



PAUL R. LEPAGE  
GOVERNOR

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

WALTER E. WHITCOMB  
COMMISSIONER

NICHOLAS D. LIVESAY  
EXECUTIVE DIRECTOR

# PERMIT

## AMENDMENT B TO GREAT POND PERMIT GP 3356 AND WATER QUALITY CERTIFICATION

The staff of the Maine Land Use Planning Commission (LUPC or Commission), after reviewing the application and supporting documents submitted by David T. and Andrea K. Swift (the Swifts or Applicants) for Amendment B to Great Pond Permit GP 3356, finds the following facts:

- Applicants.* David T. Swift  
Andrea K. Swift  
PO Box 835  
Princeton, Maine 04668
- Date of Completed Application.* September 23, 2014
- Location of Proposal.* Grand Lake Stream Plantation, Washington County, Maine  
Maine Revenue Service Map WAP03; Plan 03; Lot 24-5  
Woodland Pulp LLC Boathouse Site Lease #B-05-14
- Zoning.* General Development Subdistrict (D-GN)  
Wetland Protection Subdistrict (P-WL)  
Flood Prone Protection Subdistrict (P-FP) by virtue of *Ch. 10.23, C, 2*
- Development.* Proposed Reconstructed Boathouse (12 ft. by 33 ft. by 1 story (less than 25 ft. high)  
Proposed Reconstructed L-Shaped Permanent Docking Structure (5 ft. by 12 ft. and  
5 ft. by 28 ft.) on Rock Filled Cribs (six – each approximately 4 ft. by 4 ft.)

## PROPOSAL SUMMARY

- The Applicants propose to reconstruct a 12 foot by 33 foot boathouse and an L-shaped permanent docking structure which includes a 12 foot wide by 5 foot deep portion along the shoreline and a 5 foot wide by 28 foot long portion along the south side out into the waterbody. The boathouse and dock are supported by six approximately 4 foot by 4 foot rock filled cribs; the Applicants further propose to reconstruct one crib and sill which were destroyed by the fire and conduct normal maintenance and repair on the remaining five cribs.

## SUMMARY OF KEY CHAPTER 10 STANDARDS

7. According to Sections 10.21,C,3,c,(19), 10.23,C,3,c,(15), and 10.23,N,3,c,(11) of the Commission's *Chapter 10, Land Use Districts and Standards* (Standards or *Ch. ...*), shoreland alterations may be allowed within D-GN, P-FP and P-WL subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-B, subject to the applicable requirements set forth in Sub-Chapter III.
8. Except in a D-MT subdistrict or in a Designated Area of Cultural or Special Significance (DACSS) listed in Appendix G, Section 2 of the Commission's Standards, boathouses shall not be reconstructed or replaced (*Ch. 10.11,C,2,d*).
9. According to Section 10.11,C,2,f of the Commission's Standards, a legally existing, non-conforming structure in a DACSS may be reconstructed in place or replaced in place with a permit, provided that:
  - (1) The structure is located in a DACSS listed in Appendix G, Section 2 at the time of damage, destruction, or removal of the structure; or within 2 years of damage, destruction, or removal of the structure, an area that includes the proposed site for reconstruction of the structure is designated as a DACSS in accordance with Appendix G, Section 1, or a petition for such designation is filed with the Commission;
  - (2) A permit application is completed and filed within two years of the date of damage, destruction or removal of the structure, or within two years of the date the area that includes the proposed site for reconstruction is designated as a DACSS, whichever is later, except that the Commission may waive this requirement upon finding that unusual circumstances prevented the applicant from filing a permit application within the two-year period provided in this paragraph;
  - (3) The structure was in regular active use within a two year period immediately preceding the damage, destruction, or removal, except that the Commission may waive this requirement for good cause;
  - (4) The proposed reconstruction conforms with the purpose of the designation as described in Appendix G, Section 2 of this chapter;
  - (5) Reconstruction must, to the maximum extent possible, replicate the prior version of the structure that is in keeping with the designation as described in Appendix G, Section 2 of this chapter, is in the same location, and has the same footprint, as the original structure.  
Minor modifications to the dimensions of the structure may be allowed provided the total square footage of the structure or structures is not increased and conforms with Section 10.11,C,1,b.
10. According to Appendix G, Section 2,a,(1) of the Commission's Standards, the purpose of listing the Grand Lake Stream shorefront as a DACSS is to provide the community an opportunity to sustain the iconic boathouses located on the iconic southern shoreline of West Grand Lake that symbolize key components of its culture, and history, and that convey a tranquil "old-time feeling" for the people that live in and visit the community, and contribute to Grand Lake Stream Plantation's quality of life and sense of place.
11. According to Section 10.25,P,2,a,(2),(c) of the Commission's Standards, Tier 3 reviews apply to projects altering any area of P-WL1 wetlands except as otherwise provided in Section 10.25,P,2,a,(2),(a). Alterations of P-WL1 wetlands may be eligible for Tier 1 or 2 review if the Commission determines, at the applicant's request, that the activity will not have an unreasonable

