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

PAUL R. LEPAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

AMENDMENT C TO BUILDING PERMIT BP 9345 (AFTER-THE-FACT)
ENFORCEMENT CASE EC 2015-11

The staff of the Maine Land Use Planning Commission, after reviewing Amendment C to Building Permit BP 9345 and supporting documents submitted by Thomas Poulin & Lacretia Nappi, finds the following facts:

1. Applicant: Thomas Poulin & Lacretia Nappi
   200 Range Road
   Cumberland, ME 04021

2. Date of Completed Application: July 20, 2015

3. Location: T3 R12 WELS
   Part of Plan 01, Lot 6 on Map PI010
   Formerly Katahdin Timberlands, LLC. Leased Lot # CA-9

4. Zoning: (P-GP) Great Ponds Protection Subdistrict
   (P-AL) Accessible Lake Protection Subdistrict

5. Lot Size: 0.8 Acres (Owned)

6. Affected Waterbody: Caribou Lake

   The Commission has identified Caribou Lake as a management class 3, resource class 1A lake with outstanding fisheries, wildlife, botanic resources, cultural value, and physical features.

7. Principal Building: Residential Dwelling, After-the-Fact (20 ft. by 16 ft x16 ft.)
   w/ Existing Attached Lakeside Deck (8 ft. by 16 ft.)
   w/ Existing Attached Side Deck (8 ft. by 10 ft)
   Proposed Left Side Addition (10 ft. by 20 ft.x 16 ft.)
   Proposed Right Side Addition (10 ft. by 20 ft. x 16 ft.)

8. Accessory Structures: Existing After-the-Fact Woodshed (16 ft. by 8 ft)
   Existing After-the-Fact Shed/Privy (12 ft. by 8 ft.)

9. Sewage Disposal: Proposed Primitive System (graywater & pit privy)

Administrative History:

10. On July 22, 1996, staff issued Building Permit BP 9345 to Alan Kilburn, a former lessee of the subject property, for the construction of a 24 foot by 28 foot seasonal camp, a 16 foot by 20 foot generator shed, and the installation of a primitive sewage disposal system with a pit privy. The seasonal camp and primitive sewage disposal system were never constructed. The applicant acquired the lease to the subject property in June of 1987, when the Commission's minimum shoreline frontage requirement was 100 feet per dwelling unit. The lot has 150 feet of shoreline frontage.

11. On July 2, 1999, staff received an application for Amendment A to Building Permit BP 9345 from Scott R. Verill, a former lessee, for a proposed driveway. On August 8, 1999, the application was withdrawn.

12. On October 12, 1999, staff received an application for Amendment B to Building Permit BP 9345 from Scott R. Verill for the proposed construction of 24 foot by 28 foot seasonal camp and change of ownership. On December 20, 1999, the application was returned to the applicant due to incompleteness. Specifically, the subsurface wastewater disposal system design submitted with the application had expired, rendering it invalid and not in compliance with the Maine Subsurface Wastewater Disposal Rules.

13. At the request of Gateway Title of Maine, Inc., agent for Thomas Poulin & Lacretia Nappi, current lessees, Commission staff reviewed Building Permit BP 9345, Amendments A-B, and Maine Revenue Service Property Tax records to determine compliance of the development activities associated with the subject property. Review of the records revealed that the 20 ft. by 16 ft. generator shed was converted to a dwelling unit and an attached 8 ft. by 16 ft. deck, a 10 foot by 8 foot deck, and two sheds of unknown dimensions have been constructed greater than 100 feet from the normal high water mark of Caribou Lake, greater than 50 feet from the access road, and greater than 15 feet from property boundary lines. The records reveal the above listed activities were conducted without a valid permit from the Commission. In addition, a septic system of unknown design was installed in violation of the Maine Subsurface Wastewater Disposal Rules.
[*Reference: Enforcement Case EC 2015-11, Resolved with this permit*]

Proposal:

14. The applicant now seeks after-the-fact approval for the construction of the 20 foot by 16 foot dwelling unit with attached 8 foot by 16 foot lakeside deck located 152 feet from the normal high water mark of Caribou Lake. The applicant further proposes to remove the existing unauthorized 8 foot by 10 foot side deck, to construct two 10 foot by 20 foot additions to each side of the dwelling, to install a primitive subsurface wastewater disposal system (graywater & pit privy), and to convert the existing 12 foot by 8 foot privy into a storage shed. The two 10 foot by 20 foot additions would be setback 160 feet from the normal high water mark of Caribou Lake, 115 feet from the access road, and 50 feet from the nearest property boundary line.

