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 A TO DEVELOPMENT PERMIT DP 4398

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Appalachian National Scenic Trail for Amendment A to Development Permit DP 4398, finds the following facts:

1. Applicant: Appalachian National Scenic Trail
   252 McDowell Street
   Harper Ferry, WV 25425

2. Agent: Maine Appalachian Trail Club
   Attn: Laura Flight
   27 Adell Road
   Readfield, Maine 04355

3. Date of Completed Application: June 29, 2015

4. Location of Proposal: T1 R10 WELS, Piscataquis County, Maine
   Maine Revenue Service Map PI018; Plan 01; Lot 1.2
   Piscataquis County Registry of Deeds Book 1592, Page 24-31

5. Zoning: (P-RR) Recreation Protection Subdistrict
   (M-GN) General Management Subdistrict

6. Lot Size: 1452 acres (owned)

7. Development: Existing Campsite
   Existing Pit Privy
   Proposed Lean-to (13 foot by 20 foot)

Administrative History and Existing Conditions

8. On March 10, 1997, Development Permit DP 4398 was issued to the Maine Appalachian Trail Club authorizing the applicant to establish and operate a campsite 250 feet west of the Appalachian Trail. At this location, the Appalachian Trail runs approximately parallel to Nahmakanta Stream, the stream being located to the east of the trail and approximately 300 feet from the proposed campsite. The campsite would consist of three cleared tent sites, a centrally located concrete fireplace, and a pit privy. A footpath would link the campsite to the Appalachian Trail. A 12 inch by 16 inch sign,

brown with white lettering, would be posted at the junction of the footpath and the Appalachian Trail to provide directions to the campsite.

9. The Appalachian Trail Conference acquired the property in September of 2002 from Maine Timberlands Company. The National Park Service subsequently acquired the property in September of 2004 from the Appalachian Trail Conference. The property contains a portion of the Appalachian National Scenic Trail.

Proposal

10. The applicant now proposes to construct a 13 foot by 20 foot three-sided log lean-to within the existing campsite authorized under Development Permit DP 4398. The shelter would be utilized by hikers traveling the Appalachian Trail. The proposed lean-to would be setback 250 feet from the Appalachian Trail, 300 feet from Nahmakanta Stream, three (3) miles from the nearest road, and 250 feet from the nearest property boundary line. The lean-to would be located within the (M-GN) General Management Subdistrict. The applicant states the proposed 13 foot by 20 foot lean-to is a standard size used by the Appalachian Trail Club and reduction of the size. The applicant further states the lean-to would be buffered from the Appalachian Trail and Nahmakanta Stream by the existing vegetative buffer. In addition, the applicant states the roof of the lean-to would be pitched away from the trail and will be constructed from natural logs that would further reduce visibility from either resource. The applicant further provided information that the National Park Service has completed an Environmental Assessment of the area as required by the National Environmental Policy Act (NEPA), including a statement of purpose for the campsite and reviews of both natural and archeological resources, which found the structure will not be visually obvious by hikers from the trail, will not be visible from roadways or shorelines, is not sited on a ridge, and is compliance with NEPA Environmental Screening.

Commission Review Criteria

11. Pursuant to Section 10.22,A,3,a(5) of the Commission's Land Use Districts and Standards, primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing shall be allowed without a permit from the Commission within M-GN subdistricts.

12. Pursuant to Section 10.22,A,3,c(1) of the Commission's Land Use Districts and Standards, campsites are an allowed use without a permit subject to standards within a General Management Subdistrict (M-GN) subject to the applicable requirements set forth in Sub-Chapter III.

13. Pursuant to Section 10.02, 172 of the Commission's Land Use Districts and Standards, a "Campsite" does not include a camping location that has access to a pressurized water system or permanent structures other than outhouses, fireplaces, picnic tables, picnic tables with shelters or lean-tos. Lean-tos shall not exceed 150 square feet.

14. Pursuant to Section 10.26, D, 4 of the Commission's Land Use Districts and Standards, campsites shall be set back such that the area designed for camping, including cleared or graded areas, fire rings, tables, and related construction, is at least 75 feet from the nearest shoreline, 50 feet from roads, and 25 feet from property lines.

15. The facts are otherwise as represented in Amendment A to Development Permit DP 4398, Development Permit DP 4398, and supporting documents.

Based upon the above Findings, the staff concludes:

1. The proposed lean-to would be in conformance with Section 10.22,A,3,a(5) and 10.22,A,3,c(1) of the Commission's Land Use Districts and Standards in that shelter camping and campsites are an allowed use within a General Management Subdistrict (M-GN).

