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GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

AMENDMENT A TO DEVELOPMENT PERMIT DP 4894

The staff of the Maine Land Use Regulation Commission, after reviewing the application and supporting documents submitted by Debra J. May, Lloyd H. May, Janette E. Plummer and Greylin E. Plummer for Development Permit DP 4894, finds the following facts:

1. Applicants: Debra J. May and Lloyd H. May
PO Box 235
New Gloucester, ME 04260
2. Date of Completed Application: May 09, 2011
3. Location of Proposal: West Forks Plt., Somerset County
Part of Lot #7 on Plan 08
4. Zoning: (M-GN) General Management Subdistrict
5. Lot Size: 20+ Acres (Owned)
6. Development: Existing Farm House (26 ft. by 90 ft.)
Existing Dwelling Unit (28 ft. by 36 ft.)
Existing Rental Cabin (15 ft. by 30 ft.) *to be reconstructed*
Existing Rental Cabin (24 ft. by 24 ft.)
Existing Garage (28 ft. by 36 ft.)
Existing Shed (20 ft. by 80 ft.)
Proposed Reconstruction of Existing Rental Cabin (24 ft. by 24 ft.)
7. Sewage Disposal: Proposed Combined sewage Disposal System

Background

8. The applicants' property was developed prior to the Inception of the Land Use Regulation Commission with a farm house with an attached garage, 3 rental cabins and a storage shed. All structures constructed prior to the Inception of the Land Use Regulation Commission are set back greater than 30 feet from US Route 201 and greater than 25 feet from the nearest property boundary line.

9. In April of 2004, Commission staff issued Building Permit BP 12391 to Applicants, authorizing them to construct a 28 foot by 36 foot Permanent Single Family Dwelling Unit (Camp) with a detached garage served by a separate drive way and sewage disposal system.
10. In May of 2011, The applicants' have submitted a written Affidavit signed by 5 long term residences of West Forks Plt. whom state that they recall that the 3 rental cabins and the farm house have been rented on short term and long term basis continuously since the 1950's.
11. In May of 2011, Commission staff issued Development Permit DP 4894 recognizing the pre-Commission nonresidential use and the reconstruction of one the existing rental cabins.

Proposal

12. The applicant now seeks permit approval to reconstruct and expand the existing 15 foot by 30 foot rental cabin. The proposed reconstruction of the 24 foot by 24 foot cabin would be set back more than 25 feet from the nearest property boundary lines and more than 75 feet from US Route 201. Associated parking with the proposed reconstruction will also be greater than 75 feet from US Route 201. The applicants are also proposing the installation of a new combined sewage disposal system.

Review Criteria

13. Under provisions of Section 10.11,B,1 **Criteria for Approval**. Permits are required for all expansions, reconstructions, relocations, changes of use, or other development of nonconforming structures, uses and lots, except where specifically provided in Section 10.11. In order to obtain a permit, the applicant must meet the approval criteria in 12 M.R.S.A. §685-B(4) and demonstrate that:
 - a. the project will not adversely affect surrounding uses and resources: and
 - b. there is no increase in the extent of nonconformance, except as provided in Section 10.11,B,9 or in instances where a road setback is waived by the Commission in order to increase the extent of conformance with a water body setback.
14. Under provisions of Section 10.11,D,2 **Resumption of Use**. A nonconforming use shall not be resumed if it has been discontinued or abandoned for a period more than 2 years, or if it has been superseded by a conforming use.
15. Under the provisions of Section 10.26,D,2 of the Commission's Land Use Districts and Standards, The minimum setbacks for multi-family dwellings and commercial, industrial, and other non-residential principal and accessory structures are:
 - a. 100 feet from the nearest shoreline of a flowing water draining less than 50 square miles, a body of standing water less than 10 acres in size, or a tidal water, and from the upland edge of wetlands designated as P-WL1 subdistricts;
 - b. 150 feet from the nearest shoreline of a flowing water draining 50 square miles or more and a body of standing water 10 acres or greater in size;
 - c. 75 feet from the traveled portion of the nearest roadway except as provided for in Section 10.26,D,2,d below;
 - d. 20 feet from the traveled portion of all roadways on coastal islands; and

e. 25 feet from the side and rear property lines.

14. The facts are otherwise as represented in Amendment A to Development Permit Application DP 4894 and supporting documents.

Based upon the above Findings, the staff concludes that:

1. Pursuant to Section 10.11,B,1 of the Commission's Land Use Districts and Standards, the reconstruction of the rental cabin does not adversely affect surrounding uses and resources and there is no increase in the extent of nonconformance of the use of the property that was established prior to The Inception of the Land Use Planning Commission.
2. Pursuant to Section 10.11,D,2 of the Commission's Land Use Districts and Standards, the applicants property has been continuously manage as rental cabin property since the 1950's.
3. Pursuant to Section 10.26,D,2 of the Commission's Land Use Districts and Standards, the proposed location for the reconstructed rental cabin and parking is no closer than 75 feet from the nearest roadway and no closer than 25 feet from the nearest property boundary lines.

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 application of Debra J. May and Lloyd H. May with the following conditions:

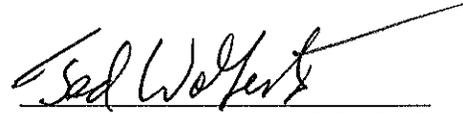
1. The reconstructed rental cabin and associated parking shall be located no closer than 75 feet from the US Route 201 and 25 feet from other property boundary lines.
2. Once construction is complete, the permittee(s) shall obtain a Certificate of Compliance, notifying the Commission that all conditions 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 prior to the collecting of product, processing of maple syrup and occupying the facility
3. 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.
4. 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.
5. 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 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.

6. Structures authorized under this permit, as well as filling/grading/soil disturbance and cleared openings created as part of construction activities authorized under this permit, must be located to meet the road, property line, water and wetland setback distances, exterior dimensions and building heights listed in Sections 4, 7 and 8 and approved by this permit.
7. Temporary and permanent sedimentation control measures must be implemented to effectively stabilize all areas of disturbed soil and to catch sediment from runoff water before it leaves the construction site so that sediment does not enter water bodies, drainage systems, water crossings, wetlands or adjacent properties. 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.
8. Effective, temporary stabilization of all disturbed and stockpiled soil must be completed at the end of each work day. 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.
9. Cleared openings created as part of construction activities authorized under this permit must be effectively stabilized and revegetated.
10. All imported fill material must be free of hazardous or toxic materials and must not contain debris, trash, or rubbish.
11. Topsoil must not be removed from the site except for that necessary for construction activities authorized in this permit. Topsoil must be stockpiled at least 100 feet from any water body.
12. 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.
13. 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.
14. The permittee shall secure and comply with all applicable licenses, permits, authorizations, and requirements of all federal, state, and local agencies including but not limited to: Air and Water Pollution Control Regulations; Subsurface Wastewater Disposal System approval from the Local Plumbing Inspector and/or Maine Department of Health and Human Services, Subsurface Wastewater Program; and the Maine Department of Transportation, Driveway Entrance Permit, a physical E-911 address from your County Commissioner's Office.

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 permittees comply 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 GREENVILLE, MAINE, THIS 5th DAY OF JANUARY, 2015.

By:



For;

Nicolas D. Livesay, DIRECTOR