PAUL R. LEPAGE
GOVERNOR

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

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

DEVELOPMENT PERMIT DP 4969

The staff of the Maine Land Use Planning Commission (LUPC or Commission), after reviewing the application and supporting documents submitted by Back Woods Guide Service LLC for Development Permit DP 4969, finds the following facts:

1. Applicant: Back Woods Guide Service LLC
   Attn: Jesse Cote
   97 Townline Road
   Connor Twp., Maine 04736

2. Date of Completed Application: March 18, 2015

3. Location of Proposal: Connor Twp., County of Aroostook, State of Maine
   Maine Revenue Service Map AR105, Plan 02, Lot 175.2
   Aroostook County Northern Registry of Deeds: Book 1880, Page 300

4. Zoning: General Management Subdistrict (M-GN)

5. Lot Size: 2.33 acres - Owned

6. Development: Recreational Lodging Facility, Level B

   A. Principal Buildings: Proposed Main Lodge (28 ft. by 36 ft.)
      w/ Proposed Porch (12 ft. by 20 ft.)

   B. Accessory Structures: Proposed Driveway (50 ft. by 80 ft.)
      Proposed Parking Area (30 ft. by 40 ft.)

7. Sewage Disposal: Proposed Complete Non-engineered System

8. Soil Profile/Condition/Design: 1/D per Maine Subsurface Wastewater Disposal Rules

9. Affected Waterbody: None

PROPOSAL SUMMARY

10. Site Description. The applicant owns a 2.33 acre parcel of land in the M-GN subdistrict. The parcel has 300 feet of road frontage on Townline Road, is undeveloped and partially cleared.

11. The applicant proposes to develop their parcel with a Level B, Recreational Lodging Facility by constructing a 28 foot by 36 foot main lodge building with a 12 foot by 20 foot porch, a 50 foot by 80 foot driveway, and a 30 foot by 40 foot parking area. A combined sewage disposal system would be installed to serve the facility.

12. Recreational Lodging Facility Factors. The applicant submitted Supplement S-6, which provides information relevant to the categorization of recreational lodging facilities. In that supplement, the applicant indicates:
    (1) *On-site recreation activities, features, and/or services*. The applicant runs a fishing, hunting and recreational guide service in which all guiding is completed off-facility. A small fire pit, considered a low noise, odor and mostly screened activity is available for guest use.
    (2) *Utilities*. The lodge will be served by public utilities and will have indoor plumbing.
    (3) *Floor area of principal buildings*. The floor area of all principal buildings is 1,248 square feet.
    (4) *Clearing footprint within 250 feet of water bodies*. Not applicable.
    (5) *Retail*. None.
    (6) *Dining amenities*. On-site kitchen and dining area in the main lodge for guest use only.
    (7) *Fuel sales*. None.
    (8) *Overnight occupancy*. Up to twelve (12) guests occupancy.

REVIEW COMMENTS AND STAFF ANAYSIS

13. The Maine Natural Areas Program has reviewed the applicant's proposal and states that according to their current information, there are no rare botanical features that will be disturbed within the project site.

14. The Maine Development of Inland Fisheries and Wildlife has reviewed the applicant's proposal and states that minimal impacts to wildlife are anticipated and there are no inland fisheries concerns associated with the project.

15. The Maine Historic Preservation Commission has reviewed the applicant's proposal and has determined that no historic properties would be affected.

16. The Aroostook County Commissioners Office has reviewed the applicant's proposal and states that the project is located in an area where the County currently provides snow removal, road maintenance, fire protection, ambulance, education, and other miscellaneous services. They do not anticipate that the project will have any adverse impacts to the County Services that are provided.

17. The Maine Department of Health and Human Services, Division of Environmental Health, Drinking Water Program, Subsurface Wastewater Unit has reviewed the applicant's proposal and states that the system design meets the requirements of the Subsurface Wastewater Disposal Rules, and is acceptable for the proposed use as a lodging facility for up to 12 guests.

18. Based on information provided by the applicant and a review of available ArcGIS map layers

including ortho imagery, hydrology, LUPC protection zones, LUPC wetland zones, IF&W layers, community water supplies, significant aquifers, flood areas, Maine Natural Areas Program features, and LUPC archaeology sites, the staff has not identified any significant concerns with locating a full Level B recreational lodging facility on this property. Abutters to either side of the facility are the applicant's family members, and other surrounding properties appear to be primarily managed for agricultural activities, with large agricultural fields located across the street. The noise, odor, visual impacts and traffic levels generated by a level B facility are not expected to unreasonably impact the surrounding uses. Therefore, a permit condition limiting future expansion within the Level B facility category is not necessary. Most future structural development will require a permit, and additional impacts from expansion can be evaluated at that time.