2. The proposed lean-to would be in conformance with Section 10.02, 172 of the Commission's Land Use Districts and Standards with the exception of the dimensional requirements in that the lean-to would not have access to a pressurized water system but would exceed the 150 square foot dimensional requirement for lean-tos within a campsite. However, the lean-to would be setback 250 feet from the Appalachian Trail and 300 feet from Nahmakanta Stream with a vegetative buffer between the resources. In addition, the roof of the lean-to would be pitched away from the trail, would be constructed from natural logs that would further reduce visibility from either resource, would utilize a previously existing campsite area, and would be in compliance with the NEPA Environmental Screening Assessment.

3. The proposed lean-to would be in conformance with Section 10.26, D, 4 of the Commission's Land Use Districts and Standards in that the structure is at least 75 feet from the nearest shoreline, 50 feet from roads, and 25 feet from property lines

Therefore, the staff approves the amendment request of Appalachian National Scenic Trail 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. 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. The permittee shall secure and comply with all other applicable licenses, permits, and authorizations of all federal, state and local agencies including, but not limited to, the Maine

Department of Environmental Protection, the United States Fish and Wildlife Service and the Federal Aviation Administration.

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. 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.

7. The lean-to authorized under this permit must be setback a minimum of 250 feet from the Appalachain Trail, 300 feet from Nahmakanta Stream, 50 feet from roads, and 25 feet from property boundary lines.

8. 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.

9. All conditions of Development Permit DP 4398 shall remain in effect, except as specifically modified by this permit. .

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 EAST MILLINOCKET, MAINE, THIS 1st DAY OF JULY, 2015.

By: Debra A Kaczynski

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

PHONE: 207-287-2631
18 ELKINS LANE, HARLOW BUILDING
www.maine.gov/acf
FAX: 207-287-7439

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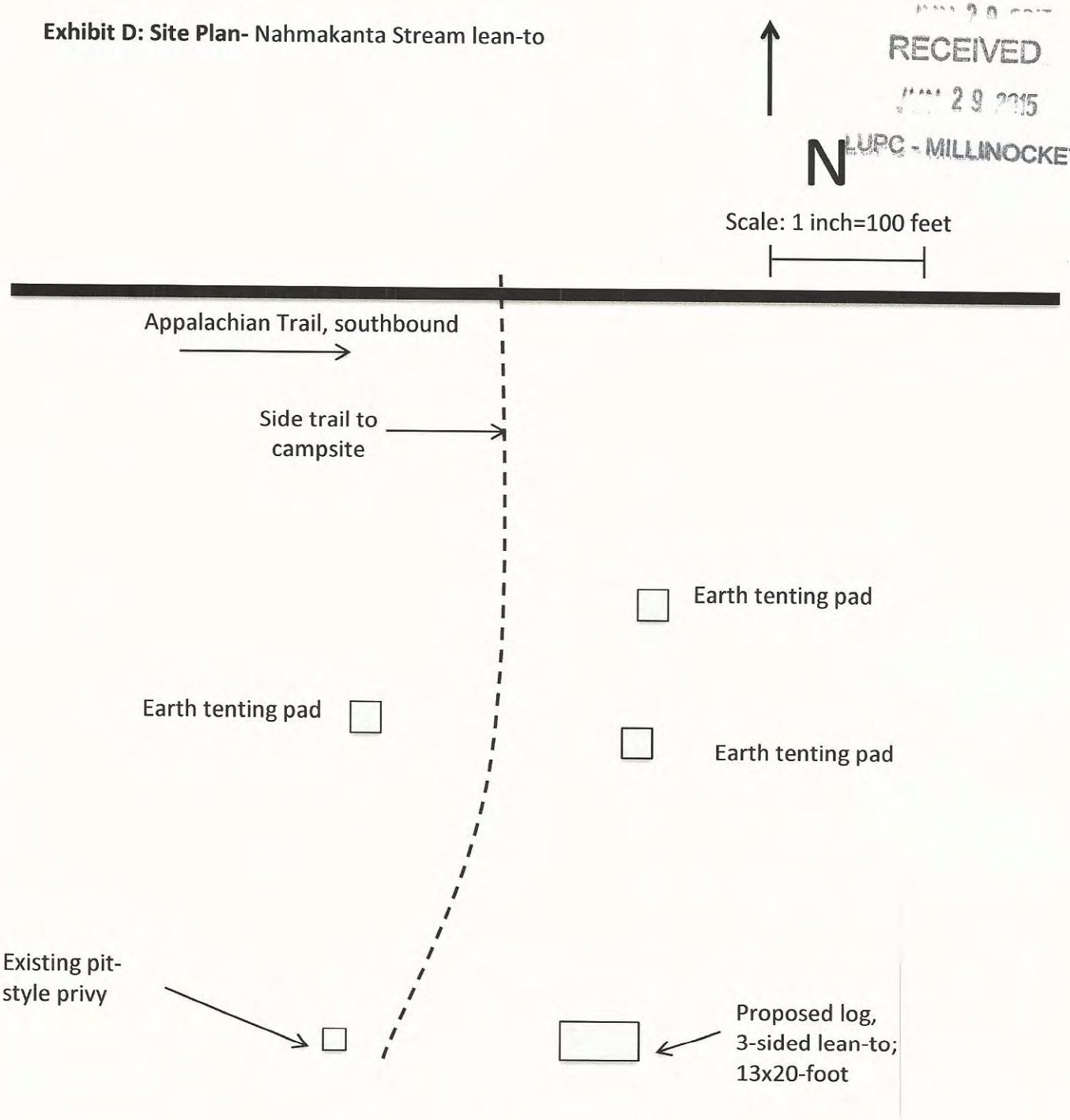
Exhibit D: Site Plan- Nahmakanta Stream lean-to



