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

AMENDMENT E TO
DEVELOPMENT PERMIT DP 3976

The staff of the Maine Land Use Planning Commission (hereafter the "Commission") after reviewing the application and supporting documents submitted by Norvest LLC for Amendment E to Development Permit DP 3976, finds the following facts:

1. Applicant: Norvest LLC
   Attn: Thomas L. Scala Jr.
   203 Stephens Road
   West Milford, NJ 07480

2. Date of Completed Application: July 26, 2016

3. Location of Proposal: T 5 R 8 WELS, Penobscot County
   Taxation Lot #3.11 on Plan 01
   T 4 R 8 WELS, Penobscot County
   Taxation Lots #1.3 and #1.4 on Plan 01

4. Zoning: (D-PR) Planned Recreation Facility Development Subdistrict
   (P-RR) Recreation Protection Subdistrict
   (P-FP) Flood Prone Protection Subdistrict
   (P-SL1) Shoreland Protection Subdistrict

5. Lot Size: 13 Acres (owned) in T 4 R 8 WELS
   18 Acres (owned) in T 5 R 8 WELS

6. Principal Buildings: Existing L-Shaped Main Lodge w/ Porch (19 ft. by 71 ft. and 20 ft. by 25.4 ft.)
   Existing "Bridge" Cabin w/ Porch (26.1 ft. by 33 ft.)
   Existing "No Aces" Cabin w/ Porch (25.6 ft. by 32.6 ft.)
   Existing "1895" Cabin w/ Porch (22.8 ft. by 31 ft.)
   Existing "Mad Trapper" Cabin w/ Porch (22 ft. by 31.3 ft) (6.8 ft. by 7.2 ft.)
   Existing "Chapman 1" Cabin w/ Porch (17.3 ft. by 25.4 ft.) (7 ft. by 8 ft.)
   Existing "Chapman 2" Cabin w/ Porch (17.3 ft. by 25.3 ft.) (6.8 ft. by 7.2 ft.)
   Existing "Chapman 3" Cabin w/ Porch (17.5 ft. by 25.5 ft.) (7 ft. by 8 ft.)
   Existing "Chapman 4" Cabin w/ Porch (17.2 ft. by 25.7 ft.) (7 ft. by 8 ft.)
   Existing "Old Moose Cabin" with Porch (21.6 ft. by 27.6 ft. (7 ft. by 15 ft.)
   Existing Shower House (8.9 ft. by 18.4 ft.)
   Existing Staff Quarters (20 ft. by 42.8 ft.)
   w/ Existing Addition (11 ft. by 25 ft.)
   Existing "Fish Tales Cabin" w/ Porch (21.6 ft. by 27.6 ft.)
   Existing "River Watch Cabin" w/ Porch (21.6 ft. by 27.6 ft.)
   Existing "Owner's Cabin" with Porch (28.3 ft. by 41 ft.) (6 ft. by 10 ft.)
   Proposed "Owner's Cabin Addition 21 ft. by 23 ft.
   Proposed Reconstructed "Mad Trapper Cabin" with porch (23 ft. by 31 ft.)

7. Accessory Structures:

Existing Generator Shed (9.2 ft. by 12.2 ft.)
Existing Supply Shed (10.2 ft. by 20.2 ft.)
Existing Skinning Shed (10 ft. by 10 ft.)
Existing Bait Shed (16 ft. by 16 ft.)
Existing Storage/Work Shed (24.3 ft. by 42.3 ft.)
Existing Wood Shed (17.5 ft. by 22.7 ft.)
Existing Dog Kennel (16 ft. by 42 ft.)
Existing Canoe Shed (14 ft. by 19.8 ft.)
Existing Sport Shed (10 ft. by 10 ft.)
Existing Sporting Clay Stand (12 ft. by 32 ft.)
Existing Rifle Range Stand (8 ft. by 10 ft.)

