasonal Dwelling (24 ft. by 24 ft.)
(Proposed Conversion to Garage)
Existing Woodshed (8 ft. by 12 ft.)
7. Principal Building: Proposed Single Family Dwelling (46 ft. by 28 ft.) with
Attached Lakeside Farmers Porch (24 ft. by 8 ft.)
Attached Side Porch (8 ft. by 12 ft.)
Attached Rear Entryway (8 ft. by 8 ft.)
8. Affected Waterbody: Lower Sysladobsis Lake

The Commission has identified Lower Sysladobsis Lake as a management class 4, resource class 1A, accessible, developed lake with the following resource ratings: significant fisheries resources, significant scenic resources, significant shore character, significant cultural resources.

9. The applicant's lot is currently developed with a 24 ft. by 24 ft. garage/seasonal dwelling, an 8 ft. by 12 ft. shed, and a combined subsurface wastewater disposal system.

Background

10. The applicant's original 40 acre lot was originally developed in April of 1991 with a 24 ft. by 24 ft. garage and a pit privy. The structures were installed without benefit of a permit from the Land Use Regulation Commission. [Reference Enforcement Case EC 92-006; Resolved] The garage, which was also being used as a seasonal camp, is set back 150 feet from the normal high water mark of the lake, greater than 50 feet from the roadway, and greater than 15 feet from other property boundaries.
11. On February 18, 1993 Building Permit BP8163 was issued to the applicant for after-the-fact approval for the 24 ft. by 24 ft. garage/seasonal dwelling and to install a combined subsurface wastewater disposal system.
12. In March of 2002, the applicant created a single division of the original 40 acre lot which resulted in the developed lot having a total acreage of 23.7 acres.
13. On October 28, 2008, Amendment A to Building Permit BP8163 was issued to the applicant authorizing the construction of a 40 ft. by 20 ft. single family dwelling on a permanent foundation and after-the-fact approval of an 8 ft. by 12 ft. woodshed that was constructed on the lot in 1992. The proposed 40 ft. by 20 ft. single family dwelling was never constructed. Amendment A to Building Permit BP8163 expired October 28, 2013.

Proposal

14. The applicant now proposes to construct a 46 ft. by 28 ft. single family dwelling on a permanent foundation with an attached 24 ft. by 8 ft. lakeside farmers porch, an attached 8 ft. by 12 ft. side porch, and an 8 ft. by 8 ft. rear entryway. The two attached porches and entryway would be constructed on sonotube foundations. The dwelling unit with attached porches and entryway would be set back at least 100 feet from the normal high water mark of Lower Sysladobsis Lake, 50 feet from Salmon Road, and 15 feet from property boundary lines. The proposed single family dwelling would be served by an existing combined subsurface wastewater disposal system and accessed by an existing driveway approximately 150 feet in length. The applicant further proposes to convert the existing garage/dwelling to a garage by disconnecting the existing septic system and removing all plumbing fixtures from the structure.

Commission Review Criteria

15. The proposed development complies with Sub-Chapter III of the Commission's Land Use Districts and Standards.
16. The facts are otherwise as represented in the application for Amendment B to Building Permit BP 8163 and supporting documents.

Based upon the above Findings, the staff concludes that if carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, Section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

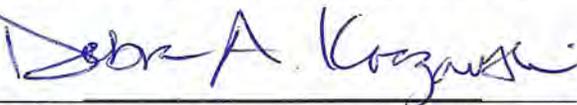
Therefore, the staff approves the application of Roland Lucius Jr. with the following conditions:

