



PAUL RICHARD LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
MAINE LAND USE PLANNING COMMISSION
133 FYFE ROAD
P.O. BOX 307
WEST FARMINGTON, MAINE
04992-0307

WALTER E. WHITCOMB
COMMISSIONER

PERMIT

AMENDMENT E TO DEVELOPMENT PERMIT DP 3776 BY SPECIAL EXCEPTION

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Robert & Tarsha Adams for Amendment E to Development Permit DP 3776, finds the following facts:

1. Applicants: Robert & Tarsha Adams
dba Natanis Point Wilderness Campground
236 Starks Road
New Sharon, ME 04955
2. Date of Completed Application: August 17, 2015
3. Location of Proposal: Chain of Ponds Twp., Franklin County
Part of Lot #7 on Plan 01, Map FR014
Bureau of Parks and Lands Lease #07803, Lot #001
4. Zoning: (D-GN) General Development Subdistrict
(P-GP) Great Pond Protection Subdistrict
(P-SL) Shoreland Protection Subdistrict
(P-UA) Unusual Area Protection Subdistrict
(P-AL) Accessible Lake Protection Subdistrict
5. Lot Size: 7.0 Acres (leased)
6. Principal Structures: Proposed Manager's Camper Trailer w/Roof Structure (9 ft. by 35 ft.)
w/Proposed Attached Screened Porch (10 ft. by 20 ft.)
Existing Office/Store (16 ft. by 24 ft. and 8 ft. by 15 ft.)
w/Attached Deck (8 ft. by 9 ft.)
Existing Employees' Camper Trailer w/Roof Structure (8 ft. by 27 ft.)
w/Existing Attached Screened Porch (11 ft. by 21 ft.)
w/Existing Attached Deck (6 ft. by 11 ft.)
Existing Enclosed Pavilion (24 ft. by 40 ft.)
Approximately 63 Existing Campsites (various dimensions)

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7. Accessory Structures: Proposed Bath House (26 ft. by 32 ft.)
Existing Shed (12 ft. by 23 ft. and 8 ft. by 10 ft. and 2 ft. by 6ft.)
Existing Kindling Shed to be Removed (6 ft. by 8 ft.)
Existing Equipment Shed (8ft. by 25 ft.)
8. Affected Waterbodies: Chain of Ponds (Natanis Pond & Round Pond) and Bear Brook

The Commission has identified Chain of Ponds as a management class 2, resource class 1A, relatively undeveloped, accessible lake with outstanding fisheries, wildlife, scenic and physical resources, and significant shoreline and cultural resources.

Background

9. The applicants' lease lot with approximately 2100 feet of frontage along Natanis Pond, was developed prior to the 1971 inception of the Land Use Regulation Commission (now the Land Use Planning Commission) with an approximately 63 site campground and a 10 foot by 14 foot office. A 21 foot by 26 foot bath house served by a combined disposal system and a recreational vehicle dump station were constructed in 1972 (reference: Environmental Improvement Commission Project EIC 85-0263-04060). The combined sewage disposal system serving the bath house is as shown on a plan dated February 18, 1972 by consulting engineer J.U. Wiesendanger.
10. Development Permit DP 3776, issued in September of 1986, authorized construction of a new 16 foot by 20 foot office/camp store with the original 10 foot by 14 foot office to be attached to the rear of the new structure. Development Permit DP 3776 also authorized the conversion of three campsites to a parking area with the campsites to be relocated to another area of the property. The store authorized under Development Permit DP 3776 was constructed to be 16 feet by 24 feet. The original store was never attached to the back of the new store/office and has been either removed from the lot or converted to one of the sheds referenced under Finding of Fact #9 above.
11. Amendment A to Development Permit DP 3776, issued in May of 1992, authorized the construction of an 8 foot by 24 foot addition, a 5 foot by 24 foot deck and a 5 foot by 12 foot ramp onto the office/store. An 8 foot by 50 foot open pavilion with an approximately 20 foot by 20 foot extension was also constructed around this time.
12. Amendment B to Development Permit DP 3776, issued in June of 1993, authorized the construction of an 8 foot by 24 foot addition to the front of the office/store instead of the addition, deck and ramp previously approved under Amendment A. The permitted addition has been constructed with an 8 foot by 9 foot portion of it constructed as a deck.
13. Amendment C to Development Permit DP 3776, issued in September of 2000, authorized the installation of an 8 foot by 27 camper with a roof structure and an attached screened porch and deck as a manager's campsite with the campsite located between the office/store and Bear Brook. The campsite was to be served by a combined sewage disposal system. Amendment C also authorized the conversion of the open air pavilion to a 25 foot by 40 foot enclosed pavilion. The development permitted under Amendment C has been completed. In addition, a 6 foot by 8 foot kindling shed was constructed near the office/camp store, and an open 8 foot