8. Sewage Disposal

Existing Combined System (Lodge, Mad Trapper Cabin)
Existing Combined System (Chapman 2, 3, No Aces Cabin)
Existing Combined System (Chapman 4 and Bridge Cabin)
Existing Combined System (Chapman 1 and Staff Quarters)
Existing Combined System (3 Cabins and Owner's Cabin)
Proposed Replacement Combined System (Lodge)

9. Soil Type(s): [6-B] Per the Maine State Plumbing Code.

10. Affected Waterbody: East Branch Penobscot River, Bowlin Brook, and Man-made Pond

Proposal

11. The applicant proposes to reconstruct the existing "Mad Trapper Cabin" and porch (23 ft. by 31 ft.) and construct a 21 foot by 23 foot addition to the "Owner's Cabin". The "Mad Trapper Cabin" would be set back at least 100 feet from the East Branch Penobscot River, at least 150 feet from Bowlin Brook and at least 25 feet from nearest property boundary lines. The Owner's Cabin addition would be set back at least 150 feet from the East Branch Penobscot River, at least 150 feet from Bowlin Brook, at least 25 feet from nearest property boundary lines, and at least 75 feet from the traveled portion of roadways. The applicant also proposes to install a new combined subsurface wastewater disposal system to serve part of the wastewater generation capacity of the lodge and to connect the reconstructed "Mad Trapper Cabin" to the existing combined system serving the lodge, in accordance with a subsurface wastewater disposal system design prepared by Licensed Site Evaluator Edwin H. McArthur and dated May 5, 2016. Although multiple zones exist on the subject property, the proposed development activity is confined to the (DPR) Planned Recreational Facility Development Subdistrict.

Background Information:

12. The applicant's lot is developed with an existing Level E Recreational Lodging Facility. The facility was originally developed with a main lodge, seven rental cabins, a shower house a generator shed, hen house, wood shed and barn. The main lodge is set back approximately 100 feet from East Branch of the Penobscot River, at least 100 feet from Bowlin Brook and at least 25 feet from nearest property boundary lines. All rental cabins, except for the "Mad Trapper" cabin were/are set back at least 100 feet from East Branch of the Penobscot River, at least 100 feet from Bowlin Brook and at least 25 feet from nearest property boundary lines. All existing accessory structures are set back at least 100 feet from East Branch of the Penobscot River, at least 100 feet from Bowlin Brook and at least 25 feet from nearest property boundary lines.

13. In July of 1990, Development Permit DP 3976 was issued to Jon Smallwood authorizing construction of a 24 foot by 30 foot rental cabin and reconstruction of a 24 foot by 32 foot rental cabin in T 5 R 8 WELS (P-RP subdistrict) portion of the property. The two cabins plus one existing cabin were to be served by a proposed

replacement combined sewage disposal system. The new cabin was to be set back at least 150 feet from East Branch Penobscot River, at least 100 feet from Bowlin Brook and at least 25 feet from nearest property boundary lines.

14. In November of 1996, Mr. Smallwood constructed a new rental cabin without obtaining a permit from the Commission [Reference: Enforcement Case EC 98-079; Resolved].

15. In July of 1998, Amendment A to Development Permit DP 3976 was issued to Jon Smallwood authorizing after-the-fact approval for the new rental cabin in T 4 R 8 WELS and permit approval for a new combined sewage disposal system to serve this cabin. Amendment A also authorized installation of two additional combined sewage disposal systems to serve the reconstructed cabin and the new cabin approved under the provisions of Development Permit DP 3976. The third cabin to be connected to the sewage disposal system approved under the provisions of DP 3976 continues to use the original sewage disposal system for that cabin.

16. In October of 2005, Amendment B to Development Permit DP 3976 was issued to Bowlin Camps, LLC authorizing removal of one of the cabins and relocation of four other existing cabins from land leased at the time in T 5 R 8 WELS to the land owned in T 4 R 8 WELS. The "No Aces" cabin and "Chapman 2, 3, and 4" cabins were relocated. The cabins were to be set back at least 150 feet from the East Branch of the Penobscot River and be served by an authorized combined sewage disposal system.

17. The applicant purchased the property in 2009. On July 7, 2010, Amendment C to Development Permit DP 3976 was issued to Norvest LLC authorizing the construction of three guest rental cabins with porches, 20 foot by 26 foot each, and a 26 foot by 36 foot owner's cabin on the existing foundations for the previously relocated cabins. All four cabins were to be set back at least 150 feet from East Branch Penobscot River, at least 100 feet from Bowlin Brook and at least 25 feet from nearest property boundary lines. Amendment C to Development Permit DP 3976 also authorized the removal of an 8 foot by 25 foot section of the existing barn, construction of a 10 foot by 25 foot addition and conversion of the barn to staff quarters. The staff quarters were to be set back at least 150 feet from East Branch Penobscot River, at least 100 feet from Bowlin Brook and at least 25 feet from nearest property boundary lines.