negative affect 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.

12. To meet the applicable standards for *Protected Natural Resources* (Ch. 10.25,P), Tier 2 and Tier 3 projects must:
  - A. not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses (Ch. 10.25,P,1,a);
  - B. not cause unreasonable erosion of soil or sediment or unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment (Ch. 10.25,P,1,b);
  - C. not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life (Ch. 10.25,P,1,c);
  - D. not unreasonably interfere with the natural flow of any surface or subsurface water (Ch. 10.25,P,1,d);
  - E. not violate any state water quality law, including those governing the classification of the State's waters (Ch. 10.25,P,1,e);
  - F. not unreasonably cause or increase the flooding of the alteration area or adjacent properties (Ch. 10.25,P,1,f);
  - G. avoid alteration of wetland areas on the property to the extent feasible considering natural features, cost, existing technology and logistics based on the overall purpose of the project (Ch. 10.25,P,2,b,(1),(a));
  - H. not result in an unreasonable impact if the activity will cause a loss in wetland area, functions, or values, and there is a practicable alternative to the activity that would be less damaging to the environment. The application must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist. For any activity proposed in, on or over P-WL1 wetlands of special significance, a practicable alternative less damaging to the environment is deemed to exist and the impact is unreasonable, unless the activities is listed in Section 10.25,P,2,b(1)(b),(i) or (ii). One of the listed activities is reconstruction or expansion of an existing developed area or related construction that cannot practicably be located elsewhere because of the relation to the existing developed area, if the existing developed area was created prior to August 18, 2005 (Ch. 10.25,P,2,b,(1),(b));
  - I. limit the amount of wetland to be altered to the minimum amount necessary to complete the project (Ch. 10.25,P,2,b,(2));
  - J. conduct a functional assessment unless exempt from this requirement under Section 10.25,P,2,b,(3),(f) or granted a waiver under Section 10.25,P,2,b,(3),(g). A functional assessment must be conducted in accordance with Section 10.25,P,2,f,(2) and be sufficient to allow the Commission to evaluate whether the proposed wetlands alteration will cause a loss or degradation of wetland functions (Ch. 10.25,P,2,b,(3),(a)); and
  - K. provide compensation for the wetland impacts if the Commission determines that a wetland alteration will cause a wetland function or functions to be lost or degraded (Ch. 10.25,P,2,b,(3),(b)).

13. According to Section 10.25,P,2,b,(3),(f),(i),aa of the Commission’s Standards, neither a functional assessment nor compensation is required for alterations of less than 500 square feet in a freshwater wetland of special significance provided that the Commission determines that there will be only a minimal effect on freshwater wetland functions and values, significant wildlife habitat, or imperiled or critically imperiled communities due to the activity.
14. According to Section 10.25,P,2,b,(4) of the Commission’s Standards, even if a project requiring Tier 2 or Tier 3 review has no practicable alternative and the applicant has minimized the proposed alteration as much as possible, the applicant must demonstrate the activity will not have an unreasonable impact on the wetland.
15. According to Section 10.25,T,2,a,(1) through (4) of the Commission’s Standards, to meet the applicable development standards of *Activities in Flood Prone Areas*, the structures must:
  - (1) be designed or modified and adequately anchored to prevent floatation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  - (2) use construction materials that are resistant to flood damage;
  - (3) use construction methods and practices that will minimize flood damage; and
  - (4) use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service - facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

