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GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
MAINE LAND USE PLANNING COMMISSION
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WEST FARMINGTON, MAINE
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WALTER E. WHITCOMB
COMMISSIONER

PERMIT

AMENDMENT B TO DEVELOPMENT PERMIT DP 3857

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Rangeley Lakes Region Logging Museum for Amendment B to Development Permit DP 3857, finds the following facts:

1. Applicant: Rangeley Lakes Region Logging Museum
Attn: Ronald Haines
221 Stratton Road
PO Box 154
Rangeley, ME 04970
2. Date of Completed Application: May 21, 2014
3. Location of Proposal: Dallas Plantation, Franklin County
Lots #23 & #23A 1 on Dallas Plt. Tax Map 04
4. Zoning: (D-GN2) Community Center Development Subdistrict
(M-GN) General Management Subdistrict
(P-GP) Great Pond Protection Subdistrict
(P-SL2) Shoreland Protection Subdistrict
(P-WL1) Wetland Protection Subdistrict
(P-WL2) Wetland Protection Subdistrict
(P-WL3) Wetland Protection Subdistrict
5. Lot Size: 148 Acres (owned)
6. Principal Building: Existing Museum (36 ft. by 42 ft.)
Proposed Porch on Museum (10 ft. by 42 ft.)

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7. Accessory Structures: Existing Pole Barn (26 ft. by 100 ft.)
Existing Circular Driveway (Approximately 16 ft. wide x 205 ft. long)
Proposed Driveway (19 ft. wide x 165 ft. long)
8. Affected Waterbodies: Haley Pond
Gull Pond Stream
Unnamed Stream

Background

9. Development Permit DP 3857, issued to the applicant on January 4, 1988, authorized the development of the Rangeley Lakes Regional Logging Museum. Structures authorized by Development Permit DP 3857 included a 36 foot by 42 foot two-story museum, a circular driveway to access the museum, a 20 foot by 50 foot model loggers' camp with a bunkhouse and cookhouse, a 10 foot by 15 foot model smithy, an unspecified number of 6 foot by 12 foot lean-to type shelters for outside exhibits, a 200 foot by 225 foot festival field, and an approximately 150 foot by 200 foot parking area.
10. Amendment A to Development Permit DP 3857, issued to the applicant on December 30, 1999, authorized the construction of a 24 foot by 104 foot pole barn, instead of the previously permitted individual 6 foot by 12 foot shelters.
11. The permitted museum, circular driveway, festival field and pole barn have been constructed. The permitted model loggers' camp, model smithy and parking area have not been constructed. The museum is located within a (D-GN2) Community Center Development Subdistrict. The museum is set back 80 feet from State Route #16, more than 100 feet from the normal high water mark of Gull Pond Stream and the unnamed stream, and more than 150 feet from the normal high water mark of Haley Pond.
12. In addition to the permitted development, three 9 foot by 13 foot food serving buildings, a 14 foot by 33 foot open cooking pavilion and a 24 foot by 80 foot open pavilion have been constructed on the applicant's property without prior permit approval [reference: Enforcement Case 14-28].

Proposal

13. The applicant now seeks approval to construct a 10 foot by 42 foot long porch onto the north side of the museum (towards State Route #16), The proposed porch would be set back 70 feet from State Route #16, more than 25 feet from all property boundary lines, more than 100 feet from the normal high water mark of Gull Pond Stream and the unnamed stream, and more than 150 feet from the normal high water mark of Haley Pond. The proposed porch would be located in a (D-GN2) Community Center Development Subdistrict.
14. The applicant also proposes to construct a second driveway onto to the property from State Route #16 to the festival area. The proposed driveway would be approximately 19 foot wide by 165 feet long, and would be set back more than 25 feet from all property boundary lines, more than 100 feet from the normal high water mark of Gull Pond Stream and the unnamed

stream, and more than 150 feet from the normal high water mark of Haley Pond. The applicant has obtained an entrance permit from the Maine Department of Transportation for the entrance of the proposed driveway onto State Route #16. The proposed driveway would be located in a (M-GN) General Management Subdistrict

Review Criteria:

15. Under the provisions of Section 10.26,D,2 of the Commission's Land Use Districts and Standards, the minimum required setbacks for non-residential structures are 75 feet from State Route #16, 25 feet from property boundary lines, 100 feet from the normal high water mark of streams draining less than 50 square miles such as the unnamed stream and Gull Pond Stream, and more than 150 feet from the normal high water mark of great ponds such as Haley Pond.
16. Under the provisions of Sections 10.26,D,5(b) and (c) of the Commission's Land Use Districts and Standards, road setbacks for commercial buildings in the D-GN2 subdistrict may be reduced to 50 feet where all parking areas are to be placed to the side or rear of the structure. These reduced setbacks will be granted where the existing character of an area will be maintained and provided that the reduction will not adversely impact public safety.