18. On March 23, 2015, the applicant submitted an application for Amendment D to Development Permit DP 3976 seeking authorization to construct a 12 foot by 23 foot open rain shelter for a skeet-shooting range and a 20 foot by 12 foot open rain shelter for a pistol-shooting range. The structures were proposed to be located in the (M-GN) General management Subdistrict and greater than 100 feet from the East Branch of the Penobscot River and Bowlin Brook, and at least 25 feet from property lines. The application was returned because the proposed structures were deemed to meet the provisions of Section 10.27, P (Accessory Structures) of the Commission's Land Use Districts and Standards, and therefore did not require permit approval from the Commission.

19. On June 23, 2016, the Commission rezoned 32.8 acres of the 33 acre lot from General Management (M-GN) Subdistrict, Recreation Protection (P-RR) Subdistrict, Flood Prone Protection (P-FP) Subdistrict, and Shoreland Protection (P-SL1 & 2) to a (D-PR) Planned Recreational Lodging Facility Development Subdistrict to rezone the three parcels associated with Bowlin Camps to a subdistrict that is more consistent with the historic and current use of the site and surrounding resources. In accordance with Section 10.21,H of the Commission's Land Use Districts and Standards, this proposal included a preliminary development plan (Plan) that fully describes existing and proposed amenities, uses, and development. The rezoning excluded the approximately 0.2 acres (75 foot diameter semi-circle) around the south side of the bridge crossing Bowlin Brook. This area retained its current overlapping Recreation Protection (P-RR) Subdistrict, Flood Prone Protection (P-FP) Subdistrict, and Shoreland Protection (P-SL1 & 2) Subdistrict designations.

20. Also on June 23, 2016, the Commission authorized a reduction of the 400 foot property line setback for all uses. Specifically, the Petitioners requested, and the Commission approved, that the applicable setback requirements of Section 10.26, or as otherwise provided by Chapter 10 apply to all uses and structures, except the three shooting ranges. The existing sporting clay range is located approximately 70 feet from the eastern

property line; the existing pistol range is located approximately 15 feet from the eastern property line; and the existing rifle range is located approximately 150 feet from a property line/township boundary and approximately 130 feet from the eastern property line. As a result, the Petitioners are seeking a reduction in the required 400 foot property line setback for each of these ranges to their current setbacks.

Review Comments

21. The Bureau of Parks and Lands has reviewed the application and had no comments.

22. The Maine Historic Preservation Commission has reviewed the application and states that they have no concerns about archaeological or architectural resources.

23. The Maine Department of Agriculture, Conservation, and Forestry's Natural Areas Program has reviewed the application and states that there are no rare botanical features that will be disturbed within the project site.

24. The Maine Department of Inland Fisheries and Wildlife has reviewed the application and has no concerns with the proposal.

25. The Maine State Soil Scientist has reviewed the application and stated that he has no objections to the proposal and that the sites and soils are suitable for the intended relocation. He stated further that use of silt fencing and hay bales will be adequate to address erosion and sedimentation concerns during construction.

Review Criteria

26. Under provisions of Section 10.21,H,1 of the Commission's Land Use Districts and Standards, the purpose of the D-PR subdistrict is to allow for well-planned recreation lodging and facility developments that otherwise do not meet the requirements of any of the subdistricts in Section 10.21. The Commission's intent is to consider development proposals separated from existing developed areas, provided that they can be shown to be of high quality and not detrimental to other values established in the Comprehensive Land Use Plan, and provided they depend on a particular natural feature or location, or combination of features or locations, which is available at the proposed site. A rezoning will be granted when the Commission is persuaded by a preponderance of all evidence that the location of the site is the best reasonably available for the proposed use and that the goals and policies of the Comprehensive Land Use Plan are served, including a careful consideration of the classification of any waterbodies contained within or located near the proposed development.

27. Under provisions of Section 10.21,H,3 (Allowed Uses) of the Commission's Land Use Districts and Standards, All uses approved in the Final Development Plan shall be allowed. No other use shall be allowed except where the Commission determines that such additional use is consistent with such Plan and with the purposes hereof.

28. Under provisions of Section 10.21,H,9, a (Final Development Plan, Application) of the Commission's Land Use Districts and Standards, the final Development Plan application procedure serves to ensure that an applicant's detailed design and construction plans conform with the approved preliminary development permit issued. The Final Development Plan shall include statements, drawings, specifications, covenants and conditions sufficient to fully detail the nature and scope of the proposed development. Without limitation of the foregoing, the Final Development Plan submission shall include:

(a) Drawings that include all the information required on the site plan under the Preliminary Development Plan [Section 10.21,H,8,a,(12)] plus the dimensions and heights, foundation design, material specifications, and elevations and colors of all buildings and structures. If the plan proposes any subdivision, all boundaries of easements and lots are to be surveyed and plotted.

