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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 4957 BY SPECIAL EXCEPTION

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Joshua F. Ames for Development Permit DP 4957, finds the following facts:

1. Applicant: Joshua F. Ames  
P. O. Box 150  
Matinicus Island, Maine 04851
2. Date of Completed Application: June 06, 2014
3. Location of Proposal: Matinicus Island, Matinicus Isle Plantation, Knox County, Maine  
Knox County Registry of Deeds: Book 4750, page 331
4. Zoning: (P-SL1) Shoreland Protection Subdistrict
5. Lot Size: 1/100<sup>th</sup> undivided interest in Harbor Point
6. Development: Proposed Commercial Fishing Workshop (30 ft. by 28 ft. by 30 ft.)
7. The applicant proposes to construct a 30 foot by 28 foot by 30 foot high commercial fishing workshop on Harbor Point, so called, Matinicus Island, Knox County, Maine. The workshop would be set back 100 feet from the mean high water level of the Atlantic Ocean, at least 25 feet from Harbor Point's property boundary lines and at least 20 feet from the edge of all island roadways.
8. The applicant holds a 1/100<sup>th</sup> undivided share (undivided ownership interest) in Harbor Point. On May 23, 2014, the applicant provided notice for public comment to the co-tenants of Harbor Point in the Bangor Daily News and posted the same notice in the Plantation Office and at the U.S. Post Office on Matinicus Island. No comments were received.
9. The workshop would be constructed in a location where other commercial fishing structures (workshops and wharfs) are located. This workshop would be a use that would be compatible with the uses and resources of the area.

10. According to Section 10.23,L,3,d,(1) of the Commission's Land Use Districts and Standards (Standards), commercial and industrial structures of less than 8,000 square feet which rely on the water resource for their existence may be allowed within a (P-SL) Shoreland Protection 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) the use can be buffered from those other uses and resources 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 the dimensional requirements of Section 10.26 of the Commission's Standards the setbacks for commercial uses include 100 feet from the mean high water level of tidal water, 20 feet from the traveled portion of all roadways on coastal islands, and 25 feet from other property boundary lines.
12. The facts are otherwise as represented in Development Permit application DP 4957 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.**

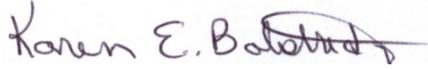
**Therefore, the staff approves the permit request of Joshua F. Ames with the following Conditions:**

1. The *Standard Conditions of Approval for all Development Permits*, version 04/04, a copy of which is attached.
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 commercial fishing workshop must be constructed and utilized as proposed and must be set back at least 100 feet from the mean high water level of the Atlantic Ocean, 20 feet from the traveled portion of all roadways on the coastal island, and 25 feet from other property boundary lines.
4. The height of the structure shall be no higher than **30 feet** when measured as the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

5. The permitted commercial fishing workshop, in whole or in part, **shall not** be utilized for human habitation.

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 10<sup>TH</sup> DAY OF JUNE, 2014.



By: \_\_\_\_\_  
for Nicholas D. Livesay, Executive Director



STATE OF MAINE  
DEPARTMENT OF CONSERVATION  
MAINE LAND USE REGULATION 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 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.
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 Regulation 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 Regulation 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.