Review Comments

17. Dallas Plantation states that it has no comments or concerns regarding the proposal.
18. The facts are otherwise as represented in Development Permit Application DP 3857, Amendment Requests A and B, and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The proposed porch onto the existing museum may be allowed at a location 70 feet from State Route #16 under the provisions of Sections 10.26,D,5(b) and (c) of the Commission's Land Use Districts and Standards. Specifically, the proposed porch would not adversely affect the existing character of the area, or public safety, since it would be a modest expansion of an existing structure and would be a minimal encroachment into the road setback.
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 Rangeley Lakes Region Logging Museum with the following conditions:

1. The Standard Conditions for Development Permits (rev. 4/04), a copy of which is attached.
2. The permitted porch onto the museum must be set back a minimum of 150 feet from the normal high water mark of Haley Pond, 100 feet from the normal high water mark of Gull Pond Stream and the unnamed stream, 70 feet from State Route #16 and 25 feet from other property boundary lines.

3. The permitted driveway must be set back a minimum of 150 feet from the normal high water mark of Haley Pond, 100 feet from the normal high water mark of Gull Pond Stream and the unnamed stream, and 25 feet from other property boundary lines.
4. All clearing of vegetation on the lot must comply with the Commission's standards for vegetative clearing and the development standards for buffering within the D-GN2 Subdistrict, Sections 10.27, B and 10.25, B, 2, a copies of which are attached.
5. 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.
6. 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.
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. 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.
9. The driveway must be located and constructed so that (a) it will not erode or create any undue restriction or disruption of existing surface water drainage ways and (b) it will divert runoff to a vegetated buffer strip so as to prevent it from directly entering a water body, mapped P-WL1 wetland or roadway.
10. Nothing in this permit shall be construed to release the permittee from any liability or responsibility arising from any violation, including Enforcement Case EC 14-28, or to be considered a waiver of the authority of the Commission or the state to fully pursue or prosecute such violations. This permit does not authorize the construction of the structures described under Finding of Fact #12, above.

This permit is approved 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 permittee complies with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning 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 WEST FARMINGTON, MAINE, THIS 4th DAY OF JUNE, 2014.

By: *Nicholas Livesay*
for Nicholas Livesay, Director



STATE OF MAINE
DEPARTMENT OF CONSERVATION
MAINE LAND USE REGULATION 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 Regulation Commission. Any variation from the application or the conditions of approval undertaken without approval of the Commission constitutes a violation of Land Use Regulation 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 Regulation 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 Regulation 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.

B. VEGETATION CLEARING

Vegetation clearing activities not in conformance with the standards of this section may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of this section, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

The following requirements shall apply to vegetation clearing activities for any purpose other than road construction, road reconstruction and maintenance, wildlife or fishery management, forest management, agricultural management, public trailered ramps or hand-carry launches:

1. A vegetative buffer strip shall be retained within:
 - a. 50 feet of the right-of-way or similar boundary of any public roadway,
 - b. 75 feet of the normal high water mark of any body of standing water less than 10 acres in size, or any tidal water or flowing water draining less than 50 square miles, and
 - c. 100 feet of the normal high water mark of a body of standing water 10 acres or greater in size or flowing water draining 50 square miles or more.
2. Within this buffer strip, vegetation shall be maintained as follows:
 - a. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath is permitted, provided it does not exceed six (6) feet in width as measured between tree trunks, and, has at least one bend in its path to divert channelized runoff.
 - b. Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other natural vegetation is maintained.

For the purposes of this section a "well-distributed stand of trees" adjacent to a body of standing water 10 acres or greater in size shall be defined as maintaining a rating score of 24 or more in a 25-foot by 50-foot rectangular area as determined by the following rating system.

Near other water bodies, tributary streams and public roadways a "well-distributed stand of trees" shall be defined as maintaining a rating score of 16 or more per 25-foot by 50-foot (1250 square feet) rectangular area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)		Points
2.0 to < 4.0		1
4.0 to < 8.0		2
8.0 to < 12.0		4
12.0 +		8

Table 10.27,B-1. Rating system for a well-distributed stand of trees.