(b) Drawings that illustrate all roads, parking service and traffic circulation areas. The dimensions of curve radii, grades and number of parking spaces are to be specified. Any structures (such as bridges) related to the street system should be shown as scaled engineering plans and sections. Detailed traffic volume estimates and traffic studies may be required, at the discretion of the Commission.
(c) If individual sewage disposal systems are proposed, an on-site soil report for each proposed lot is required from the applicant. The reports are to be on Department of Human Services form HHE-200 or any amended or replacement version thereof. Where a central sewage collection and/or treatment system or central or public water supply system or fire hydrant system is proposed, reasonably full engineering drawings shall be required to conform with all applicable governmental requirements.
(d) High intensity soil surveys and drawings that indicate all surface water runoff and storm drainage systems, soil stabilization procedures, and landscape plans for planting, screening, revegetation and erosion control and lighting of outdoor spaces.
(e) To the extent reasonably available, copies of the restrictions, covenants, conditions, and/or contractual agreements that will be imposed upon persons buying, leasing, using, maintaining, or operating land or facilities within the planned area.
(f) The items submitted as part of the Final Development Plan shall comply with the conditions of approval of the Preliminary Development Plan and shall conform with applicable state regulations, including 12 M.R.S.A. § 685-B(4). In addition, the Final Development Plan shall conform with progressive site planning standards which permit flexibility and imagination in the layout of different building types.
(g) A public hearing shall not be held on a Final Development Plan application provided it is in substantial compliance with the Preliminary Development Plan. The burden shall, nevertheless, be on the applicant to show good cause for any variation between the Preliminary Development Plan and the Final Plan submitted for final approval.

29. Under provisions of Section 10.26,D, of the Commission's Land Use Districts and Standards the minimum setback for those structures within a recreational lodging facility constructed solely for the housing of guests is 100 feet from the East Branch of the Penobscot River, 75 feet from Bowlin Brook, and 15 feet from property line lines. The minimum setback for all other structures within a recreational lodging facility is 150 feet from the East Branch of the Penobscot River, 100 feet from Bowlin Brook, and 25 feet from property boundary lines.

30. The facts are otherwise as represented in Zoning Petition ZP 762, Development Permit application DP 3976, subsequent amendment requests, Amendment Request E, and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The applicant's Final Development Plan meets the requirements of section 10.21,H,9, a (Final Development Plan, Application) of the Commission's Land Use Districts and Standards.

2. The proposed addition to the "Owner's Cabin" would meet the requirements of Section 10.26,D,2 of the Commission's Land Use Districts and Standards in that the proposed structures would be set back at least 150 feet from the East Branch Penobscot River and Bowlin Brook, at least 75 feet from the roadway, and at least 25 feet from property boundary lines.

3. The proposed reconstructed "Mad Trapper" Cabin would meet the requirements of Section 10.26,D,1 in that the cabin, that is constructed solely for the housing of guests, is 100 feet from the East Branch of the Penobscot River, 75 feet from Bowlin Brook, and 15 feet from property line 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 amendment request of Norvest LLC 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 authorized reconstructed "Mad Trapper Cabin" must be set back a minimum of 100 feet from the normal high water mark of East Branch of the Penobscot River, 100 feet from the normal high water mark of Bowlin Brook, and 15 feet from other property boundary lines.

3. The authorized owner's cabin addition must be set back a minimum of 150 feet from the normal high water mark of East Branch of the Penobscot River, 150 feet from the normal high water mark of Bowlin Brook, and 25 feet from other property boundary lines.

4. 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.

5. Once construction is complete, the permittee(s) 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.

6. 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.

7. 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.

8. All conditions of Development Permit DP 3976 and subsequent amendments shall remain in effect except as modified by this amendment.

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 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 6thTH DAY OF SEPTEMBER, 2016.

By: _____
for Nicholas D. Livesay, Executive 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.