SUMMARY OF KEY STANDARDS

19. Under the provisions of Section 10.02, 168 of the Commission's *Land Use Districts and Standards* (Standards), "Recreational Lodging Facilities" are defined as: Site improvements, a building or group of buildings, or any part thereof, used, maintained, advertised or held out to the public as a place where sleeping accommodations are furnished to the public for commercial purposes. Recreational lodging facilities primarily cater to recreational users who engage in recreation activities that are primarily natural resource-based. The term includes, but is not limited to, commercial sporting camps, youth or group camps, back-country huts, rental cabins, outpost cabins, campgrounds, lodges, hotels, motels, inns, or any combination of these types of uses that exhibit characteristics of a unified approach, method or effect such as unified ownership, management or supervision, or common financing. To be included in a recreational lodging facility, rental units must be served by an on-site attendant while guests are present. Related development that is located more than one half mile, measured in a straight line, from the nearest structure providing guest services, such as dining, gathering places, retail shower house, dumping station, check-in office, and equipment rental shall be considered a separate facility, unless the owner chooses to consider them as one facility. Caretaker or attendant housing will not be used to establish the one half mile distance unless no other guest services are provided. If no guest services are provided then all development on the regulatory parcel shall be considered part of the same facility and may be part of a facility on an adjoining parcel. For the purposes of Land Use Planning Commission rules, recreational lodging facilities are divided into five levels: [Levels A through E]...

    Level B Facilities have low impacts on existing resources within the development site and surrounding areas. Level B facilities are specifically designated by Section 10.27,Q,1 of the Commission's Standards.

20. Level B recreational lodging facilities may be allowed within M-GN subdistricts 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 (*Ch. 10.22,A,3,c,(13),(b)*).

21. The applicable Level B recreational lodging facilities factors, for this proposal in this location, include the following (*Ch. 10.27,Q,1,Table A*):
    (1) On-site recreation activities, features, and/or services as defined in Ch. 10.02,167 that produce low noise, odor and are mostly screened;
    (2) public utilities and/or indoor plumbing;
    (3) up to 8,000 square feet of principal buildings;
    (4) up to 100 square feet of retail or not more than 5% of the floor area of the principal buildings, whichever is larger;
    (5) dining amenities, fuel sales, and recreation activities, features and /or services as defined in Ch.

10.02,167, which are available to only guests; and
(6) overnight occupancy for up to 100 persons.

22. The dimensional requirements applicable to this commercial use which involves one or more buildings include: a minimum lot size of 40,000 square feet, a minimum road frontage of 200 feet, and minimum structure setbacks of 50 feet from the traveled portion (edge) of Townline Road and 15 feet from side and rear property boundary lines for all parking areas and all those structures within the recreational lodging facility constructed solely for the housing of guest, and 75 feet from the traveled portion (edge) of Townline Road and 25 feet from side and rear property boundary lines for all other structures within the recreational lodging facility (*Ch.10.26*).

23. The facts are otherwise as represented in Development Permit application DP 4969 and supporting documents.

Based upon the above Findings, and subject to the Conditions listed below, the Commission Concludes that:

1. The proposed facility meets the definition of a Recreational Lodging Facility under Section 10.02 of the Commission's Standards because the site and facility will:
   A. be used, maintained, advertised or held out to the public as a place where sleeping accommodations are furnished to the public for commercial purposes;
   B. primarily cater to recreational users who engage in recreation activities that are primarily natural resource-based;
   C. be served by an on-site attendant while guests are present; and
   D. include or be similar to commercial sporting camps, youth or group camps, back-country huts, rental cabins, outpost cabins, campgrounds, lodges, hotels, motels, inns, or any combination of these types of uses that exhibit characteristics of a unified approach, method or effect such as unified ownership, management or supervision, or common financing.

2. In accordance with Section 10.27,Q,1, Tables A and B, of the Commission's Standards, the facility, constitutes a Level B Recreational Lodging Facility. Specifically, the construction of a 28 foot by 36 foot main lodge building with a 12 foot by 20 foot porch meets all applicable standards for construction and is consistent with Tables A and B. The stated floor area for all principal buildings upon completion is approximately 1,248 square feet, which is less than the maximum 8,000 square feet allowed for a Level B Facility. The recreational activities offered would be off-site guide services and an on-site fire pit available for guest use. On- site kitchens in main lodge are for guest use only. The total overnight occupancy would be less than the 100 maximum allowed in a Level B Facility.

3. In accordance with Section 10.26, the existing lot and proposed structures, driveway and parking area will meet the applicable dimensional requirements.

4. All proposed activities 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 Back Woods Guide Service, LLC with the following Conditions:

1. **At least one week prior to commencing the permitted activities**, the permittee must contact the Commission staff and notify them of the date construction will start. **If these activities include a permanent foundation**, the permittee must notify staff **of the date the forms will be set**. This will allow staff time to arrange a pre-construction site visit to review the applicable standards and

requirements of the permit with the permittee. (**If you leave a telephone message**, please include your full name, telephone number, permit number, and the date/s the work will start.)

2. 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.

3. 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.

4. The permitted lodge and parking area within the recreational lodging facility must be set back a minimum of 75 feet from the traveled portion (edge) of Townline Road and at least 25 feet from side and rear property boundary lines. The permitted driveway must be set back at least 25 feet from the side and rear property boundary lines.

5. Retail space shall not exceed 100 square feet or not more than 5% of the floor area of the principal buildings, whichever is larger.

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. The permittee shall secure and comply with all other applicable licenses, permits, authorizations and monitoring requirements of all federal, state and local agencies including, but not limited to, the Maine Department of Health and Human Service's Division of Environmental Health's, Subsurface Wastewater Unit and Health Inspection Program.

8. 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.

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 25TH DAY OF MARCH, 2015.

By: Billie J. Macleon
for Nicholas D. Livesay, Executive Director