



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
45 RADAR ROAD
ASHLAND, MAINE 04732-3600

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

DEVELOPMENT PERMIT DP 5005

The staff of the Maine Land Use Planning Commission (LUPC or Commission), after reviewing the application and supporting documents submitted by Club 17 for Development Permit DP 5005, finds the following facts:

1. Applicant: Club 17
Attn: Rudy Ouellette
PO Box 126
Van Buren, Maine 04785
2. Date of Completed Application: July 27, 2016
3. Location of Proposal: T17 R 3 WELS, Aroostook County
Maine Revenue Service Map AR011, Plan 01, Lot 1
Allagash Timberlands Lease #2378; Lot 34
4. Zoning: (D-RS) Residential Development Subdistrict
5. Lot Size: 15,000 sq. ft. (Leased)
6. Development:
 - A. Principal Buildings: Existing Church/Community Center (26.5 ft. by 58 ft., 11.5 ft. by 26.5 ft. and 10 ft. by 11 ft.)
w/ Attached Porch (10 ft. by 16 ft.)
w/ Attached Side Deck (5.5 ft. by 11.5 ft.)
Existing Driveway (35 ft. by 45 ft.)
 - B. Accessory Structures: Proposed Shed (14 ft. by 24 ft.)
Proposed Driveway (18 ft. by 20 ft.)
7. Sewage Disposal: Existing Combined System



8. Affected Waterbody: Long Lake

The Commission has identified Long Lake as a management class 7, resource class 2, accessible, developed lake with the following resource ratings: significant fisheries resources, significant cultural resources.

9. The applicant's lot is developed with a pre-Commission Church/Community Center and driveway. The Center is setback approximately 12 feet from the normal high water mark of Long Lake, 58 feet from East Side Van Buren Cove Road, and 3 feet from the nearest property boundary line.
10. The applicant proposed to install a 14 foot by 24 foot storage shed on the lot mainly for storage of fire protection equipment. The applicant also proposed to construct an 18 foot by 20 foot driveway for direct access to the shed by a vehicle. The shed would be set back approximately 110 feet from the normal high water mark of Long Lake, 20 feet from East Side Van Buren Cove Road, and 25 feet from the nearest property boundary line. The shed would not contain any plumbing and would be installed on a gravel pad/non-permanent foundation.
11. The applicant has received funding from the County and landowner, Allagash Timberlands, LP for this project and has coordinated with the Town of Van Buren Fire Department to make proper use of this equipment.
12. Under the provisions of Section 10.26,D,2 of the Commission's Land Use Districts and Standards, the setbacks for non-residential accessory structures are: 150 feet from waterbodies such as Long Lake; 75 feet from roads; and 25 feet from property lines.
13. Under the provisions of Section 10.11,B,1 of the Commission's Land Use Districts and 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 section 685-B(4) and demonstrate that the project will not adversely affect surrounding uses and resources; and 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..
14. Under the provisions of Section 10.11,C,5 of the Commission's Land Use Districts and Standards, the construction of new, detached accessory structures that do not meet water body setbacks is allowed with a permit only if the structure cannot be physically sited on the lot to meet the water body setback requirement. In this case, the new accessory structure shall meet setbacks to the maximum extent possible, shall not be located closer to the normal high water mark than the principal structure, shall not be located within 25 feet of the normal high water mark, shall not be located closer than 20 feet to the road in conformance with the provisions of Section 10.11,B,6, and shall be of a size and height, that when combined with legally existing principal buildings will not exceed the size and height requirements of Section 10.11,C,1,b
15. Under the provisions of Section 10.11,B,6 of the Commission's Land Use Districts and Standards, to allow a structure to become either conforming or less nonconforming to the water body setback, the Commission may reduce the road setback to no less than 20 feet in cases of reconstruction or relocation of legally existing structures or construction of new accessory structures on development, legally existing nonconforming lots.

16. The facts are otherwise as represented in Development Permit Application DP 5005 and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The proposed shed is not in compliance with Section 10.26,D,2, of the Commission's Land Use Districts and Standards, in that the proposed shed is less than: 75 feet from the nearest road, and 150 feet from the shoreline.
2. The proposed shed is in compliance with Section 10.11,C,5 of the Commission's Land Use Districts and Standards, in that the proposed shed would meet setbacks to the maximum extent possible, not be closer to the water body than the principal structure, be 110 feet from the waterbody and 20 feet from the road. The shed cannot meet the waterbody setback of 150 feet and the road setback of 75 feet due to the shallow depth of the lot.
3. The proposed shed qualifies for a waiver to the road setback requirement under Section 10.11,B,6 of the Commission's Land Use Districts and Standards. The shed is considered a new detached accessory structure on a legally existing nonconforming lot.
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. and Section 10.11,B,1 of the Commission's Land Use Districts and Standards,

Therefore, the staff approves the application of Club 17 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. All authorized development (shed and driveway) must be set back a minimum of 110 feet from the normal high water mark of Long Lake, 20 feet from East Side Van Buren Cove Road, and 25 feet from other property boundary lines.
5. Construction debris must be removed from the lot upon completion of the construction activities and disposed of in accordance with Maine Solid Waste Disposal Rules.

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. 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 2ND DAY OF AUGUST, 2016.

By: Billie J. Magleam
for Nicholas Livesay, Executive Director