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LAND USE PLANNING COMMISSION
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EXECUTIVE DIRECTOR

PERMIT

AMENDMENT A TO DEVELOPMENT PERMIT DP 4627 BY SPECIAL EXCEPTION

The staff of the Maine Land Use Planning Commission (the LUPC or Commission), after reviewing the application and supporting documents submitted by Alfred H. and Susan J. LaPlante (the Applicants) for Amendment A to Development Permit DP 4627, finds the following facts:

1. Applicants: Alfred H. and Susan J. LaPlante
140 Chets Camp Road
Grand Lake Stream Plantation, Maine 04668
2. Date of Completed Application: May 06, 2014
3. Location of Proposal: Grand Lake Stream Plantation, Washington County, Maine
Grand Lake Stream Plantation Map 8; Lot 1
Maine Revenue Service Map WA030; Plan 08; Lot 1
Washington County Registry of Deeds: Book 3497; Pages 6-19
4. Zoning: (D-RS) Residential Development Subdistrict
(M-GN) General Management Subdistrict
(P-FP) Flood Prone Protection Subdistrict (by Virtue of Section 10.23,C,2 of the Commission's Land Use Districts and Standards (the Standards))
5. Lot Size: 3.25 Acres (owned)
6. Development: Existing Sporting Camp with
Existing Camp #1-Hilltop (20 ft. by 30 ft.);
Existing Camp #2-Lodge (30 ft. by 40 ft.) with
Existing Detached Lake-Side Deck (15 ft. by 15 ft.)
Existing Camp #3-Swan (20 ft. by 30 ft.);
Existing Camp #4-Honeymoon (25 ft. by 35 ft.); and
Existing Camp #5-Ice House (20 ft. by 30 ft.)
Existing Sporting Camp Sheds (3 - see site plan in file for location and size)
Existing Single Family Residential Dwelling (24 ft. by 32 ft.) with
Existing Porch (8 ft. by 32 ft.); and
Proposed Residential Garage (26 ft. by 30 ft. by 30 ft.)

7. Affected Waterbody: Big Lake

The Commission has identified Big Lake as a management class 3, resource class 1A, accessible, developed lake with the following resource ratings: outstanding fisheries resources, outstanding wildlife resources, outstanding cultural resources.

8. The Applicants' lot was historically developed with a pre-Commission commercial sporting camp consisting of five housekeeping cabins, three sheds and a detached lake-side deck.
9. Development Permit DP 4627, issued to the Applicants on August 20, 2002, authorized the construction of a 24 foot by 32 foot single family residential dwelling with an attached 8 foot by 32 foot lakeside porch and a subsurface wastewater disposal system. The dwelling is setback at least 100 feet from the normal high water mark of Big Lake, 50 feet from the local access road and 15 feet from other property boundary lines, and serves as the Applicants' primary residence apart from the commercial sporting camp.
10. The Applicants now proposes to construct a 26 foot by 30 foot by 30 foot residential garage to serve the single-family residential dwelling. The garage would be set back at least 100 feet from the normal high water mark of Big Lake, 50 feet from the local access road and 15 feet from other property boundary lines.
11. Although the Commission's *Land Use Guidance Map* for Grand Lake Stream Plantation identifies the Applicants' lot as being within a (D-RS) Residential Development Subdistrict and an (M-GN) General Management Subdistrict, according to the Federal Emergency Management Agency's Flood Insurance Rate Map for Grand Lake Stream Plantation, Washington County, Maine, the Applicants' lot is located entirely within an area of special flood hazard (Zone A). The Base Flood Elevation (BFE) for Big Lake has been determined to be 203.7 feet NGVD 29.

Professional Land Surveyor #2350 has determined that the elevation of the lowest grade immediately adjacent to the proposed structure would be 225.84 feet NAVD 88 and that the top of the bottom floor (including basement) would be elevated to 231.42 feet NAVD 88.

12. The Applicants state that the garage would be designed and constructed to meet the applicable development standards for activities in flood prone areas required under Section 10.25,T of the Commission's Standards and that there are no uses or resources in the area with which the garage would not be compatible.
13. According to Section 10.23,C,2 of the Commission's Standards, the Flood Prone Protection (P-FP) Subdistrict is described as: areas located within the 100-year frequency floodplain, also known as areas of special flood hazard, as identified by the Commission after consideration of relevant data including, without limitation, areas determined to be flood prone by state or federal agencies, including the Flood Insurance Studies and accompanying Flood Insurance Rate Maps, Flood Boundary and Floodway Maps or Flood Hazard Boundary Maps prepared by the Federal Emergency Management Agency, historical data, and the National Cooperative Soil Survey.

