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GOVERNOR

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

WALTER E. WHITCOMB
COMMISSIONER

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EXECUTIVE DIRECTOR

PERMIT

GREAT PONDS PERMIT 3386 And Water Quality Certification

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by William McIntire for Great Ponds Permit 3386, finds the following facts:

1. Applicant: William McIntire
575 Birch Point Road
Wiscasset, Maine 04578
2. Date of Completed Application: October 6, 2013
3. Location of Proposal: Lily Bay Township, Piscataquis County
Plan 04, Lot 3
4. Zoning: (P-WL) Wetland Protection Subdistrict
(D-RS) Residential Development Subdistrict
5. Affected Waterbody: Moosehead Lake

The Commission has identified Moosehead Lake as relatively accessible, relatively developed, management class 7, resource class 1A lake with outstanding fisheries, wildlife, scenic, botanical, cultural, and physical characteristics and significant shoreland characteristics. Moosehead Lake is a flowed lake.

Background

6. The applicants approximately 1/3 acre lot with 105 feet of shoreline frontage is presently developed with a Pre-LUPC (LURC) residential structure and accessory structure and a 6 foot by 38 foot wooden cribbed permanent dock. The permanent dock has deteriorated to the point where it has become unsafe and does not allow for access to Moosehead Lake.

Proposal

7. The applicant proposes to reconstruct the permanent 6 foot by 38 foot dock to the same dimensions and in the same location as the currently existing dock. The project area would be accessed by the currently existing lawn. Work would be done during a period of low water by handwork with handtools using hemlock or EPA approved pressure treated decking and stringers. The proposal would impact 228 square feet of Wetland Protection Subdistrict.

Review Criteria

8. Under Section 10.23,N,3,c,(11) of the Commission's Land Use Districts and Standards reconstruction of permanent docking structures may be allowed within a (P-WL) Wetland Protection Subdistrict upon the issuance of a permit from the Commission according to 12 M.R.S.A. subsection 685-B and subject to the applicable requirements set forth in Sub-Chapter III.
9. Under provisions of Section 10.25,P,1,c(3) of the Commission's Land Use Districts and Standards, projects altering any area of P-WL1 wetlands require a Tier 3 review. Alterations of P-WL1 wetlands may be eligible for 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 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 features.
10. Under provisions of Section 10.25,P,2 of the Commission's Land Use Districts and Standards, projects requiring Tier 2 review must 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. Projects requiring a Tier 2 review must limit the amount of wetland to be altered to the minimum amount necessary to complete the project; must comply with applicable water quality standards; and use erosion control measures to prevent sedimentation of surface waters. Each Tier 2 application must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist. Projects requiring a Tier 2 review must limit the amount of wetland to be altered to the minimum amount necessary to complete the project
11. 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 a functional assessment if it already possesses the information necessary to determine the functions of the area proposed to be altered. 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.

The facts are otherwise as represented in Great Ponds Permit Application GP 3386 and supporting documents.

Review Comments

12. Brookfield Power Company has reviewed the proposal and issued a flowed lands lease.

Based upon the above Findings, the staff concludes that:

1. The proposed permanent dock reconstruction would be in conformance with the provisions of Section 10.23,N,3,c(11), of the Commission's Land Use Districts and Standards.
2. In accordance with the provisions of Section 10.25,P,1,c(3) of the Commission's Land Use Districts and Standards, the proposed permanent dock reconstruction meets the requirements for reduction from a Tier 3 to a Tier 2 wetland review.
3. The proposal would meet the provisions of Section 10.25,P,2 of the Commission's Land Use Districts and Standards. Specifically, there exists no practicable alternative that would impact

a smaller wetland area. The work area and storage area would use approved sedimentation and erosion control measures to minimize water quality impacts and the proposal would improve the safety of access to Moosehead Lake .

4. Under provisions of Section 10.25,P,2,e(2) of the Commission's Land Use Districts and Standards, nether a functional assessment nor compensation is required because the Commission already possesses the information necessary to determine the functions of the area proposed to be altered, and any impact to wetland functions and values from the activity will be minimized because the permanent dock reconstruction will be done by hand, using handtools, during a period of low water.
5. 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 William McIntire with the following conditions:

1. The Standard Conditions for Shoreland Alterations (ver. 4/91), a copy of which is attached.

Notwithstanding Condition #3 of the Standard Conditions for Shoreland Alterations, activities authorized by this permit must be begun within two years of the date of issuance and completed within five years from the date of issuance of this permit

2. Any excavation or construction must be done by hand, using handtools when the project area is at low water.
3. Any debris or fill material must be stored away from the waterbody and stockpiled above the normal high water mark. Tarps and silt fence must be used to prevent sedimentation from stockpiled materials, where necessary.
4. All areas of disturbed mineral soil must be promptly reseeded and stabilized with mulch, and maintained in a vegetated state to prevent soil erosion. 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.
5. No dredging may take place, except rocks and material that are part of the original shoreline may be moved and/or reused.
7. Upon completion of the project within the terms of this permit, any debris remaining must be disposed of in a proper manner, in compliance with all applicable state and federal solid waste laws and rules.
8. 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.
9. All decking, planking, support posts, and stringers will be of hemlock or EPA approved pressure treated lumber.

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 GREENVILLE, MAINE THIS 6th DAY OF NOVEMBER, 2013

A handwritten signature in black ink, appearing to read "Nick Livesay", written in a cursive style.

For Nicholas Livesay, Director