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GOVERNOR

STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY  
LAND USE PLANNING COMMISSION  
45 RADAR ROAD  
ASHLAND, MAINE  
04732

WALTER E. WHITCOMB  
COMMISSIONER

# PERMIT

## AMENDMENT L TO DEVELOPMENT PERMIT DP 3834 BY SPECIAL EXCEPTION; EC 07-50

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Hewes Brook Lodge, Inc. for Amendment L to Development Permit DP 3834, finds the following facts:

1. Applicant: Hewes Brook Lodge, Inc.  
Attn: Phil Daggett  
33 Great Meadow Lane  
Fairfield, Maine 04937
2. Date of Completed Application: July 10, 2014
3. Location of Proposal: T14 R7 WELS, Aroostook County  
Part of Lot #2 on Plan 01, Map AR041  
Aroostook Timberlands, Commercial Lease #663, Lot #63
4. Zoning: (M-GN) General Management Subdistrict  
(P-SL1&2) Shoreland Protection Subdistrict
5. Lot Size: 2.13 Acres (leased)
6. Principal Structures: Existing Main Lodge (20 ft. by 35 ft.)  
w/ Existing Two Story Addition (35 ft. by 45 ft.)  
& Front Porch (6ft. by 20ft.)  
w/ Existing Dining Room Addition (14 ft. by 20 ft.)  
& Front Deck (3 ft. by 14 ft.)  
w/ Existing Recreation Room Addition (24 ft. by 26 ft.),  
Front Porch (6 ft. by 26 ft.) & Back Deck (4 ft. by 26 ft.)  
w/ Existing Bunk Room Addition (35 ft. by 59 ft.)  
w/ Existing Conference Room Addition (30 ft. by 35 ft.) & Deck (12 ft.  
by 35 ft.) and Second Story Office (18 ft. by 35 ft.)
7. Accessory Structures: Existing Sleep Camp (18 ft. by 19 ft.) w/ Porch (7 ft. by 18 ft.)  
Existing Wood/Storage Shed (25 ft. by 25 ft.)  
Existing Woodshed (30 ft. by 40 ft.)  
Existing Solar Array #1  
w/ Proposed additional panels (12 ft. by 20 ft. total 18 panels)  
Proposed Solar Array #2 (12 ft. by 20 ft.; total 18 panels)

8. Sewage Disposal: Existing Combined System
9. Soil Type: 6-B per the Maine State Plumbing Code.
10. Affected Waterbodies: Fish River and Hewes Brook

Background:

11. The applicant's lot was previously developed with a commercial sporting camp consisting of a 20 foot by 35 foot main lodge with a 14 foot by 20 foot dining room addition with a 3 foot by 14 foot deck, an attached 18 foot by 19 foot shed, a 6 foot by 13 foot covered walkway, a 6 foot by 20 foot front porch, a 7 foot by 23 foot back porch and a 25 foot by 25 foot wood/storage shed, which were all constructed in 1957. The commercial sporting camp is served by a primitive sewage disposal system with pit privy which was installed in 1970.
12. Development Permit DP 3834 was issued to Elizabeth Daggett in December of 1987 authorizing reestablishment of the commercial sporting camp and continued use of the existing primitive sewage disposal system with pit privy.
13. Amendment A to Development Permit DP 3834 was issued to Elizabeth Daggett in March of 1989 authorizing installation of a replacement primitive sewage disposal system with pit privy. This system was never installed.
14. Amendment B to Development Permit DP 3834 was issued to Elizabeth Daggett in May of 1996 reflecting the dimensions and setbacks of the main lodge and associated structures, an increased lease lot size, and construction of a 24 foot by 26 foot bunk room addition onto the west side of the main lodge. A 6 foot by 26 foot front porch and a 4 foot by 26 foot deck were also constructed onto the bunkroom addition.
15. Amendment C to Development Permit DP 3834 was issued to Elizabeth Daggett in July of 1998 authorizing the installation of a combined sewage disposal system and pressurized water supply to replace the existing pre-Commission primitive sewage disposal system.
16. Denial of Amendment D to Development Permit DP 3834 was issued to Elizabeth Daggett in June of 1999. Ms. Daggett proposed to construct a 25 foot by 35 foot dining room addition to be set back 62 feet from Fish River. The dining room addition was denied because the combined floor area for all structures (existing and proposed) within 100 feet of the Fish River would have exceeded the 1,500 square foot limit for expansions located between 50 feet and 75 feet of the waterbody.
17. Amendment E to Development Permit DP 3834 was issued to Elizabeth Daggett in September of 1999 authorizing the installation of a bathroom in the existing main lodge.
18. Amendment F to Development Permit DP 3834 was issued to Elizabeth Daggett in May of 2000 for relocation of the existing 18 foot by 19 foot shed with a 7 foot by 18 foot section of the back porch, and conversion of it into a detached sleep camp with two beds, and removal of

the 6 foot by 13 foot covered walkway and construction of a 30 foot by 35 foot two story lodge addition using part of the existing entryway.

