



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

WALTER E. WHITCOMB  
COMMISSIONER

PAUL R. LEPAGE  
GOVERNOR

NICHOLAS D. LIVESAY  
EXECUTIVE DIRECTOR

# PERMIT

## DEVELOPMENT PERMIT DP 4968

The staff of the Maine Land Use Planning Commission (LUPC or Commission), after reviewing the application and supporting documents submitted by the Inhabitants of the Plantation of Monhegan (Applicants or Permittees) for Development Permit DP 4968, finds the following facts:

1. Applicants: Inhabitants of the Plantation of Monhegan  
Attn: Tara Hire, Board of Assessors  
PO Box 321  
Monhegan, Maine 04852
2. Date of Completed Application: March 04, 2015
3. Location of Proposal: Monhegan Plantation, Lincoln County, Maine  
Maine Revenue Service Map LIP01; Plan 07; Lot 134  
Lincoln County Registry of Deeds: Book 567, Page 31
4. Zoning: Aquifer Protection Subdistrict (P-AR)  
Shoreland Protection Subdistrict (P-SL)
5. Lot Size: 2,990 square feet (owned)
6. Development: Existing Firehouse (29.9 ft. by 16.9 ft.) and (25.8 ft. by 8.3 ft.)  
Existing Irregularly Shaped Wooden Exit Ramp (262.2 square feet)  
Existing Boardwalk (161.1 square feet)  
Existing Oil Tank and Slab (14.9 square feet)  
Existing Utility Slabs (Two - 9.6 square feet and 13.0 square feet)  
Proposed Firehouse (28 ft. by 40 ft.)  
Proposed Wooden Ramp (62 square feet)
7. Historically, the Applicants' lot has been developed with a firehouse with an addition and A wooden exit ramp, a boardwalk, an oil tank with on a concrete slab and two utility pedestals on concrete slabs. At the closest, the structures are set back 0 feet from Monhegan Avenue, at least 15 feet from the southerly side property boundary line, 0 feet from the northerly side property boundary line, and 9 feet from the easterly back property boundary line.

8. The Applicants propose to reconstruct the existing firehouse and wooden exit ramp. The new fire house would be 28 feet wide by 40 feet deep and would be set back at least 9 feet from Monhegan Avenue, 15 feet from the southerly side property boundary line, 6 feet from the northerly side property boundary line, and 9 feet from the easterly back property boundary line. The new structures would be no closer to the unnamed P-SL2 stream at the back of the lot than the original structures and the boardwalk would be removed from the lot. The wooden ramp would be 62 square feet.
9. In accordance with to Section 10.11,B,1 of the Commission's *Land Use Districts and Standards*, (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.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.
10. In accordance with to 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.
11. In accordance with to Section 10.11,C,2,a of the Commission's Standards reconstruction or replacement must comply with current minimum setback requirements to the maximum possible extent. In determining whether the proposed reconstruction or replacement meets the setback to the maximum possible extent, the Commission may consider the following factors:
  - size of lot,
  - slope of the land,
  - potential for soil erosion and phosphorus export to a water body,
  - location of other legally existing structures on the property at the time of the damage, destruction or removal,
  - location of the septic system and other on-site soils suitable for septic systems at the time of the damage, destruction or removal,
  - type and amount of vegetation to be removed to accomplish the relocation, and
  - physical condition and type of existing foundation, if any.
12. The facts are otherwise as represented in Development Permit application DP 4968 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.**

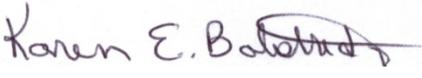
**Therefore, the staff approves the request of the Inhabitants of the Plantation of Monhegan with the following Conditions:**

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 Standard Conditions (ver. 2004), a copy of which is attached
4. The authorized firehouse and wooden exit ramp must be constructed to the size and in the locations proposed. The firehouse must be setback at least 9 feet from Monhegan Avenue, 15 feet from the southerly side property boundary line, 6 feet from the northerly side property boundary line and 9 feet from the back property boundary line.
5. The boardwalk must be removed from the lot.
6. To protect the scenic quality of Monhegan Island, 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.
7. 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 vision or to create nuisance conditions.
8. The permittees shall secure and comply with all other applicable licenses, permits, and authorizations of all federal, state and local agencies.

9. 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 permittees shall submit all information requested by the Commission demonstrating compliance with the terms of this permit.

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 BANGOR, MAINE, THIS 10<sup>TH</sup> DAY OF MARCH, 2015.

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



**STATE OF MAINE**  
**DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY**  
**LAND USE PLANNING 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 Planning Commission. Any variation from the application or the conditions of approval undertaken without approval of the Commission constitutes a violation of Land Use Planning 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 Planning 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 Planning 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.

*Administrative Policy Revised 04/04*