## **SUMMARY OF ADMINSTRATIVE HISTORY**

16. The Applicants’ leased lot was historically developed with a 12 foot by 33 foot legally existing pre-Commission boathouse (396 square feet) and a legally existing pre-Commission L-shaped 5 foot by 12 foot and 5 foot by 28 foot permanent docking structure inside the boathouse supported by six, approximately 4 foot by 4 foot rock filled cribs (296 square feet). The “wet slip area” inside the combined structures was approximately 8 feet wide by 28 feet long.
17. Great Pond Permit GP 3356 and Water Quality Certification, issued to the Swifts on August 23, 2012, authorized in-kind and in-place normal maintenance and repair of two deteriorated cribs and one boathouse sill, and the addition of top stone to all the cribs to raise the building to its original height.
18. On May 23, 2014, a fire at West Grand Lake in Grand Lake Stream Plantation burned the Swifts’ boathouse and associated permanent docking structures to the waterline and cribbing.
19. Amendment A to Great Pond Permit GP 3356, issued to David T. and Andrea K. Swift on December 12, 2014, authorized reconstruction of the permanent docking structure at 90 % of the docks original size. The permanent dock has not been reconstructed as proposed and Amendment A to Great Ponds Permit GP 3356 will be modified by this permit, Amendment B.
20. On August 24, 2015, the Grand Lake Stream Plantation Boathouses and Waterfront DACSS became effective. The Applicants’ lot is located within the western sub-area of the Grand Lake Stream

Plantation Boathouses and Waterfront DACSS as described in Appendix G, Section 2,a,(2),(a) of the Commission's Standards.

## **SUMMARY OF PROPOSAL INFORMATION**

21. *Reconstruction.* The Applicants now propose to reconstruct the 12 foot by 33 foot boathouse, the L-shaped internal permanent docking structure, and any cribwork which was destroyed by the fire and the subsequent clean-up.
- A. Reconstruction of the cribs and permanent docking structure would duplicate the original size, design, and location as the previous structures and would extend no further into the waterbody or be wider than the original structures (referred to as in-kind, in-place construction). The original cribs included six approximately 4 foot by 4 foot rock filled cribs. The original permanent docking structure included a 12 foot wide by 5 foot deep portion along the shoreline and a 5 foot wide by 28 foot long portion along the south side out into the waterbody. The six cribs would by themselves impact approximately 96 square feet below the normal high water mark of West Grand Lake in a P-WL1 wetland of special significance; the L-shaped permanent docking structure by itself would impact 200 square feet below the normal high water mark of West Grand Lake in a P-WL1 wetland of special significance. Since the dock would be set on all but two of the cribs it is expected that the impact below the normal high water mark of West Grand Lake in a P-WL1 wetland of special significance would be approximately 232 square feet.
  - B. Reconstruction of the boathouse would duplicate the original width and length, 12 foot by 33 foot, and would be a single story structure having a traditional roof line, natural cedar shingle siding, and door and trim that would be designed to be in keeping with the character of historic boathouses in the area.
22. *Protected Natural Resource Review.* The Applicants lease an approximately 396 square foot parcel from Woodland Pulp LLC. The burned structures, including the boathouse, had been on the lot in some form since approximately 1915, and in the current form since prior to the Commission, without having a negative effect on the surrounding uses (scenic, aesthetic, recreational, or navigational), or soil and water resources including classification, flow, or movement. Located within a DACSS, the structures are included in the area described in Appendix G, Section 2,a,(3),(c) of the Commission's Standards, and enhance the scenic and aesthetic quality of the area. The Applicants further stated that there are no alternative locations on the small lot for relocation as the leased lot is limited to the original structure and crib sizes and that the wetland alteration has been limited to that which is require to replace the structures.
23. *Flood Prone Area Protection.* Although the Commission's *Land Use Guidance Map* for Grand Lake Stream Plantation identifies the Applicants' lot as being within D-GN and P-WL Subdistricts, according to the Federal Emergency Management Agency's (FEMA), Flood Insurance Rate Map for Grand Lake Stream Plantation, Washington County, Maine, the Applicants' lot is located entirely within an area of special flood hazard (FEMA Zone A). The Base Flood Elevation for West Grand Lake has been determined to be 302.2 feet NGVD 29.

