



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
106 HOGAN ROAD, SUITE 8
BANGOR, MAINE 04401

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

DEVELOPMENT PERMIT DP 4952 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 Patrick Dineen and Vincent Dineen for Development Permit DP 4952, finds the following facts:

1. Applicant: Patrick Dineen
Vincent Dineen
275 Grahams Point Lane
Meddybemps, Maine 04657
2. Date of Completed Application: March 25, 2014
3. Location of Proposal: Baring Plantation, Washington County, Maine
Maine Revenue Service Map WAP01; Plan 03; Lot 17A
Washington County Registry of Deeds: Book 3364; Page 145
4. Zoning: (D-GN) General Development Subdistrict
(M-GN) General Management Subdistrict
5. Lot Size: Approximately 351,000 square feet (585 ft. by 600 ft.) or 8.0[±] acres (owned)
6. Development: Mobile Home Park with
3 Existing Single Family Mobile Homes,
1 Proposed Single Family Mobile Home and
1 Existing Caretaker Residence with
1 Existing Garage
1 Existing Shed
1 Existing Well House
7. The applicants' 8.0 acre lot has 585 feet of road frontage on Moosehorn Road and is served by an approximately 450-foot dead-end internal road/driveway named Sea Tec Trailer Park Road. Historically, the lot has been developed with a mobile home park containing up to twelve mobile homes and one caretaker residence with an associated garage, shed and well house. Currently, the lot has 3 mobile homes and one caretaker residence with an associated garage, shed and well house. In November of 2012, one additional mobile home was present on the lot but was destroyed by fire. The structure was set back at least 50 feet

from Moosehorn Road, approximately 10 feet from Sea Tec Trailer Park Road and 15 feet from other property boundary lines.

8. The applicant proposes to reconstruct the fourth mobile home with a 28 foot by 52 foot double wide mobile home on a slab foundation. The structure would be set back at least 50 feet from Moosehorn Road, at least 20 feet from Sea Tec Trailer Park Road and 15 feet from other property boundary lines.
9. The Local Plumbing Inspector for Baring Plantation reviewed the existing system and approved its reuse on the condition that it continues to function properly. In the event of system failure, a new design and installation of a replacement system would be required.
10. According to Section 10.21,C,3,d,(1),(b) of the Commission's Land Use Districts and Standards (the Commission's Standards), other commercial uses having a gross floor area of more than 2,500 square feet may be allowed within (D-GN) General Development Subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 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) the use can be buffered from those other uses within the subdistrict with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan.
11. According to Section 10.21,C,3,c,(17) of the Commission's Standards, single-family dwellings may be allowed within a (D-GN) General Development Subdistrict upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, and subject to the applicable requirements set forth in Sub-Chapter III.
12. According to the Dimensional Requirements of Sub-Chapter III, Section 10.26 of the Commission's Standards, the minimum lot size for a residential uses is 40,000 square feet per residence and the minimum road frontage is 100 feet per residence. The minimum setbacks include 50 feet from the traveled portion of all roadways and 15 feet from side and rear property lines.
13. According to the Section 10.11,C,2 of the Commission's Standards, a legally existing, nonconforming structure may be reconstructed or replaced with a permit, provided that the permit application is completed and filed within two years of the date of damage, destruction or removal; the structure was in regular active use within a two year period immediately preceding the damage, destruction, or removal; and if the reconstruction or replacement involves expansion, the structure meets the requirements of Section 10.11,C,1.
14. According to the Criteria for Approval Section 10.11,B,1 of the Commission's Standards, 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. §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.
15. The facts are otherwise as represented in Development Permit application DP 4952 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.

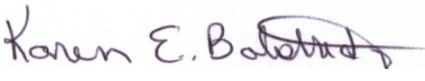
Therefore, the staff approves the application request of Patrick Dineen and Vincent Dineen with the following Conditions:

1. The enclosed permit certificate must be posted in a visible location on your property immediately after receipt and during development of the site and construction of the structures and activities approved by this permit.
2. 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.
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 authorized reconstructed mobile home must be set back at least 50 feet from the traveled portion (edge) of Moosehorn Road, 20 feet from the traveled portion (edge) of Sea Tec Trailer Park Road and 15 feet from other property boundary lines.**
5. 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; the Maine Department of Transportations, Driveway Entrance Permit, a physical E-911 address from your County Commissioner's Office, and other programs of the Maine Department of Health and Human Services.
6. Once construction is complete, the permittees 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.
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. 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.

9. 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.

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 27TH DAY OF MARCH, 2014.

By: 
_____ *for* Nicholas D. Livesay, Executive Director