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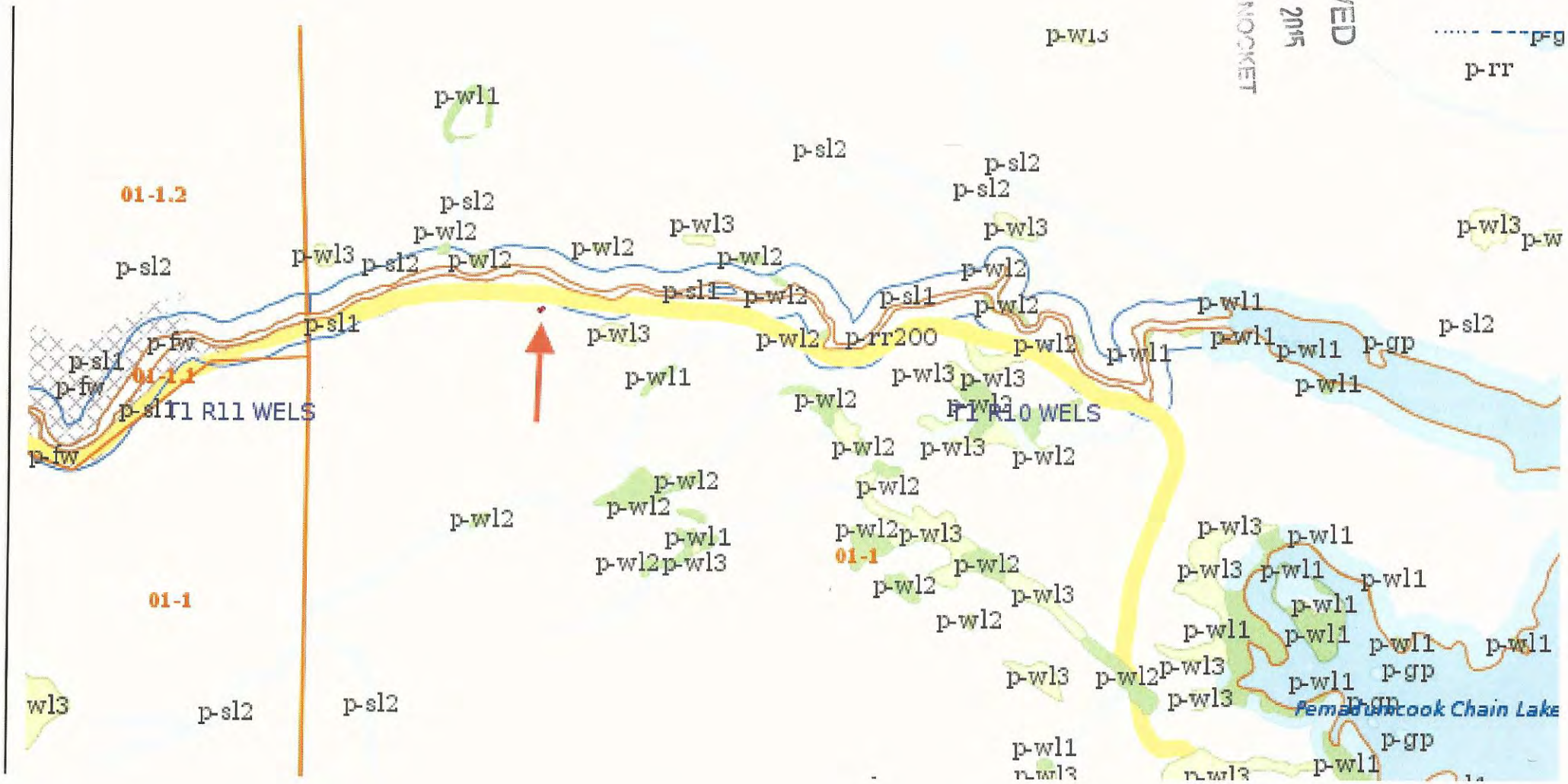