The Applicants propose to reconstruct the dock and boathouse using flood resistant materials and connect the structures to the rock filled cribs to prevent flotation, collapse or lateral movement. The Applicants do not propose to use electrical, heating, ventilation, plumbing, or air conditioning services or equipment.

24. Woodland Pulp LLC, the lessor, provided a letter of support for the reconstruction of the structures destroyed by fire.

## **SUMMARY OF AGENCY COMMENTS**

25. The Maine Department of Inland Fisheries and Wildlife reviewed the proposal and states that the proposal will not take place within significant wildlife habitat or within 250 feet of essential wildlife habitat. They further state that they do not have any inland fisheries concerns or construction timing issues specifically related to American eels.
26. The Maine Natural Areas Program reviewed the proposal and searched the Natural Areas Program's Biological and Conservation Data System files for rare or unique botanical features in the vicinity of the proposed site and indicated that according to their current information there are no rare botanical features that would be disturbed within the project site.
27. The U.S. Army Corps of Engineers issued Corps Permit Number NAE-2014-2282 on November 10, 2014, authorizing repair to the existing cribbing and reconstruction of a structure in the previous footprint.
28. The Maine Floodplain Management Program reviewed the proposed reconstruction of the boathouses and based upon the photographs and a discussion with FEMA's Floodplain Management and Insurance Branch, stated that the boathouses qualify as a FEMA functionally dependent use under FEMA rules and that boathouse would not be considered long-term storage. The Program recommended an emergency shut-off for the electrical system located outside of the special flood hazard area. FEMA's determination was made on the basis that there would be no floor in the structures; any proposal to add a floor would need re-evaluation. The Program indicated that the Commission's standard that would apply to the boathouses include 10.25,T,2,a,(1) through (4).
29. The facts are otherwise as represented in the application for Great Pond Permit GP 3356, supporting documents, and subsequent amendments.

## **ANALYSIS AND CONCLUSIONS**

**Based upon the above FINDINGS and the following ANALYSIS, the Commission CONCLUDES:**

1. *Reconstruction.* Both the Applicants' lot and active structures (boathouse, permanent dock, and cribs) were non-conforming but legally existing prior to the fire on May 23, 2014. On September 23, 2014, within 2 year of the destruction of the structures, a permit application was completed and filed with the Commission for reconstruction of the structures. The proposed reconstruction site is located within the western sub-area of the Grand Lake Stream Plantation Boathouses and Waterfront DACSS, described in Appendix G, Section 2,a,(2),(a) of the Commission's Standards, which was

designated on August 24, 2015, within 2 years of the destruction of the structures. Further, the proposal for reconstruction is on the same lot, has the same footprint, and is proposed to be designed in a manner which conforms to the purpose of the Grand Lake Stream Plantation Boathouses and Waterfront DACSS listed in Appendix G, Section 2,a,(1) of the Commission's Standards.

Therefore, the proposal will meet the applicable provisions of Section 10.11,C,2,f of the Commission's Standards and the boathouse, permanent dock, and cribs may be reconstructed as proposed.

2. *Protected Natural Resource Review.* The lake bottom in the proposal area has been developed since prior to 1915. The boathouse, L-shaped docking structure, and six cribs that support the boathouse are impacting approximately 232 square feet of P-WL1 wetland. No additional wetland area is proposed to be impacted as part of the reconstruction project and the natural resource review agencies have not identified any concerns with the project. Additionally, the proposed reconstruction is consistent with the existing development and character of the area. As a result, the project will not have an unreasonable negative effect on freshwater wetlands or other protected natural resources and is eligible to Tier 2 review.

