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GOVERNOR

STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY  
LAND USE PLANNING COMMISSION  
22 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0022

WALTER E. WHITCOMB  
COMMISSIONER

# PERMIT

## AMENDMENT C TO GREAT PONDS PERMIT GP 0087 WATER QUALITY CERTIFICATION

The staff of the Maine Land Use Planning Commission after reviewing the application and supporting documents submitted by CSS Development, Inc. for Amendment C to Great Ponds Permit GP 0087, finds the following facts:

1. Applicant: CSS Development, Inc.  
460 York Street  
Caribou, Maine 04736
2. Date of Completed Application: September 10, 2014
3. Location of Proposal: Madawaska Lake Twp., Aroostook County  
Tax Map AR020, Plan 02, Part of Lot 22.2
4. Zoning: (D-GN) Great Pond Protection Subdistrict  
(P-WL1) Wetland Protection Subdistrict
5. Lot Size: 2.41(owned)  
1.19 Acres (51,836 sq. ft. )(State of Maine Lease Pending)
6. Affected Waterbody: Madawaska Lake

The Commission has identified Madawaska Lake as a management class 1B, resource class 5, accessible, developed lake with the following resource ratings: significant fisheries, wildlife and cultural resources, and outstanding botanical resources.

### Background

7. The applicant's 2.41 acre lot contains 331.5 feet of shoreline frontage on Madawaska Lake and was originally developed with a pre-Commission general store with second story dwelling unit, several accessory structures, and a trailered boat ramp.
8. In February of 1981, Great Ponds Permit GP 0087 was issued to Stanley Thomas, authorizing improvements to the existing pre-Commission boat ramp. Improvements to the approach included excavation of 140 cubic yards of material above the normal high water mark then the area was to be filled with 60 cubic yards of gravel covered by 7 tons of bituminous concrete. The 65 foot long ramp was to be re-surfaced with 43 pre-cast 10 foot long by 15 inch wide concrete plants. Finally, a 2 foot wide sodded ditch was to be constructed along the west side of the ramp for improved drainage control.

9. By 1994, the concrete planks has deteriorated due to ice damage and the planks below the normal high water mark were removed, leaving only the 20 pre-cast concrete planks above the normal high water mark.
10. In September of 1998, Amendment A to Great Ponds Permit GP 0087 was issued to Stanley Thomas authorizing the placement of an additional fourteen 10 foot long by 15 inches wide pre-case planks, for a total of 34 planks. Approximately 4 planks were to be placed below the normal high water mark. Although the lot was privately owned, the boat ramp has been historically open to the public via an agreement with the Bureau of Parks and Lands.
11. In April of 2009, Development Permit DP 4382-B authorized reconstruction of the general store with a lake-side deck and second story dwelling unit, which was setback 67 feet from the normal high water mark of Madawaska Lake, 11 feet from Lake Shore Drive, and 12 feet from the nearest property boundary line. In addition, DP 4382-B authorized construction of a 60 foot by 120 foot two-section parking lot for use by boaters and future customers/owners of the store and dwelling. The parking area was to be located in a off the existing driveway between Route 161 and Lake Shore Drive. No parking area has been developed at this time.
12. In December of 2013, Amendment B to Great Pond Permit GP 0087 was issued to the applicant authorizing reconstruction of the public trailered boat ramp facility on Madawaska Lake and construction of a parking lot across from Lake Shore Drive for the boat launch. The ramp would consist of a 12 foot wide by 40 foot long concrete plank trailered ramp, with a 6 foot wide by 32 foot long American Disability Act (ADA) concrete abutment with boarding float. The main parking lot would be approximately 50 feet by 50 feet in size, accommodate 5 vehicles with trailers, and be surfaced using Turfstone, over a layer of sand and poorly graded  $\frac{3}{4}$  inch gravel. A separate, paved, 11 foot by 45 foot American Disability Act (ADA) parking space across the road and 6 foot wide ADA-compliant access walkway from the parking space to the ramp was also authorized to be constructed.