Review Criteria:

15. Pursuant to Section 10.23,A,3,d,(4) of the Commission's Land Use Districts and Standards, residential, single family dwellings may be allowed within P-AL (Accessible Lake Protection) subdistricts upon issuance of a permit from the Commission provided that such dwelling units are limited to an average density per landownership of no more than one dwelling unit per shore mile. Parcels existing as of

November 17, 1988 that have less than 1 mile of shoreline are allowed one dwelling unit within that shoreline area provided that other applicable standards are met. The shoreline is measured by following the shoreline of the lake, including all the shoreline irregularities, on the Commission's Land Use Guidance Map;

16. Pursuant to Section 10.23,E,3,c,(12) of the Commission's Land Use Districts and Standards, residential, single family dwellings may be allowed within P-GP (Great Ponds Protection) subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III.

17. Pursuant to Section 10.26,D,1 of the Commission's Land Use Districts and Standards, the minimum setbacks for structures are 100 feet from the nearest shoreline of a body of standing water 10 acres or greater in size, such as Caribou Lake; 50 feet from the traveled portion of all roadways; and 15 feet from side and rear property lines.

18. The facts are otherwise as represented in the application for Amendment C to Building Permit BP 9345, Building Permit BP 9345, Enforcement Case EC 2015-11, and supporting documents.

Based upon the above Findings, the staff concludes that:

1. In accordance with Section 10.23,A,3,d,(4) and Section 10.23,E,3,c,(12) of the Commission's Land Use Districts and Standards, the after-the-fact single, family dwelling unit with proposed expansions and accessory structures would be allowed within P-AL (Accessible Lake Protection) and P-GP (Great Ponds Protection) subdistricts in that the subject parcel was existing as of November 17, 1988 and would contain only one dwelling unit.

2. In accordance with Section 10.26,D,1 of the Commission's Land Use Districts and Standards, the dwelling unit and accessory structures comply with the minimum setbacks for structures in that the structures would be setback a minimum of 100 feet from Caribou Lake, 50 feet from the access road, and 15 feet from side and rear property lines.

3. 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 for Amendment C to Building Permit BP-9345 Thomas Poulin & Lacretia Nappi with the following conditions:

1. 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.

2. 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.

3. Structures authorized under this permit, as well as filling/grading/soil disturbance and cleared openings created as part of construction activities authorized under this permit, must be located to meet the road, property line, water and wetland setback distances, exterior dimensions and building heights listed in Sections 4 and 5 and approved by this permit.

4. Temporary and permanent sedimentation control measures must be implemented to effectively stabilize all areas of disturbed soil and to catch sediment from runoff water before it leaves the construction site so that sediment does not enter water bodies, drainage systems, water crossings, wetlands or adjacent properties. 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 ensure proper functioning.

5. Effective, temporary stabilization of all disturbed and stockpiled soil must be completed at the end of each work day. 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.

6. Cleared openings created as part of construction activities authorized under this permit must be effectively stabilized and revegetated.

7. All imported fill material must be free of hazardous or toxic materials and must not contain debris, trash, or rubbish.

8. Soil disturbance must not occur when the ground is frozen or saturated. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. Structures authorized under this permit shall be setback a minimum of 100 feet from the normal high water mark of Caribou Lake, 50 feet from the access road, and 15 feet from all other property boundary lines.

15. The permitted structures must not exceed 30 feet in height as measured from the peak of the roof to the lowest point of the structure (including the foundation) at the original grade along the downhill side.

16. Upon completion of the authorized structures within the terms of this permit, any existing structures authorized to be removed from the lot and other construction debris must be disposed of in a proper manner, in compliance with applicable state and federal solid waste laws and rules.

17. **Upon installation of the approved subsurface wastewater disposal system, the permittees must have the system inspected and approved by the Local Plumbing Inspector in accordance with the Subsurface Wastewater Disposal Rules. A copy of the signed inspection report (HHE-200) shall be submitted to the Commission demonstrating compliance.**

18. Once construction is complete, the permittee shall submit a self-certification form, notifying the Commission that all conditions of approval of this permit have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of this permit.