19. Amendment G to Development Permit DP 3834 was issued to Elizabeth Daggett in April 2001 for construction a 35 foot by 45 foot two story addition to the main lodge instead of the previously authorized 30 foot by 35 foot two story addition. The two story addition was to be set back approximately 100 feet from the normal high water mark of Fish River, at least 100 feet from the normal high water mark of Hewes Brook and at least 25 feet from the nearest property boundary line.
20. In 2004, the lease was transferred from Elizabeth Daggett to Hewes Brook Lodge, Inc. and the size of the lot was expanded an additional 0.06 acres, making a total lot size of 2.13 acres.
21. Amendment H to Development Permit DP 3834 was issued to the applicant in April of 2004 authorizing construction of a 30 foot by 30 foot addition to the main lodge and a 30 foot by 40 foot detached woodshed. The addition was to be set back approximately 145 feet from the normal high water mark of Fish River, at least 100 feet from the normal high water mark of Hewes Brook and at least 25 feet from the nearest property boundary line. The woodshed was to be set back at least 150 feet from the normal high water mark of Fish River, at least 100 feet from the normal high water mark of Hewes Brook and at least 25 feet from the nearest property boundary line. The woodshed is nearly complete, however construction has not commenced on the addition.
22. Amendment I to Development Permit DP 3834 was issued to the applicant in April of 2006 authorizing construction of a 35 foot by 68 foot addition to the lodge with a 10 foot by 35 foot deck instead of the previously authorized 30 foot by 30 foot addition. The applicant has constructed a 35 foot by 59 foot addition instead (used as a bunk room) and has not constructed the deck. The addition with deck was to be set back approximately 145 feet from the normal high water mark of Fish River, at least 100 feet from the normal high water mark of Hewes Brook and at least 25 feet from the nearest property boundary line.
23. Amendment J to Development Permit DP 3834 was issued to the applicant in March of 2009 authorizing construct a 30 feet by 35 foot conference room addition with 12 foot by 35 foot deck and an 18 foot by 35 second story office. The addition with deck would be set back at least 150 feet from the normal high water mark of Fish River, at least 100 feet from the normal high water mark of Hewes Brook and at least 25 feet from the nearest property boundary line. The conference room addition has been substantially started but not completed.
24. Amendment K to Development Permit DP 3834 was issued to the applicant in June 2011 authorizing installation of a 4 foot by 4 foot solar array on cement pad. The solar array was to be set back at least 150 feet from the normal high water mark of Fish River, at least 100 feet from the normal high water mark of Hewes Brook and at least 25 feet from the nearest property boundary line.

Proposal:

25. The applicant now seeks amendment approval to expand the existing solar array to 18 panels, total size of 12 foot by 20 foot; and to install a second 18 panel, 12 foot by 20 foot solar array on

cement pad. The solar arrays would be set back at least 150 feet from the normal high water mark of Fish River, at least 100 feet from the normal high water mark of Hewes Brook and at least 25 feet from the nearest property boundary line. The proposed development would not require the removal of trees or filling or grading. The solar array would be located within the (P-SL1) Shoreland Protection Subdistrict.

26. The site, including existing and proposed development, does or would:
- a) Include on-site recreation activities, features, and/or services with low noise or odors, which are mostly screened;
  - b) Be served by indoor plumbing;
  - c) Not have campsites available at the facility;
  - d) Include a floor area for all principal buildings of 9,809 square feet square feet;
  - e) Include a footprint of clearing of approximately 55,000 square feet within 250 feet of Fish River;
  - f) Not include retail space;
  - g) Include dining amenities provided to guests;
  - h) Not include fuel sales;
  - i) Include recreation activities, features and/or services provided to guests; and
  - j) Have an overnight occupancy of less than 80 people.

Review Criteria:

27. In accordance with the provisions of Section 10.27,Q,1, Tables A and B, of the Commission's Standards, the site, including existing and proposed development constitutes a Level C recreational lodging facility. Specifically, it has low noise and odors and is mostly screened is served by indoor plumbing and has a floor area for all principal buildings of more than 8,000 sq. ft. but less than 12,000 sq. ft.
28. In accordance with the provisions of Section 10.23, L, 3, d (2) of the Commission's Land Use Districts and Standards, a Level C Recreational Lodging Facility is an allowed use with a permit by special exception within a (P-SL) Shoreland Protection Subdistrict, pursuant to 12 M.R.S.A Section 685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses and resources within the 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.
29. The facts are otherwise as represented in Development Permit Application DP 3834, subsequent amendments, Amendment Request L, and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The proposal would be allowed in the (P-SL) Shoreland Protection Subdistrict as a special exception under the provisions of Section 10.23,L,3,d (1) of the Commission's Land Use Districts and Standards in that the proposed solar arrays meet the applicable requirements set forth in Sub-Chapter III and no clearing and minimal soil disturbance would be involved.

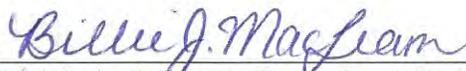
2. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, Section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

**Therefore, the staff approves the amendment request of Hewes Brook Lodge, Inc. 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. The permitted solar array must be set back 150 feet from the normal high water mark of Fish River, 100 feet from Hewes Brook, and 25 feet from the nearest property boundary line.
3. 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. 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.
4. 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.
5. 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.
6. All other conditions of Amendment K to Development Permit DP 3834 shall remain in effect except as modified by this amendment.

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 ASHLAND, MAINE, THIS 10<sup>th</sup> DAY OF JULY, 2014.

By:   
for Nicholas Livesay, Executive Director