by 25 foot equipment shed was also installed near the manager's campsite around this time. The equipment shed, being located 50 feet from Bear Brook, does not meet the Commission's minimum required setback from Bear Brook as discussed under Finding of Fact #16, below.

14. Amendment D to Development Permit DP 3776, issued in September of 2012, authorized the installation of another 9 foot by 35 foot camper with a roof structure and an attached 10 foot by 20 foot porch to be the manager's campsite. Amendment E also authorized the relocation of a kindling shed and an open equipment shed. The manager's camper with roof structure and attached porch has not yet been constructed. The equipment shed has been relocated as permitted.
15. Of the legally existing or permitted structures on the lot, the manager's camper trailer with roof structure and attached screened porch, office/store with attached deck, employee's camper trailer with roof structure and attached screened porch and attached deck, enclosed pavilion, and one campsite are located in the (P-GP) Great Pond Protection Subdistrict/(P-AL) Accessible Lake Protection Subdistrict. All other structures and uses are located in the (D-GN) General Development Subdistrict.

Proposal

16. The applicants acquired the lease to the campground in July of 2013. They now seek approval to replace the existing bath house with a new 26 foot by 32 foot bath house.
17. The existing bath house is located within the (D-GN) General Development Subdistrict. It is set back more than 75 feet from State Route #27, approximately 300 feet from Natanis Pond, 105 feet from an internal road to the east, 69 feet from an internal road to the west, and more than 25 feet from all lease lines. A driveway from the easterly internal road accesses the bath house. The recreational vehicle dump station is located easterly of the bath house in the vicinity of the driveway.
18. The applicants propose to continue using the existing sewage disposal system to serve the proposed reconstructed bath house. The reconstructed bath house would be in approximately the same location as the original bath house, with the expansion extending towards the internal road to the east. Accordingly, the reconstructed bath house would be set back 69 feet from the internal road to the west as is the current bath house, and would be set back approximately 100 feet from the internal road to the east. The applicants state that it is not possible to relocate the bath house any farther away from the internal road to the west without encroaching onto the dump station to the east of the bath house.
19. The following is a summary of the existing and proposed development in regards to the recreational lodging facility factors for categorizing a recreational lodging facility, as discussed under Findings of Fact #20 and #21 below.

A. Existing and Proposed Development in the D-GN Subdistrict:

- (1) *On-site recreation activities, features, and/or services.* The applicants run a commercial campground which currently provides activities such as horseshoes,

fishing, kayaking, boating and services such as overnight accommodations. The Applicant proposes to reconstruct and expand the existing bathhouse.

- (2) *Utilities*. Utilities are present onsite.
- (3) *Floor area of principal buildings*. The floor area of all principal buildings in the D-GN subdistrict is 500 square feet.
- (4) *Clearing footprint within 250 feet of waterbodies*. Approximately 65,000 square feet.
- (5) *Retail Space*.
 - a) 0 square feet in the D-GN subdistrict.
 - b) 144 square feet in all subdistricts (D-GN and P-GP/P-AL).
- (6) *Dining amenities*. None.
- (7) *Fuel sales*. None.
- (8) *Recreation activities, features, and/or services*. Available to guests.
- (9) *Overnight occupancy*.
 - a) The overnight occupancy in the D-GN subdistrict is three hundred sixty six (366) persons.
 - b) The overnight occupancy in all subdistricts (D-GN and P-GP/P-AL) is three hundred seventy two (372) persons.

