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GOVERNOR

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

WALTER E. WHITCOMB  
COMMISSIONER

# PERMIT

## AMENDMENT B TO DEVELOPMENT PERMIT DP 4648

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by BT Welding and Fabrication for Amendment B to Development Permit DP 4648, finds the following facts:

1. Applicant: BT Welding and Fabrication  
Attn: Robert Blaisdell  
1097 Madawaska Road  
Connor Twp, Maine 04736
2. Date of Completed Application: November 5, 2013
3. Location of Proposal: Connor Twp., Aroostook County  
Tax Lots #46.11, #46.21 on Plan 01, Map AR105
4. Zoning: (D-CI) Commercial Industrial Development Subdistrict
5. Lot Size: 1.38 Acres (owned)
6. Principal Building: Proposed Auto Body/Repair Shop (63 ft. by 100 ft.)
7. Sewage Disposal: Existing Combined System
8. Soil Type: 4-B per the Maine State Plumbing Code

### Proposal:

9. The applicant now seeks amendment approval to construct a 63 foot by 100 foot building to be used as an auto body/repair shop instead of the previous authorized 50 foot by 54 foot building for the same use.

### Background:

10. In August of 2003, the petitioners' 1.38 acres lot was created by combining parts of two abutting lots. The lot originally contained a pre-Commission 50 foot by 116 foot storage building that was converted into a commercial farm equipment manufacturing and repair shop without approval from the Commission [Reference: Enforcement Case EC 03-099].
11. The existing development is connected to a combined sewage disposal system located on the abutting lot. The petitioners have been granted the right to use this system with their building and an area on

the petitioners' lot has been found which is suitable for a replacement system should one be needed in the future.

12. In October of 2003, the applicants' lot was rezoned from (M-GN) General Management Subdistrict to (D-CI) Commercial Industrial Development Subdistrict by virtue of Zoning Petition ZP 684.
13. In October of 2003, Development Permit DP 4648 was issued to the applicant authorizing the use of the pre-existing shop building as a commercial farm equipment manufacturing and repair shop and construction of a 50 foot by 60 foot addition to the shop building. In February of 2005, the shop building was destroyed by fire.
14. In June of 2012, Amendment A to Development Permit DP 4648 was issued the applicant authorizing construction of a 50 foot by 54 foot building to be used as an auto body/repair shop.

Review Criteria:

15. Under the provision of Section 10.21,A,3,c(2) of the Commission's Land Use Districts and Standards, commercial and industrial uses are allowed with a permit in a (D-CI) Commercial Industrial Development Subdistrict, subject to the applicable requirements set forth in Sub-Chapter III of the Commission's rules
16. The proposal complies with Sub-Chapter III of the Commission's Land Use Districts and Standards.
17. The facts are otherwise as represented in Development Permit Application DP 4648, subsequent amendment requests and supporting documents.

Based upon the above Findings, the staff concludes that 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 BT Welding and Fabrication 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. All authorized structures must be set back a minimum of 75 feet from Madawaska Road and 25 feet from other property boundary lines.
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 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.
7. Activities involving sources of potential contamination, including junkyards, automobile graveyards, gas stations, and bulk storage of petroleum products, must be located at least 300 feet from existing private and public water supplies.
8. All Conditions of Amendment A to Development Permit DP 4648 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 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 ASHLAND, MAINE, THIS 8<sup>TH</sup> DAY OF NOVEMBER, 2013.

By: Billie J. Magliam  
for Nicholas Livesey, Executive Director