19. 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 above stated conditions and remains valid only if the permittee complies with all of these conditions. 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 20th DAY OF JULY 2015.

By: Debra A. Kaczynski

for Nicholas D. Livesay, Executive Director

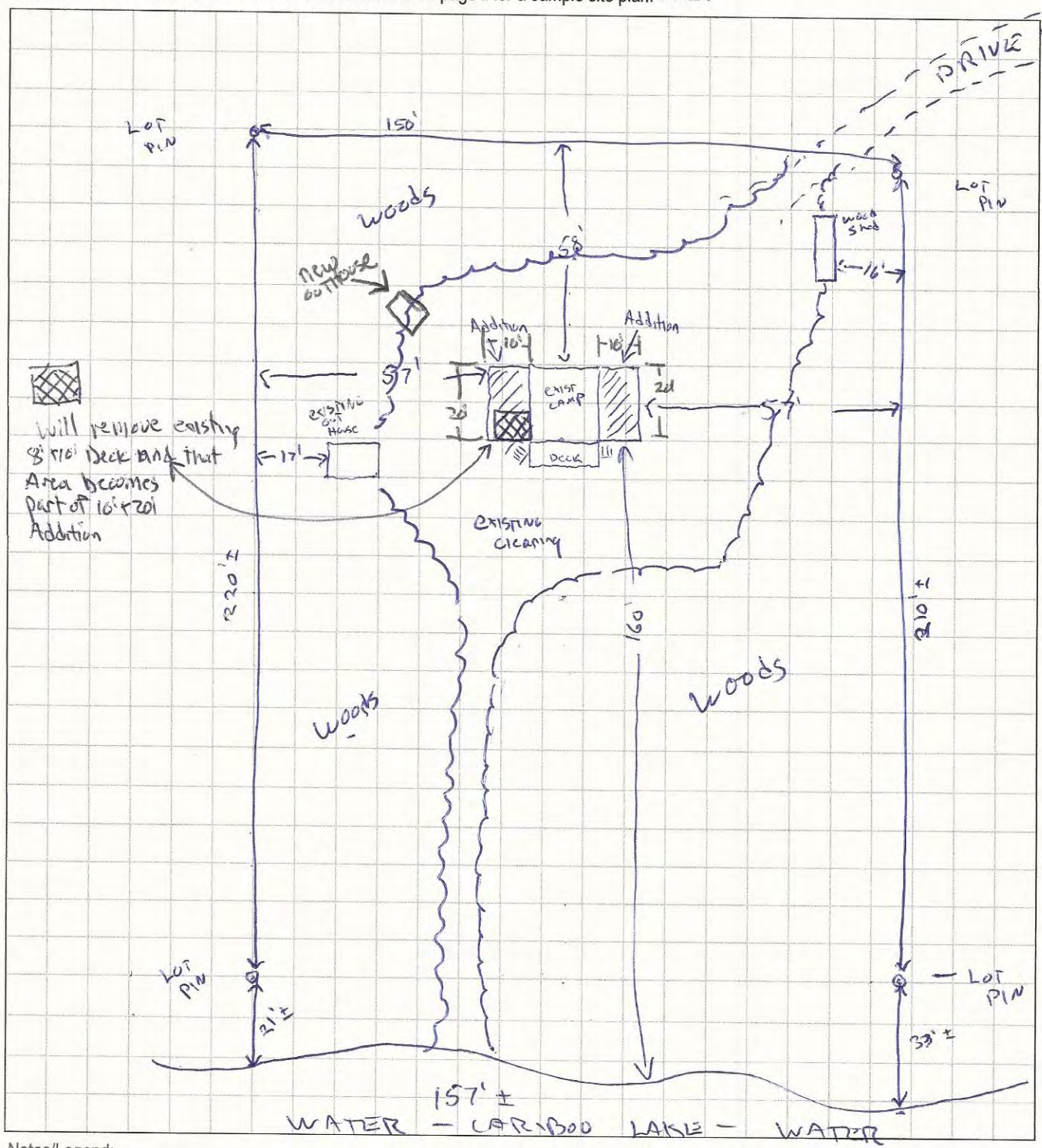
For office use:

48316 Tracking No. BP 9345-C Permit No.

RECEIVED
JUL 13 2015
DEP - MLU DOCKET

EXHIBIT C: SITE PLAN

Prepare a bird's-eye view site plan that shows your entire property and includes all the elements described for **Exhibit C** in the instructions on page ii. Do not use colors. Refer to the instructions on page ii for a sample site plan.

