



STATE OF MAINE
PAUL R. LEPAGE
GOVERNOR

DEPARTMENT OF AGRICULTURE, CONSERVATION, & FORESTRY
LAND USE PLANNING COMMISSION
LAKE VIEW DRIVE
P.O. BOX 1107
GREENVILLE, MAINE 04441

WALTER WHITCOMB
COMMISSIONER

PERMIT

DEVELOPMENT PERMIT DP 4989

The staff of the Maine Land Use Regulation Commission, after reviewing the application and supporting documents submitted by Antnik Trust for Development Permit DP 4989, finds the following facts:

1. Applicant: Antnik Trust
Attn. William Franz Jr.
PO Box 293
Brewster, MA 02631
2. Date of Completed Application: October 5, 2015
3. Location of Proposal: Moosehead Junction, Piscataquis County
Lot #1.13 on Plan 04 (Lot # 5A SP 3237B)
4. Zoning: (D-CI) Commercial Industrial Development Subdistrict
(D-GN) General Development Subdistrict
5. Lot Size: 1.26 Acres (Owned)
6. Principal Buildings: Mill Concrete Slab (60 ft. by 110 ft.)
Mill Concrete Slab (70 ft. by 270 ft.)
Mill Concrete Slab with Scalehouse and Scales (15 ft. by 90 ft.)
7. Sewage Disposal: None proposed

Background

8. The original 90 acre lot was developed with a pre-1971 lumber company and mill.
9. In September of 1981 Development Permit DP 3484 was issued after the fact to Boulette Lumber Company authorizing construction of a dry kiln and chip building that were built in 1973 and a garage and planer mill that were constructed in 1977.
10. In May of 1993 Subdivision Permit SP 3237 was issued to R.A. Cummings authorizing the division of a 66 acre parcel of land into 15 lots ranging from 1.2 acres to 3.2 acres for commercial development and one 34.05 acre lot to be retained by the applicant.

Maine Land Use Regulation Commission
Nicholas Livesay, Director

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11. In March of 1994 a Conditional Certificate of Compliance for Subdivision Permit SP 3237 was issued to R.A. Cummings. The only deficiency was some lots had not revegetated.
12. In September of 1994 Subdivision Permit SP 3237 Amendment A was issued to R.A. Cummings authorizing the paving of the interior access roads.
13. In March of 1996 Subdivision Permit SP 3237 Amendment B was issued to R.A. Cummings authorizing the division of Lot#5 (as approved under Subdivision Permit SP 3237) into 3 lots defined as Lot# 5A, Lot# 5B, and Lot# 5C. Lot# 5A was to be 1.25 acres with 375 feet of road frontage, Lot# 5B was to be 1.3 acres with 255 feet of road frontage, and Lot# 5C was to be 1.26 acres with 260 feet of road frontage. The plat was signed in July of 1997 by Director Williams.

Proposal

14. The applicant proposes to partially reconstruct on Lot #5A on the 70 foot by 270 foot concrete slab two 20 foot by 40 foot storage buildings and one 20 foot by 20 foot storage building as commercial rental storage buildings setback 30 feet from the Industrial Way Road and 20 feet from the property boundary line. The proposed structures are setback to the greatest possible extent in order to stay on the existing slab. The existing slabs are currently setback 2 feet from the property line and 10 feet from the Industrial Way Road.
15. The applicant states that the buildings would be timber frame constructed and be used for cold storage.
16. No plumbed water or sewage disposal system is proposed and the development would be accessed by a currently existing driveway and parking area.

Review Criteria

17. Under provisions of section 10.21,A,3,c,(2) of the Commission's Land Use Districts and Standards, any commercial and industrial uses are an allowed use requiring a permit within a (D-CI) Commercial Industrial Development Subdistrict.
18. Under provisions of section 10.21,A,3,c,(5) of the Commission's Land Use Districts and Standards driveways associated with non-residential uses are an allowed use requiring a permit within a (D-CI) Commercial Industrial Development Subdistrict.
19. Under provisions of Section 10.11,C,2 of the Commission's Land Use Districts and 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; and if the reconstruction or replacement involves expansion, the structure meets the requirements of Section 10.11,C,1.

20. Under provisions of Section 10.11,C,2,a of the Commission's Land Use Districts and Standards the 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:
 - Physical condition and type of existing foundation, if any.
21. The facts are otherwise as represented in Development Permit Application DP 4989, and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The proposed reconstruction of the three buildings on the currently existing 70 foot by 270 foot concrete slab would be in compliance with Section 10.11,C,2, of the Commission's Land Use Districts and Standards in that the proposed development and use is similar to previously approved buildings permitted within the (D-CI) Industrial Commercial Development Subdistrict.
2. The proposed reconstruction of the three buildings would be in compliance with Sections 10.11,C,2,a of the Commission's Land Use Districts and Standards in that the proposed structures meet the property line road setbacks to the maximum possible extent in that the development would be in the same location and smaller dimensions on the currently existing concrete slabs as previously permitted structures. The use is consistent with the purposes of the (D-CI) Commercial Industrial Development Subdistrict and of the Comprehensive Land Use Plan.
3. The currently existing driveway would be in compliance with Sections 10.21,A,3,c,(6) and 10.26 of the Commission's Land Use Districts and Standards in that the non-residential driveway requires a permit in a (D-CI) Industrial Commercial Development Subdistrict and meets all dimensional requirements as required.
4. 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 Antnik Trust with the following conditions:

1. The Standard Conditions (ver. 04/04), a copy of which is attached.
2. The driveway must be maintained so that it will not erode or create any undue restriction or disruption of existing surface water drainage ways and it will divert runoff to a vegetative buffer strip so as to prevent it from directly entering a roadway or waterbody.
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. The storage buildings must be constructed as proposed and in the same location and to the same dimensions as proposed on the currently existing 70 foot by 270 concrete slab located 30 feet from Industrial Way Road and 20 feet from property boundary lines.
5. The storage buildings must not have plumbed water or produce any septic waste without prior approval.
6. Once construction is complete, the permittee 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. All conditions of Development Permit DP 3484 and subsequent amendments addressing the previous buildings shall remain in effect unless modified by this permit.
8. All conditions of Subdivision Permit SP 3237 and successive amendments in reference to Lot# 5A shall remain in effect.

This permit is approved only upon the above stated conditions and remains valid only if the permittee complies with all of these conditions. 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 7th DAY OF OCTOBER, 2015.

By: _____

For: Nicholas Livesay, 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