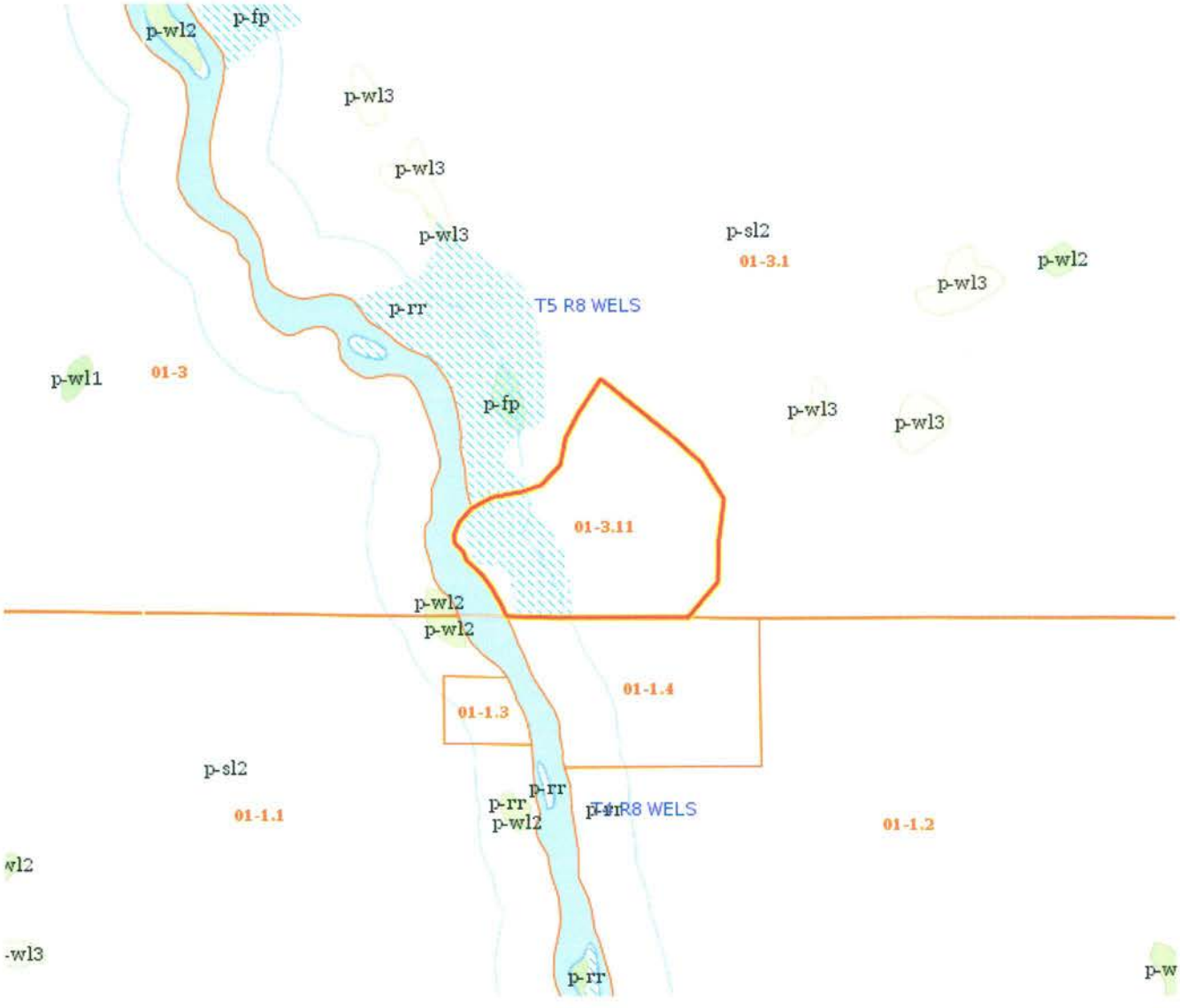
9. Once construction is complete, the permittee shall notify the Commission that all requirements and conditions of approval have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of the application and the conditions of approval. Following notification of completion, the Commission's staff may arrange and conduct a compliance inspection.

Administrative Policy Revised 04/04

Maine Department of Agriculture, Conservation and Forestry - Land Use Planning Commission

Zoning and Parcel Viewer

Map generated: Tuesday, September 6, 2016



0 610 1220 1830 2440 3050 ft

Parcel number	Town/Geocode	Town Code	Plan	Lot	Zones Intersected	LUPC Region	Contact number
1	T5 R8 WELS/19828	PE025	01	3.11	p-fp, p-rr, p-sl1, p-sl2	ASHLAND	(207) 435-7963