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JUN 29 2015
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APR 23 2015
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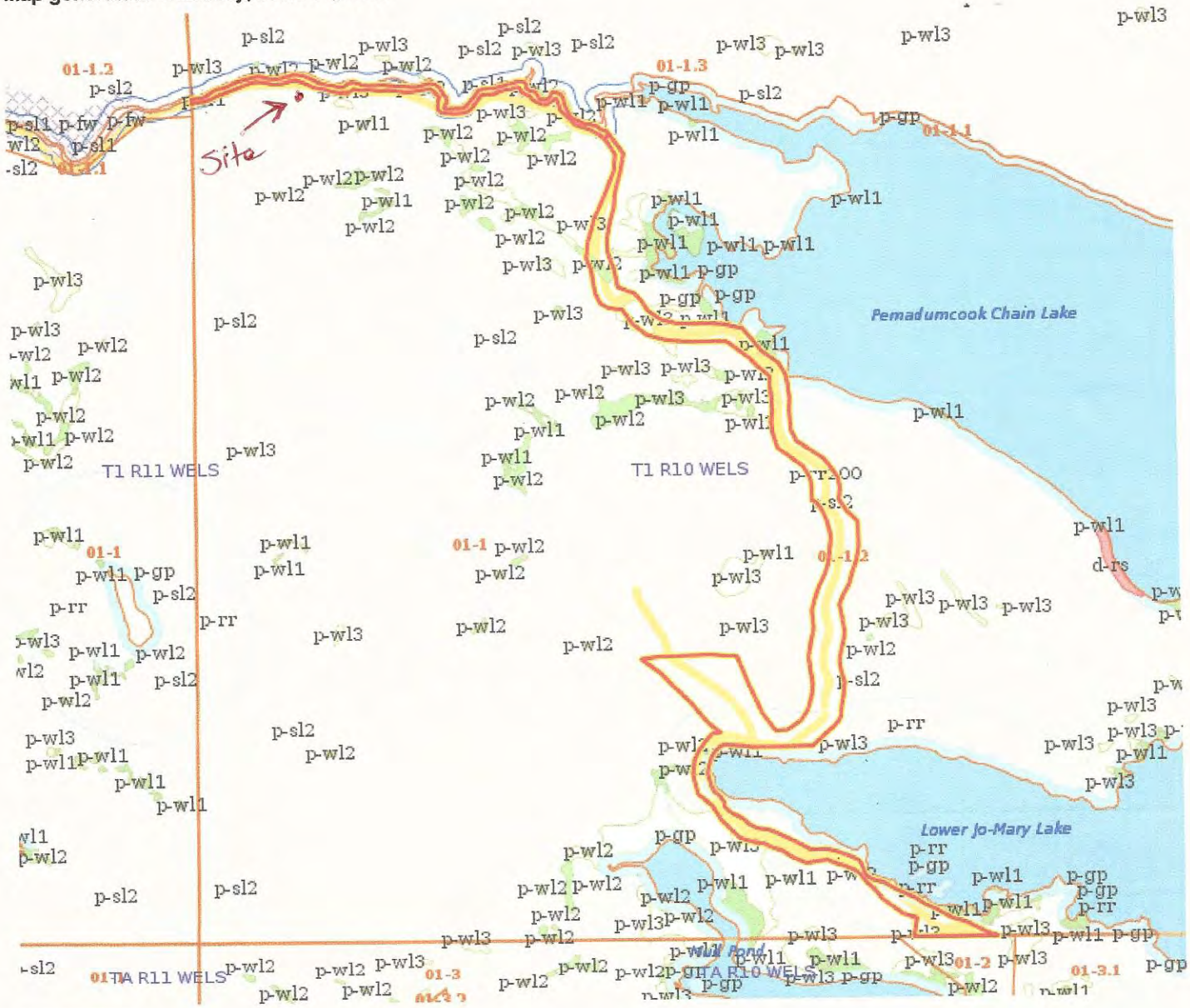
Maine Department of Agriculture, Conservation and Forestry - Land Use Planning Commission Zoning and Parcel Viewer

Map generated: Thursday, June 11, 2015



Parcel number	Town/Geocode	Town Code	Plan	Lot	Zones Intersected	LUPC Region	Contact number
1	T1 R10 WELS/21834		01	1.2	p-gp, p-rr, p-rr200, p-sl1, p-sl2, p-wl1, p-wl2, p-wl3	E MILLINOCKET	(207) 746-2244