The following shall govern in applying this rating system:

- (1) The 25-foot x 50-foot rectangular plots shall be established where the landowner or lessee proposes clearing within the required buffer;
- (2) Each successive plot shall be adjacent to but not overlap a previous plot;
- (3) Any plot not containing the required points shall have no vegetation removed except as otherwise allowed by these rules;
- (4) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by these rules; and
- (5) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of this section, "other natural vegetation" is defined as retaining existing vegetation under 3 feet in height and other ground cover and retaining at least 5 saplings less than 2 inches in diameter at 4½ feet above ground level for each 25-foot by 50-foot rectangular area. If 5 saplings do not exist, the landowner or lessee may not remove any woody stems less than 2 inches in diameter until 5 saplings have been recruited into the plot. In addition, the soil shall not be disturbed, except to provide for a footpath or other permitted use.

- c. In addition to Section 10.27,B,2,b above, no more than 40% of the total basal area of trees 4.0 inches or more in diameter, measured at 4½ feet above ground level, may be removed in any ten (10) year period.
 - d. Pruning of live tree branches is prohibited, except on the bottom 1/3 of the tree provided that tree vitality will not be adversely affected.
 - e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings in excess of 250 square feet, these openings shall be established with native tree species.
3. At distances greater than one hundred (100) feet, horizontal distance, from the normal high water mark of a body of standing water greater than 10 acres, no more than 40% of the total basal area of trees four inches or more in diameter, measured at 4½ feet above ground level, may be removed in any ten (10) year period. In no instance shall cleared openings exceed, in the aggregate, 10,000 square feet, including land previously cleared. These provisions apply to areas within 250 feet of all bodies of standing water greater than ten (10) acres, and to the full depth of the P-AL zone. This requirement does not apply to the development of uses allowed by permit.
 4. Cleared openings legally in existence as of June 7, 1990 may be maintained, but shall not be enlarged except as permitted by these regulations.

In all subdistricts where natural vegetation is removed within the required vegetative buffer strip of a flowing water, body of standing water, tidal water, or public roadway, it shall be replaced by other vegetation (except where the area cleared is built upon) that is effective in preventing erosion and retaining natural beauty.

B. REVIEW STANDARDS FOR SUBDISTRICTS IN PROSPECTIVELY ZONED AREAS

These standards apply only in areas that have been prospectively zoned and for all the subdistricts listed. Prospectively zoned areas are identified in Section 10.08 of these rules.

1. Dimensional Standards.

- a. Road frontage requirements: See Section 10.26.C.
- b. Building setbacks from roads: See Section 10.26.D.
- c. Lot coverage requirements: See Section 10.26.E.
- d. Structure height: See Section 10.26.F.

2. Buffering Standards. These standards complement the existing standards for clearing contained in Section 10.27.B.

- a. All principal and accessory buildings in the D-GN, D-GN2, D-GN3, D-RS, D-RS2, D-RS3, D-ES, and D-CI subdistricts shall be visually screened by a vegetative buffer made up of native trees and shrubs, except as provided in Section 10.25.B.2.c below. Wooded buffers shall be comprised of both under- and overstory material that can be either maintained using existing vegetation or established where no such buffer exists.
- b. Minimum widths for the vegetated buffer are as follows:

	Width of Vegetative Buffer (feet)							
	D-GN	D-GN2	D-GN3	D-RS	D-RS2	D-RS3	D-ES	D-CI
Roadway	25	25	25	50	50	50	75	75
Side & rear property lines	15	15	15	15	15	15	15	15
Subdistrict boundary	NA	NA	NA	NA	NA	NA	50	50

Table 10.25.B-1. Width of vegetative buffers.

The Commission may require buffer widths exceeding the minimum width, along with other screening as necessary, in order to ensure that unsightly uses such as junkyards and automobile graveyards are completely screened from view.

c. Exceptions to the buffering requirements are allowed under the following circumstances:

- (1) Property line buffer from adjacent development that is of a similar type, use, and intensity where adjacent landowners provide written agreement that a property line buffer is not needed;
- (2) Existing development where extensive clearing already exists at the time of adoption of these rules January 1, 2001;
- (3) New development where the establishment of buffers would eliminate or interfere with existing scenic views;
- (4) In a "Main Street" setting, that is defined as an area where 80% of a street is developed with buildings, where side and rear property line buffers would interfere with pedestrian circulation or access; and