### Proposal

13. The applicant now seeks amendment approval to modify the design of the previously authorized public trailered boat ramp facility on Madawaska Lake, primarily the design for the main parking lot and the location of American Disability Act (ADA) parking space. The purpose of the modifications is to increase the number of parking spaces while decreasing the total amount of impervious area on the property so that it would be more cost effective to construct the facility.
14. The main parking lot is now proposed to be 70 foot by 70 foot with an approximately 18 foot by 33 foot turn-a-round and it would accommodate 7 vehicles with trailers. The driveway to the parking lot would be narrowed to 18 feet wide to decrease the amount of lot coverage and eliminate the need for Turfstone. The main parking area would be set back at least 200 feet from the normal high water mark of the Madawaska Lake, at least 100 feet from the Lake Shore Drive, at least 75 feet from Route 161, and at least 15 feet from the nearest property boundary line.
15. A 17 foot by 60 foot ADA parking space is now proposed to be located on the lake-side of the property, along the road and adjacent to the boat launch in the area currently used for parking. The ADA parking space would be set back approximately 50 feet from the normal high water mark of the Madawaska Lake, 0 feet from the Lake Shore Drive, at least 75 feet from Route 161, and at least 15 feet from the nearest property boundary line. The new location of the ADA parking space eliminates the need for a ADA-compliance access walkway. The lot coverage would be less than 30%



16. No changes are proposed to the ramp itself. The amount of wetland alteration would now change and would still be 1,200 square feet in order to install the ramp and riprap and prevent future ice damage.
17. The modified plans for the proposed boat ramp were developed in conjunction with the Maine Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands, Boating Division staff. Use of the boat ramp would be open to the general public and the intent of the proposal is to better serve the general public's access to Madawaska Lake. A lease for the facility on a 1.19 acre portion of the applicant's lot with 125 feet of shorefrontage is in the process of being granted to the State of Maine.

#### Review Criteria

18. Under provisions of Section 10.26,D,1 of the Commission's Land Use Districts and Standards the minimum setback for parking areas for trailered ramps is 100 feet from waterbodies such as Madawaska Lake, 50 feet from roads such as Lake Shore Drive, 75 feet from roads such as Route 161 and 15 feet from property boundary lines.
19. Under provisions of Section 10.26,B,1 of the Commission's Land Use Districts and Standards the minimum shoreline frontage is 200 feet per dwelling unit and 300 feet for commercial, industrial, and other non-residential uses involving one or more buildings.
20. Under provisions of Section 10.27,L,5,n and 10.26,B,6 Commission's Land Use Districts and Standards, the shoreline frontage requirement for public boat launches may be waived to no less than 200 feet provided the applicant demonstrates there will be no undue impact to existing uses in the project area.
21. Under 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 this 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 that there is no increase in the extent of nonconformance, except in instances where a road setback is waived by the Commission in order to increase the extent of conformance with a waterbody setback
22. Under the provisions of Section 10.25,P,1,c(3) of the Commission's Land Use Districts and Standards, Tier 3 reviews are for projects altering any area of P-WL1 wetlands. Alterations of P-WL1 wetlands may be eligible for Tier 1 or Tier 2 review if the Commission determines, at the applicant's request, that the activity will have no undue adverse impact on the freshwater wetlands or other protected natural resources present. In making this determination, consideration shall include but not be limited to, such factors as the size of the alteration, functions of the impacted area, existing development or character of the area in and around the alteration site, elevation differences and hydrological connection to surface water or other protected natural resources.
23. Under the provisions of Section 10.25,P,2,a(2) of the Commission's Land Use Districts and Standards, projects requiring Tier 2 review must: (a) not cause a loss in wetland area, functions and values if there is a practicable alternative to the project that would be less damaging to the environment; (b) limit the amount of wetland to be altered to the minimum amount necessary to complete the project; (c) comply with applicable water quality standards; i.e., the activity will not violate any state water quality law, including those governing the classification of the State's waters; and (d) must use erosion control measures to prevent sedimentation of surface waters.