B. Existing and Proposed Development in the P-GP/P-AL subdistricts:

- (1) *Utilities*. Utilities are present onsite.
- (2) *Floor area of principal buildings*. The floor area of all principal buildings in this subdistrict is 2,498 square feet.
- (3) *Retail*. One hundred forty four (144) square feet.
- (4) *Overnight occupancy*. Six (6) persons at one campsite.

Review Criteria:

20. Under provisions of Section 10.02(173) of the Commission's Land Use Districts and Standards, "Recreational Lodging Facilities" are defined as: Site improvements, a building or group of buildings, or any part thereof, used, maintained, advertised or held out to the public as a place where sleeping accommodations are furnished to the public for commercial purposes. The term includes campgrounds. For the purposes of the Commission's rules, recreational lodging facilities are divided into five levels: Levels A through E.

Level D Facilities have moderate to high impacts on existing resources within the development site and surrounding areas. Level D facilities may provide limited on-site goods and/or services to meet the needs of guests, though these are not of a type, scale or design intended to meet the goods and services needs of the public at large that is not an overnight guest. The standards for these facilities are designed to allow larger-scale development while conserving the natural resource and recreation values of the development site and surrounding areas. Level D facilities are specifically designated under the provisions of Table A of Section 10.27,Q,1 of the Commission's standards. A Level D facility characterized by any of the factors in Table B of Section 10.27,Q,1 is referred to as a "Level D - Expanded Access" facility. A Level D facility may be located in a geographic allowance area as provided in Section 10.27,Q,3 of the Commission's standards.

21. Section 10.27,Q of the Commission's Land Use Districts and Standards, specifies the factors for categorizing recreational lodging facilities. When elements of a recreational lodging facility are located within multiple subdistricts, at least one of the subdistricts (the primary subdistrict) must allow the level of recreational lodging facility proposed as a whole. Each other subdistrict (the secondary subdistrict(s)) may contain, singularly, only those elements of the facility that are allowed within that subdistrict.

A. Primary Subdistrict Standards:

- (1) Under provisions of Section 10.21,D,3(a) of the Commission's Land Use Districts and Standards, Level D – Expanded Access Recreational Lodging Facilities (inside or outside geographic allowance area) may be allowed within a D-GN subdistrict as a special exception, either singly or in combination, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses within the subdistrict with which it is incompatible; (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan; (c) that there is sufficient infrastructure to accommodate the additional traffic and activity generated by the facility; and (d) that surrounding resources and uses that may be sensitive to such increased traffic and activity are adequately protected.
- (2) The applicable Level D – Expanded Access recreational lodging facilities factors for this proposal include the following (*Ch. 10.27,Q,1, Table A and B*):
 - a) on-site recreation activities, features, and/or services as defined in Ch. 10.02,172 that produce some noise, odor and are partially screened;
 - b) may be served by public utilities and/or indoor plumbing;
 - c) up to 20,000 square feet of principal buildings;
 - d) up to 90,000 square feet of clearing footprint within 250 feet of Chain of Ponds;
 - e) up to 500 square feet of retail or not more than 10% of the floor area of the principal buildings, whichever is larger (*Expanded Access Adjustment*);
 - f) dining amenities, fuel sales, and recreation activities, features and /or services as defined in Ch. 10.02,167, which are available to guests and the public (*Expanded Access Adjustment*); and
 - g) overnight occupancy for up to 400 persons (*Expanded Access Adjustment*).