The areas identified by FEMA as areas of special flood hazard (Zones A, AE, A1-30, VE) on Flood Insurance Rate Maps, Flood Boundary and Floodway Maps or Flood Hazard Boundary Maps for townships, plantations, or towns qualify as flood prone areas appropriate for protection within this subdistrict. The Commission adopts the FEMA maps as listed in Appendix E, and a note on the Official Land Use Guidance Map shall refer to maps so adopted. In any case where the boundaries of the P-FP subdistrict on the Commission map differ from the boundaries of the FEMA zones, the FEMA boundaries shall apply. The FEMA zones shall be regulated according to the provisions of the P-FP subdistrict.

14. According to Section 10.23,C,3,d,(4) of the Commission's Standards, single family residential dwellings may be allowed within P-FP subdistricts or FEMA zones A, AE, A1-30, or VE as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §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) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan[.]
15. According to Section 10.26,D of the Commission's Standards, the minimum setbacks for residential structures include: 100 feet from the normal high water mark of a body of standing water 10 acres or greater in size, 50 feet from the traveled portion of all roadways and 15 feet from the side and rear property lines.
16. According to Section 10.25,T,2,a of the Commission's Standards, development in flood prone areas, including areas of special flood hazard, shall: (1) Be designed or modified and adequately anchored to prevent flotation (excluding floating piers and docks), collapse or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; (2) Use construction materials that are resistant to flood damage; (3) Use construction methods and practices that will minimize flood damage; and (4) Use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.
17. According to Section 10.25,T,2,f of the Commission's Standards, new construction or substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, and when located within Zone VE, meet the requirements for Coastal Floodplains in Section 10.25,T,2,p.
18. The facts are otherwise as represented in Development Permit application DP 4627, subsequent amendment applications and all supporting documents.

Based upon the above Findings, the staff Concludes:

1. The Applicants' proposal would be allowed in the FEMA Zone A as a special exception under the provisions of Section 10.23,C,3,d of the Commission's Standards in that the Applicants' lot is located entirely within the FEMA Zone A, there are other residential uses in the area with which the proposal would be compatible, and there are no uses or resources in the area with which the proposal would not be compatible.
2. The Applicants' proposal would meet all applicable provisions of Section 10.25,T and would be in compliance with Section 10.25,T,2,f of the Commission's Standards in that the lowest floor of the structure would be elevated to at least 1 foot above the BFE of Big Lake.
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.

Therefore, the staff approves the amendment request of Alfred H. and Susan J. LaPlante 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

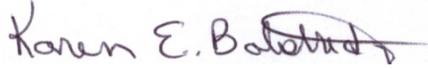
permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.

2. 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.
3. The authorized residential garage must: be constructed in the location as proposed; be set back a minimum of 100 feet from the normal high water mark of Big Lake, 75 feet from the upland edge of P-WL1 wetlands, 50 feet from the local access road and 15 feet from other property boundary lines; and be utilized only by/for the single family residential dwelling.
4. The top of the lowest floor of the authorized residential garage (including basement) must be elevated to at least one foot above the BFE of Big Lake.
5. **Upon completion of the lowest floor of the permitted residential garage, a FEMA Elevation Certificate completed by a professional land surveyor or professional engineer must be submitted to the Commission for review and approval prior to any further construction activities.**
6. The permitted structure must be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
7. The permittee must use construction materials that are resistant to flood damage, use construction methods and practices that will minimize flood damage, and use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.
8. The permittee shall secure and comply with all applicable licenses, permits, and authorizations of all federal, state and local agencies, including, but not limited to, the State of Maine, Subsurface Wastewater Disposal Rules.
9. To protect the scenic quality of Big Lake, all authorized structures must not be sited on a ridge or knoll such that they are visible above the treeline from the lake. 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.
10. 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.

11. All Conditions of Development Permit DP 4627 shall remain in effect except as altered 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 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 BANGOR, MAINE, THIS 8TH DAY OF MAY, 2014.



By: _____
for Nicholas D. Livesay, Executive Director