The proposal will alter less than 500 square feet of West Grand Lakes' lake bottom and the natural resource review agencies have not identified any concerns with the project. The Commission determines the project meets the criteria of Section 10.25,P,2,b,(3),(f),(i),aa of the Commission's Standards and a functional assessment or compensation is not required.

In the application, the Applicants submitted information pertaining to a Tier 2, protected natural resources review. In that review evidence indicated that the reconstructed boathouse would enhance the scenic, aesthetic and recreational uses in the area, and that the structure has not, and would not, interfere with navigational uses, and soil or water resources. In Appendix G, Section 2,a,(3),(c) of the Commission's Standards, the designated area is described as "a unique geographic location and represents an established and familiar visual feature of the community that draws residents and visitors, and contributes to a high quality of life for residents and economic activity from tourism." Prior to the fire, the permanent dock, cribs and boathouse had been on the lot and in regular use without having an unreasonable impact on uses, natural habitat and soil and water movement. The reconstructed structures are not expected to have an unreasonable impact on these factors.

The application further indicates that due to the size of the lot, the lot's water location, the nature of the proposed reconstructed structures, and its relationship to other boathouses in the area there is no alternative location to reconstruct the structures, nor is there a practicable alternative less damaging to the environment. Reconstruction of the docking structure and boathouse cannot be located elsewhere because of the relationship of these structures to the other, neighboring boathouses in the DACSS.

In conclusion, the proposal will meet the applicable provisions of Section 10.25,P of the Commission's Standards in that the proposal has no practicable alternative that is less damaging to the environment, has been limited to the minimum amount of disturbance and size which would allow the completion of the project and the reconstruction of the structures, and the proposal is not

expected to alter water quality standards or have an unreasonable impact on use, and soil or water resources.

3. *Flood Prone Area Protection.* By virtue of Section 10.23,C,2 of the Commission's Standards, because the Applicants' lot is located entirely within a special flood hazard area (FEMA Zone A), the lot is additionally regulated as a P-FP subdistrict. The Applicants have stated that the proposal would be constructed of flood resistant materials and with practices which would minimize flood damage. Further the structure would be anchored to cribs which are rock filled and which would prevent flotation, collapse and lateral movement of the structure.

Therefore, the proposal will meet the applicable provisions of Section 10.25,T of the Commission's Standards.

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.

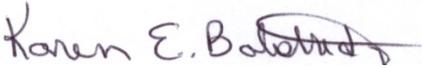
**Therefore, the Commission APPROVES the amendment request submitted by David T. and Andrea K. Swift for reconstruction of the boathouse, underlying permanent dock and cribs with the following CONDITIONS:**

1. The project must be completed in accordance with the *Standard Conditions of Approval for All Shoreland Alteration Permits*, version 04/04, a copy of which is attached.
2. The enclosed permit certificate must be posted in a visible location on your property immediate after receipt and during development of the site and construction of the structures and activities approve by this permit.
3. Prior to starting construction, the permittees must gain written permission from Woodland Pulp LLC, or assigned, to complete the proposal as outlined and described in this permit.
4. The approved cribwork and internal permanent docking structure must be in-kind and in-place of the damaged structures. In no instance shall either the cribs or the permanent docking structure extend further into West Grand Lake than the previously existing structures or be wider than the previously existing structures.
5. The approved boathouse must be reconstructed as proposed and conform to the designation purpose of the Grand Lake Stream Plantation Boathouses and Waterfront DACSS, as described in Appendix G, Section 2,a,(1) of the Commission's Standards. Reconstruction must: replicate to the maximum extent possible the prior version of the structure that is in keeping with the designation as described in Appendix G, Section 2,a of the Commission's Standards; be in the same location as the prior structure; and have the same footprint as the prior structure. A copy of Appendix G, Section 2 of the Commission's Standards is attached.
6. Construction shall be completed when the lake water level is low.