24. Under provisions of Section 10.25,P,2,e(2) of the Commission's Land Use Districts and Standards, the Commission may waive the requirement for a functional assessment, compensation, or both. The Commission may waive the requirement for compensation if it determines that any impact to wetland functions and values from the activity will be insignificant.
25. The facts are otherwise as represented in Development Permit application GP 0087, subsequent amendment requests and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The existing lot would not be in compliance with Sections 10.27,L,5,n and 10.26,B of the Commission's Land Use Districts and Standards in that the does not contain the minimum shoreline frontage required for a commercial use, a dwelling unit and a boat launch facility, all of which have been in existence since prior to the Commission's inception in 1971. The existing 331.5 feet of shoreline frontage will be divided proportionately keeping 125 feet of shoreline frontage with the boat launch facility and 206.5 feet of shoreline frontage with the store and residence.
2. The proposal would be in compliance with Section 10.11,B,1 of the Commission's Land Use Districts and Standards in that the proposed reconstruction of the existing boat launch on a 1.19 acre lease lot with 125 feet of shoreline frontage would not adversely affect surrounding uses and resources and would not increase in the extent of nonconformance. The number of existing uses is not increased and the facility would be improved, preventing erosion and sedimentation of the waterbody.
3. The proposed main parking area would be in compliance with Section 10.26, D, 1 of the Commission's Land Use Districts and Standards in that the main parking area would be greater than 100 feet from Madawaska Lake, 50 feet from Lake Shore Drive, 75 feet from Route 161, and 15 feet from the property lines.
4. The proposed ADA parking space would not be in compliance with Section 10.26,D,1 of the Commission's Land Use Districts and Standards in that the parking space would be less than 50 feet from Lake Shore Drive and less than 100 feet from Madawaska Lake.
5. The proposed ADA parking space would be in compliance with Section 10.11,B,1 of the Commission's Land Use Districts and Standards in that the parking space would be in the same area as the pre-Commission parking for the boat launch and would not be closer to the road and lake than the existing parking area.
6. In accordance with the provisions of Section 10.25,P,1,c(3) of the Commission's Land Use Districts and Standards, review of the proposal may be reduced from Tier 3 to Tier 2 wetland review. Specifically, the impact to the P-WL1 wetland would be limited to that which is needed to install and stabilize the boat ramp and erosion control measures would be implemented. No additional adverse impact to the lake, fisheries or wildlife habitat, or other wetland functions and values has been identified.
7. The proposal would meet the provisions of Section 10.25,P,2,a(2) of the Commission's Land Use Districts and Standards. Specifically, there is no practical alternative for installing the ramp that would reduce the amount of wetland alteration. Additionally, the impact to the P-WL1 would be limited to that which is needed to install and stabilize the boat ramp. The project would be completed during low water, which would prevent sedimentation and minimize water quality impacts, and erosion control measures would be implemented.



8. Under provisions of Section 10.25,P,2,e(2) of the Commission's Land Use Districts and Standards, the Commission waives the requirement for a functional assessment and compensation for this project. Although the project involves alteration of more than 500 square feet of (P-WL1) Wetland, the Maine Department of Inland Fisheries and Wildlife has determined that fisheries habitat would not be negatively impacted.
9. 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.

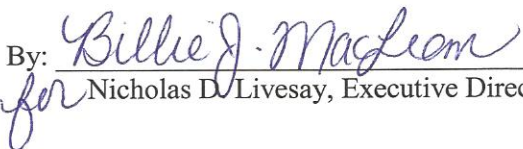
**Therefore, the staff approves the amendment request of CSS Development with the following conditions:**

1. The Standard Conditions for Shoreland Alterations (ver. 4/91), a copy of which is attached.
2. Riprap must be installed in accordance with the Standards for Installation of Riprap (ver. 4/91), a copy of which is attached, except that riprap may be keyed in at the base of the slope and along the sides of the ramp below the normal high water mark.
3. The facility must be installed in accordance with The Standards for Trailered Ramps, Hand Carry Launches, and Water-Access Ways, (Chapter 10, Section 10.27,L), a copy of which is attached, except that the lease lot for the boat launch facility may contain 125 feet of shoreline frontage on Madawaska Lake instead of 200 feet.
4. The permitted main parking area must be set back a minimum of 100 feet from the normal high water mark of Madawaska Lake, 50 feet from Lake Shore Drive, 75 feet from Route 161 and 15 feet from other property boundary lines.
5. The permitted ADA parking area must be set back a minimum of 50 feet from the normal high water mark of Madawaska Lake, 75 feet from Route 161 and 15 feet from other property boundary lines.
6. 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.
7. Prior to any ground disturbance, the permittee shall (1) contact the Commission with the starting day for construction, and (2) confirm that the contractor has a copy of the approved permit and plans on site.
8. Uncured concrete must not be placed directly into the water. Concrete must be pre-cast and cured at least three weeks before placing in the water, or where necessary, must be placed in forms and cured at least one week before the forms are removed. No washing of tools, forms, etc. may occur in or adjacent to the waterbody or wetland.
9. **Upon completion of the lease document with the State of Maine, an executed copy must be submitted to the Commission.**