1. **At least one week prior to commencing the permitted activities**, the permittee must contact the Commission staff and notify them of the date construction will start. **If these activities include a permanent foundation**, the permittee must notify staff **of the date the forms will be set**. This will allow staff time to arrange a pre-construction site visit to review the applicable standards and requirements of the permit with the permittee. (**If you leave a telephone message**, please include your full name, telephone number, permit number, and the date/s the work will start.)
2. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
3. This permit is dependent upon and limited to the proposal as set forth in the application and supporting documents, except as modified by the Commission in granting this permit. Any variation is subject to prior review and approval of the Maine Land Use Planning Commission. Any variation from the application or the conditions of approval undertaken without approval of the Commission constitutes a violation of Land Use Planning Commission law.
4. The permittee shall secure and comply with all applicable licenses, permits, authorizations, and requirements of all federal, state, and local agencies including but not limited to: Air and Water Pollution Control Regulations; Subsurface Wastewater Disposal System approval from the Local Plumbing Inspector and/or Maine Department of Health and Human Services, Subsurface Wastewater Program; and the Maine Department of Transportation, Driveway Entrance Permit, a physical E-911 address from your County Commissioner's Office.
5. All structures, as well as filling/grading/soil disturbance and cleared openings created as part of construction activities authorized under this permit, must be set back a minimum of 100 feet from Lower Sysladobsis Lake, 50 feet from Salmon Road Road, 75 feet from the upland edge of the (P-WL1) Wetland Protection Subdistrict, and 15 feet from other property boundary lines.
6. **All plumbing fixtures must be removed from the existing 24 ft. by 24 ft garage/seasonal camp and disconnected from the existing subsurface wastewater disposal system prior to occupancy of the new dwelling authorized under this permit.**
7. **A reconnection permit must be obtained from the Local Plumbing Inspector for connection of the existing subsurface wastewater disposal system to the 46 ft. by 28 ft dwelling authorized under this permit and a copy submitted to the Land Use Planning Commission.**
8. Structures authorized under this permit must not be sited on a ridge or knoll such that they are visible above the tree line from any water body. All authorized structures must be located, designed and landscaped to reasonably minimize their visual impact on the surrounding area, particularly when viewed from existing roadways or shorelines.

9. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all erosion and sedimentation control devices (including ditches, culverts, sediment traps, settling basins, hay bales, silt fences, etc.) have been installed and stabilized. Once in place, such devices shall be maintained to insure proper functioning. All temporary sedimentation and erosion control devices shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively implemented. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.
10. Topsoil must not be removed from the site except for that necessary for construction activities authorized in this permit. Topsoil must be stockpiled at least 100 feet from any water body.
11. Unless otherwise proposed in Question 8.4 and by the submittal of **Exhibit G, Erosion and Sediment Control Plan**, and approved by this permit, soil disturbance must not occur when the ground is frozen or saturated.
12. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.
13. All exterior lighting must be located and installed so as to illuminate only the target area to the extent possible. Exterior lighting must not produce a strong, dazzling light or reflection beyond lot lines onto neighboring properties, water bodies, or roadway so as to impair driver vision or to create nuisance conditions.
14. In the event the permittee should sell or lease this property, the buyer or lessee shall be provided a copy of the approved permit and conditions of approval. The new owner or lessee should then contact the Land Use Planning Commission to have the permit transferred into his/her name. If there are no additional changes the transfer can be accomplished on a Minor Change Form.
15. Once construction is complete, the permittee shall submit a self certification form, notifying the Commission that all conditions of approval have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of this permit.
16. The lot may not be further divided without the prior review and approval of the Commission. In addition, certain restrictions, including subdivision, setback and minimum lot size requirements, and activities on the original parcel from which the lot was first divided, may limit or prohibit a redivision of the lot in the future. The permittee is hereby advised to consult applicable land use laws and rules and with the Commission prior to any future redivision of the lot.
17. All conditions of previously issued Commission permits shall remain in effect, except as specifically modified by this permit. For parcels that are part of a Commission-approved subdivision, all conditions of the subdivision permit as they pertain to the permittee's parcel shall remain in effect.

This permit is approved only upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittees comply with all of these conditions. Any variation from the application or conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Regulation Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT EAST MILLINOCKET, MAINE, THIS 9th DAY OF APRIL, 2015.

By: 
for Nicholas D. Livesay, Executive Director