7. The permitted structures must be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
8. The permittees must use construction materials that are resistant to flood damage, use construction methods and practices that will minimize flood damage.
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 28<sup>TH</sup> DAY OF AUGUST, 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 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.

*Administrative Policy Revised 04/04*

---

## APPENDIX G DESIGNATED AREAS OF CULTURAL OR SPECIAL SIGNIFICANCE (DACSS)

---

1. **Designated Area of Cultural or Special Significance (DACSS).** Areas of cultural or special significance may be designated by the Commission to facilitate expansion, reconstruction or replacement, or relocation of structures that provide significant public benefits to the surrounding community. A DACSS is intended to include discrete geographic areas with significant cultural or other special features. Once included in a DACSS, a structure may be expanded in accordance with Section 10.11,C,1,c, reconstructed or replaced in accordance with Section 10.11,C,2,f, and relocated in accordance with Section 10.11,C,3, of the Commission's rules. Designation of an area as a DACSS does not preclude expansion, reconstruction or replacement, or relocation of legally existing non-conforming structures in accordance with other applicable provisions of Section 10.11.
  - a. **Designation Criteria.** The Commission shall designate an area of cultural or special significance upon finding that a proposed area meets the following criteria:
    - (1) The proposed area is an iconic location containing features that convey a sense of time or place to residents or visitors;
    - (2) The proposed area is a geographically definable area or neighborhood composed of a finite group of related features that have a special character, historical interest, or aesthetic value; and
    - (3) The proposed area provides a significant public benefit, per Section 1,b.
  - b. **Contributing Factors.** When evaluating whether an area proposed for designation provides a significant public benefit, as required by Appendix G, Section 1,c the Commission shall consider the factors listed below. The Commission may find an area provides a significant public benefit even if the area does not include features satisfying all of the factors set forth in (1) through (4) below, provided the evidence offered for a particular factor or subset of factors is compelling. In applying these factors, the Commission may consider, among other evidence, documentation such as published books, magazines, academic writings, or newspaper articles; other historic records identifying the value of the feature or area; and visual depictions such as postcards, images or paintings. The Commission also may receive testimony by persons with special knowledge about applicable factors.
    - (1) **Cultural:** Buildings, improvements or other features that exemplify or reflect a group of people linked together by shared values, traditional uses, beliefs, and historical associations;
    - (2) **Historic:** Represents a distinct historical period, type, style, region, or way of life; is the site of an important historical event, or is associated with historic events that have made a meaningful contribution to the nation, state, or community; or represents a specific business or use, which either once was common but now is rare, or continues to have historical value as it currently operates.
    - (3) **Architectural or Engineering:** Exemplifies a particular architectural style or way of life, construction materials or engineering methods used to build features, or

embodies elements of outstanding attention to architectural or engineering design, detail, material, or craftsmanship.