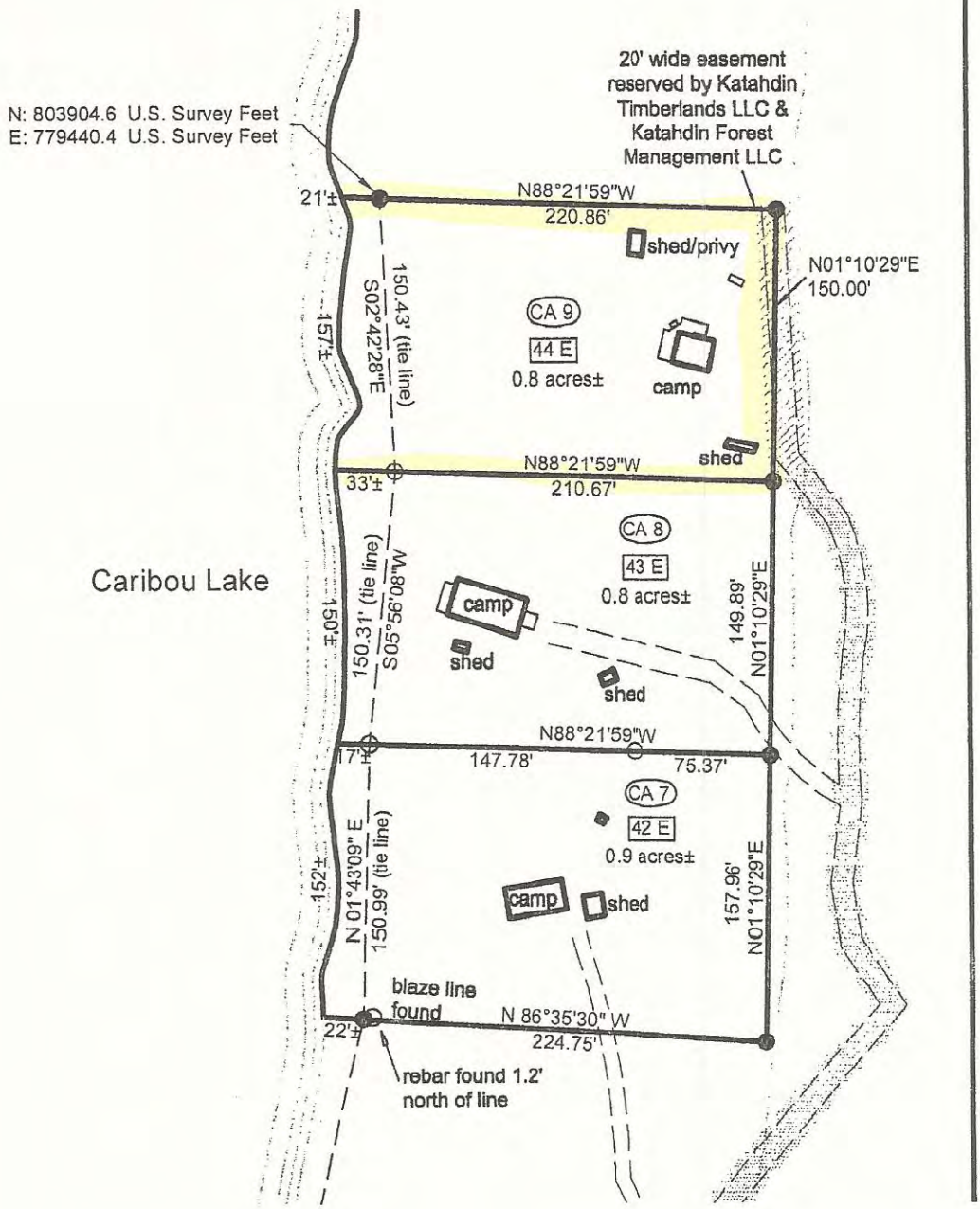


Notes/Legend:

existing structure

proposed addition

NOTE - existing outhouse to be converted to storage shed - same demensions - New outhouse to be built (Demensions 6'x7') per HHE200 Requirements

~~CA-7, CA-8~~ and CA-9

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