B. Secondary Subdistrict(s) Standards:

- (1) Under the provisions of Section 10.23,E,3,d(2)(c) of Commission's Land Use Districts and Standards, Level C recreational lodging facilities may be allowed within P-GP subdistricts as special exceptions upon issuance of a permit from the Commission, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses and resources within this subdistrict with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan.

- (2) The applicable Level C recreational lodging facilities factors, for the portions of the proposal within the P-GP subdistrict include the following (*Ch. 10.27, Q, 1, Table A*):
- a) on-site recreation activities, features, and/or services as defined in Ch. 10.02,172 that produce low noise, odor and are mostly screened;
 - b) may be served by public utilities and/or indoor plumbing;
 - c) up to 8,000 square feet of principal buildings;
 - d) up to 36,000 square feet of clearing footprint within 250 feet of Chain of Ponds (Natanis Pond and Round Pond);
 - e) up to 200 square feet of retail or not more than 5% of the floor area of the principal buildings, whichever is larger;
 - f) dining amenities, fuel sales, and recreation activities, features and /or services as defined in Ch. 10.02,172, which are available to guests only; and
 - g) overnight occupancy for up to 150 persons.
22. Under the provisions of Section 10.26,D,2 of the Commission's Land Use Districts and Standards the minimum required setbacks for commercial structures are 150 feet from great ponds such as Natanis Pond, 75 feet from roads and 25 feet from other property boundary lines.
23. Under the provisions of Section 10.26,F,2 of the Commission's Land Use Districts and Standards the maximum allowed height for structures located within 500 feet of a great pond such as Natanis Pond, is 30 feet.
24. Under the provisions of Section 10.11,C,2 of the Commission's Land Use Districts and Standards, A legally existing, nonconforming structure may be reconstructed or replaced with a permit, provided that the permit application is completed and filed within two years of the date of damage, destruction or removal; the structure was in regular active use within a two year period immediately preceding the damage, destruction, or removal. Reconstruction or replacement must comply with current minimum setback requirements to the maximum possible extent. In determining whether the proposed reconstruction or replacement meets the setback to the maximum possible extent, the Commission may consider, among other factors, the location of existing septic systems.

Review Agency Comments

25. The Maine Bureau of Park and Lands, owner of the subject property, has reviewed the proposal and states that it has no objections to the proposal.
26. The Maine Department of Health & Human Services, Division of Health Engineering, states that the existing sewage disposal system may continue to be used to serve the proposed reconstructed bath house since the applicant is not proposing to increase the number of camp sites or to otherwise increase the amount of wastewater generated, even though the system is slightly under-sized under current code. However, the Division does recommend that given its extreme age, the system be closely monitored during the operating season.
27. The facts are otherwise as represented in Development Permit Application DP 3776, Amendment Requests A through E, and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The facility meets the definition of a Recreational Lodging Facility under Section 10.02 (173) of the Commission's Standards in that facility:
 - A. is used, maintained, advertised or held out to the public as a place where sleeping accommodations are furnished to the public for commercial purposes;
 - B. primarily caters to recreational users who engage in recreation activities that are primarily natural resource-based;
 - C. includes a campground that exhibits characteristics of a unified approach, method or effect such as unified ownership, management or supervision, or common financing; and
 - D. is served by an on-site attendant while guests are present.
2. The portion of the facility within the D-GN subdistrict constitutes a Level D – Expanded Access recreational lodging facility under the provisions of Section 10.27,Q,1 of the Commission's standards.
3. The proposed reconstructed bath house meets the criteria for a permit by special exception under provisions of Section 10.21,D,3(a) of the Commission's Land Use Districts and Standards. Specifically:
 - (a) The proposed reconstructed bath house is compatible with other uses within the subdistrict in that it would be of a similar size and use as the original bath house, and in approximately the same location.
 - (b) The proposed reconstructed bath house would not generate any additional traffic at the facility, and thus would not impact any surrounding resources and uses that may be sensitive to increased activity/traffic at the facility.
4. The proposed reconstructed bath house may be allowed at a location 69 feet from the interior road to the east of the building site under the provisions of Section 10.11,C,2 of the Commission's Land Use Districts and Standards. Specifically, it is not feasible to locate the reconstructed bath house any farther from this road due to the presence of the dump station on the opposite side of the building site.
5. 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 amendment request of Robert & Tarsha Adams with the following conditions:

1. The Standard Conditions (ver. 4/04), a copy of which is attached.

2. The permitted reconstructed bath house must be set back a minimum of 150 feet from the normal high water mark of Natanis Pond, 69 feet from the internal road to the east, 75 feet from the internal road to the west, and 25 feet from other property boundary (lease) lines.
3. The permitted reconstructed bath house shall not exceed 30 feet in height.
4. All areas of disturbed soils shall be reseeded and mulched within one week of inactivity or completion of construction.
5. 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.
6. Upon completion of the reconstructed bath house within the terms of this permit, the original bath house shall be removed from the lot, and all construction debris and other solid waste must be disposed of in a proper manner, in compliance with applicable state and federal solid waste laws and rules.
7. 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.
8. 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.
9. All conditions of Development Permit DP 3776 and Amendments A through D, as previously amended, 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 AUGUSTA, MAINE, THIS 3rd DAY OF SEPTEMBER, 2015.

By: *Sara Z. Brunelle*
for Nicholas Livesay, Director

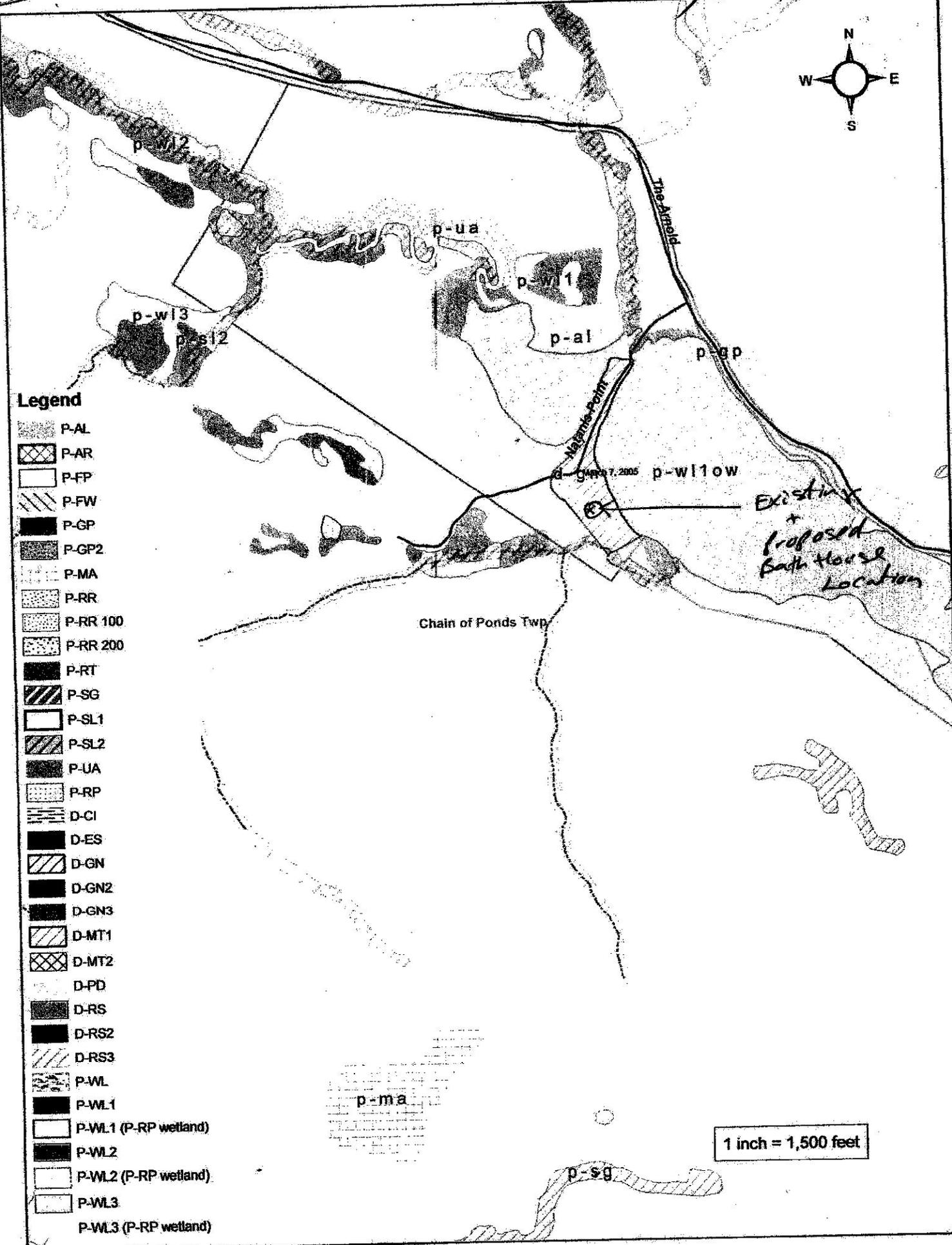
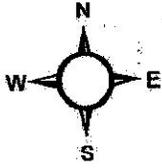


STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

STANDARD CONDITIONS OF APPROVAL
FOR ALL DEVELOPMENT PERMITS

1. The permit certificate must be posted in a visible location on your property during development of the site and construction of all structures approved by this permit.
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 therefrom is subject to the 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. Construction activities authorized in this permit must be substantially started within two (2) years of the effective date of this permit and substantially completed within five (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.
4. The recipient of this permit ("permittee") shall secure and comply with all applicable licenses, permits, and authorizations of all federal, state and local agencies including, but not limited to, natural resources protection and air and water pollution control regulations and the Subsurface Wastewater Disposal Rules of the Maine Department of Environmental Protection and the Maine Department of Human Services.
5. Setbacks of all structures, including accessory structures, from waterbodies, roads and property boundary lines must be as specified in conditions of the permit approval.
6. 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 advised of the conditions of approval. The new owner or lessee must contact the Land Use Planning Commission to have the permit transferred into his/her name and to reflect any changes proposed from the original application and permit approval.
7. 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.
8. The permittee shall not advertise Land Use Planning Commission approval without first obtaining Commission approval for such advertising. Any such advertising shall refer to this permit only if it also notes that the permit is subject to conditions of approval.
9. Once construction is complete, the permittee shall notify the Commission that all requirements and conditions of approval have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of the application and the conditions of approval. Following notification of completion, the Commission's staff may arrange and conduct a compliance inspection.

Administrative Policy Revised 04/04



Legend

- P-AL
- P-AR
- P-FP
- P-FW
- P-GP
- P-GP2
- P-MA
- P-RR
- P-RR 100
- P-RR 200
- P-RT
- P-SG
- P-SL1
- P-SL2
- P-UA
- P-RP
- D-CI
- D-ES
- D-GN
- D-GN2
- D-GN3
- D-MT1
- D-MT2
- D-PD
- D-RS
- D-RS2
- D-RS3
- P-WL
- P-WL1
- P-WL1 (P-RP wetland)
- P-WL2
- P-WL2 (P-RP wetland)
- P-WL3
- P-WL3 (P-RP wetland)