10. Bolts, screws, rods, pads and other metallic fixtures to be placed below the normal high water mark must be of rustproof metals.
11. Except for the parking areas, turn-a-round and access road, walkway, and ramp, all areas of disturbed mineral soil in the work area above the normal high water mark of Madawaska Lake must be immediately seeded and mulched to avoid soil erosion and sedimentation. In areas where revegetation is not initially successful, additional measures to control erosion and sedimentation must be undertaken as often as necessary to be effective.
12. All areas of mineral soil disturbed after September 15 must be seeded with winter rye or dormant seeded and mulched, or heavily mulched, and the mulch must be tacked in place to over-winter. In the spring the area must be reseeded until a 95% catch of grass has become established.
13. Should any erosion or sedimentation occur during construction, the permittee shall contact the Land Use Planning Commission immediately, notifying it of the problem and describing all proposed corrective measures.
14. Wheeled or tracked equipment must not be driven in the water.
15. Erosion, sedimentation, and stormwater must be controlled according to the submitted plans.

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 22<sup>ND</sup> DAY OF SEPTEMBER 2014

By:   
for Nicholas D. Livesay, Executive Director



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**STANDARD CONDITIONS OF APPROVAL FOR ALL SHORELAND ALTERATION PERMITS**

1. The permit certificate must be posted in a visible location on your property during performance of the activities 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, permits required under the Natural Resources Protection Act administered by the Maine Department of Environmental Protection.
5. 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.
6. All areas of exposed mineral soil above the normal high water line or wetland boundary shall be promptly seeded and mulched so as to avoid soil erosion and lake sedimentation. Rocks and trees which are holding the shoreline and preventing erosion shall not be removed.
7. Unless otherwise specified in this permit, all work must be conducted at periods of low water when the water level is lower than the work area.
8. Unless otherwise specified in this permit, no mechanical equipment, machinery or vehicles shall be operated below the normal high water line or wetland boundary.
9. If pressure treated wood is to be used, such wood must be allowed to cure, away from the waterbody or wetland, for a minimum of three weeks prior to installation.
10. Once the activity is completed, 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.



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**STANDARDS FOR THE INSTALLATION OF RIPRAP**

Riprap shall be installed in accordance with the following standards:

1. Riprap shall be placed in such a manner as to form a slope not steeper than 2 feet horizontal for every 1 foot vertical. Flatter slopes are more stable, and, therefore, slopes of 3:1 or 4:1 are preferable.
2. Riprap shall be irregularly shaped rocks (not round rocks) of 10 inches to 12 inches in diameter (about the size of a basketball), and shall be placed in a manner that the rocks fit together and interlock. Riprap should consist of more than one layer of rocks to be stable.
3. Riprap shall be placed on top of and embedded into coarse gravel, or a sediment barrier such as filter fabric, if the original soils are clay, light sand, or other highly erodible soils.
4. Riprap shall be secured into the toe of the slope of the embankment, meaning the first layer should start approximately 6 inches below the original grade at the base of the embankment. As indicated in 5 below, this does not mean that you may encroach into the water body or wetland.
5. Riprap placed at the normal high water line shall begin at the existing shoreline and shall not extend toward the water body or wetland. The top of the shoreline shall be cut back as necessary to obtain the required 2:1 or flatter slope.
6. Rocks used for riprap shall not be obtained from the bottom of the water body or wetland, the immediate shoreline area or from areas where their removal will cause soil erosion into the water body or wetland.
7. Surface water drainage shall be diverted around the area being riprapped.
8. The riprap may not be covered with gravel, clay, loam, or any other materials.