- (4) **Neighborhood or Geographic Setting:** The proposed area is in a unique location, or represents an established and familiar visual feature of the community that draws residents and visitors, or structures or features within the designated area include singular physical characteristics.
- c. **Procedural Requirements.** In accordance with Chapter 4 of the Commission's Rules, Rules of Practice, Section 4.06, any person may petition the Commission for designation of an area as a DACSS. Petitions must be in writing and identify the area proposed for designation, specify the purpose of the proposed designation, and explain how the designation conforms with the criteria set forth in Appendix G, Section 1,a. In addition to notification requirements described in Section 4.06(5) upon receiving a petition to designate a proposed area the Commission shall notify: (i) property owners within the area proposed as a DACSS; (ii) the municipality or plantation where the designated area is proposed; (iii) the county if located in an unorganized township; (iv) appropriate state and federal agencies, to be determined by the Commission; and (v) tribal governments. Upon designation of an area as a DACSS, a description of the designated area, its purpose, and the facts substantiating the Commission's finding that the applicant satisfied the criteria in Appendix G, Section 1,a shall be listed in Appendix G, Section 2 of this chapter.
  - d. **Removal of Designation.** Upon petition in accordance with Chapter 4 of the Commission's Rules, Rules of Practice, Section 4.06, the Commission may remove a designation of a DACSS when the Commission finds that the DACSS no longer meets the purpose of the DACSS listed in Appendix G, Section 2, of this chapter or no longer provides a significant public benefit based on the factors in Appendix G, Section 1,b,(1) through (4).
2. **Designated Areas.** The following areas have been designated as a DACSS in accordance with the procedure described in Appendix G, Section 1.
    - a. **Grand Lake Stream Plantation Boathouses and Waterfront.** Grand Lake Stream Plantation is a place where fishing, boating, access to water, and a strong connection to the past are key components of its identity and culture and very important to its residents, as well as the large number of visitors that come to the community each year. It is a place to which people from all over the world travel for its culture, its beauty, and importantly, the "old-time feeling" that makes it special.
      - (1) **Designation Purpose.** The purpose of listing the Grand Lake Stream shorefront as a designated area is to provide the community an opportunity to sustain the boathouses located on the iconic southern shoreline of West Grand Lake that symbolize key components of its culture, and history, and that convey a tranquil "old-time feeling" for the people that live in and visit the community, and contribute to Grand Lake Stream Plantation's quality of life and sense of place.
      - (2) **Geographic Boundaries.** The designated area includes all structures within its boundaries that are legally existing as of the effective date of this rule amendment. The designated area specifically includes the two public boat launches and excludes the man-made dam and any portion thereof, and is composed of the following two sub-areas:
        - (a) **Western sub-area.** Extends northerly and westerly from the intersection of the driveway for the public boat launch and centerline of Shaw Road, along the

- centerline of Shaw Road, to the point where Shaw Road crosses the inlet into Hatchery Cove; and extends on the lake side of the road, to the extent necessary to include all legally existing structures.
- (b) Eastern sub-area. Extends southerly from the end of Canal Street, along the centerline of Canal Street, to the center of the intersection of Canal Street and the driveway leading to the dam; and extends on the lake side of the road, to the extent necessary to include all legally existing structures.
- (3) Facts Substantiating Designation of Grand Lake Stream Plantation Boathouses and Waterfront as a Designated Area of Cultural or Special Significance.
- (a) The historic boat houses that have existed along the shoreline at the southern end of West Grand Lake since the early 1900's are part of what makes the area described in Appendix G, Section 2,a iconic. For residents and visitors, the boathouses reflect the community, its culture, and their shared value of traditional uses and an "old-time feeling."
- (b) The boathouses in Hatchery Cove are representative of the Maine Guiding Tradition and a specific way of life. They originally sheltered steamboats used to transport sportsmen and other visitors to remote lodges located around the lake. They have since been used to store boats for visiting sportsmen, including the famous Grand Laker Canoe, which was designed and built locally for conditions commonly found on the lake. Additionally, the boathouses have been used by property and business owners to supply camps and lodges located around the lake, and by the Maine Forest Service as a base for firefighting operations. Although privately owned and used, the community associates the boathouses with their past. One resident commented that all good stories start with "we were down at the boathouses ...."
- (c) The area described in Appendix G, Section 2,a,(1) is a unique geographic location and represents an established and familiar visual feature of the community that draws residents and visitors, and contributes to a high quality of life for residents and economic activity from tourism. Residents talk of children in the area, against the wishes of their parents, jumping from the boathouses into the lake. Fishermen visit the area to check the flow in the river and to launch their boats on the lake. Hikers, ATV riders, paddlers and snowmobilers use the area to access the many nearby recreational trails. Families and school groups come to swim and picnic. The community holds events at the waterfront such as fireworks displays and activities during the annual Grand Lake Stream Folk Arts Festival. Photographers have a single place where they can capture many of the important elements that contribute to the culture and sense of place that locals and visitors experience in the community. Residents describe this area as Grand Lake Stream's "working waterfront," and as the "core of the town."