1 inch = 1,500 feet

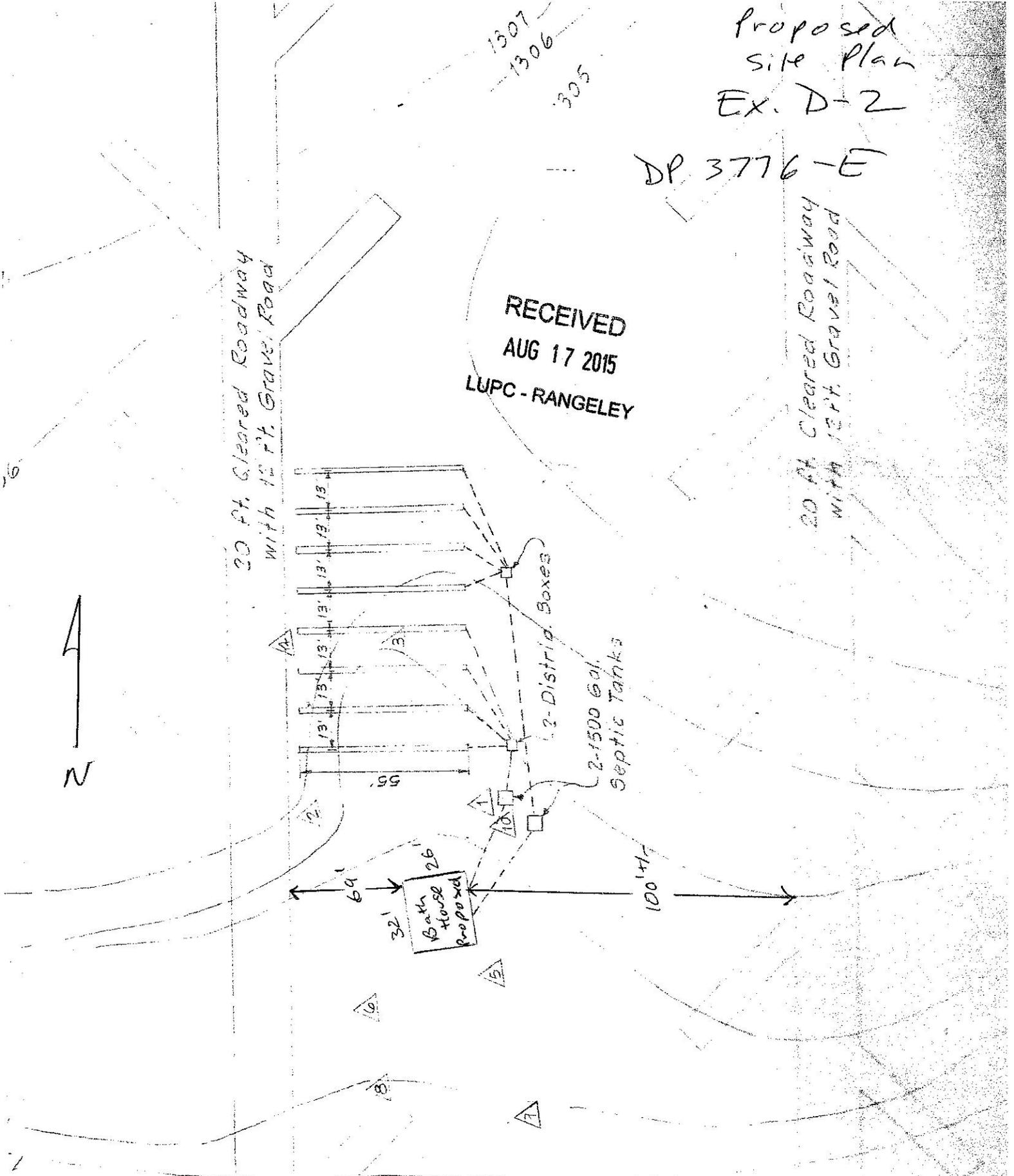
Proposed
Site Plan
EX. D-2

DP 3776-E

RECEIVED
AUG 17 2015
LUPC - RANGELEY

20 ft. Cleared Roadway
with 12 ft. Gravel Road

20 ft. Cleared Roadway
with 12 ft. Gravel Road



Note: Proposed
Bath House to be relocated
approximately 5-10 feet southerly
of existing location to accommodate
inclusion

1312
1313

