



PERMIT

GREAT PONDS PERMIT GP 3401 and Water Quality Certificaton

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Scott T. Albert for Great Ponds Permit GP 3401, finds the following facts:

1. Applicants: Scott T. Albert
PO Box 357
Madawaska, Maine 04756
2. Date of Completed Application: September 2, 2014
3. Location of Proposal: Sinclair Twp., Aroostook County
Lot #261 on Plan 06, Map AR021
4. Zoning: (D-RS) Residential Development Subdistrict
(P-WL1) Wetland Protection Subdistrict
(P-FP) Flood Prone Protection Subdistrict by Virtue of Section 10.23, C, 2 of the
Commission's Land Use Districts and Standards
5. 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.
6. The applicant's 1.71 acre lot with 153.66 feet of shoreline frontage is developed with a single family dwelling with deck and shed [Reference: Building Permit BP 6138]. There is also an existing boat ramp. According to the applicant, the high water level, ice, and wave action in recent years has caused erosion of the applicant's gravelly and rocky shoreline. Submitted photographs of the property demonstrate that the shoreline is actively eroding.
7. The applicants propose to stabilize the eroding shoreline by installing riprap on each side of the existing boat ramp for a total of 126 feet along the shoreline at a height of approximately 8-10 feet. Filter fabric would be installed as underlayment and rock set at approximately a 2 to 1 ratio. Work is to be done during low water with machinery working from above the normal high water mark using the currently existing access way and lawn area. The riprap will extend below the normal high water mark approximately 2 feet in order to key in the larger base rocks. A silt fence and/or hay bales would be placed between the water body and work area to prevent erosion and sedimentation.
8. The proposal would alter a maximum of 252 square feet of (P-WL1) Wetland Protection Subdistrict. The project is needed because the shoreline has deteriorated to the extent that it is causing a loss of shore frontage and serious erosion and sedimentation of Long Lake. Installation of rip rap will prevent any more deterioration and improve the water quality of Long Lake.

Review Criteria

9. Under the provisions of Section 10.23, C, 2 of the Commission's Land Use Districts and Standards, the Flood Prone Protection Subdistrict is described as: "Areas located within the 100-year frequency floodplain, also known as areas of special flood hazard, as identified by the Commission after consideration of relevant data including, without limitation, areas determined to be flood prone by state or federal agencies, including the Flood Insurance Studies and accompanying Flood Insurance Rate Maps or Flood Hazard Boundary Maps prepared by the Federal Emergency Management Agency, historical data, and the National Cooperative Soil Survey.

The areas identified by FEMA as areas of special flood hazard (Zones A, AE, A1-30, VE) on Flood Insurance Rate Maps or Flood Hazard Boundary Maps for townships, plantations, or towns qualify as flood prone areas appropriate for protection within this subdistrict. The Commission adopts the FEMA maps as listed in Appendix E, and a note on the Official Land Use Guidance Map shall refer to maps so adopted. In any case where the boundaries of the P-FP subdistrict on the Commission map differ from the boundaries of the FEMA zones, the FEMA boundaries shall apply. The FEMA zones shall be regulated according to the provisions of the P-FP subdistrict."

10. Under provisions of Sections 10.23,N,3,c(11), 10.23,C,3,c(15) and 10.21,H,3,c(16) of the Commission's Land Use Districts and Standards, shoreland alterations are an allowed use in a (P-WL1) Wetland Protection Subdistrict, (P-FP) Flood Prone Protection Subdistrict and (D-RS) Residential Development Subdistrict, respectively, upon issuance of a permit.
11. 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.
12. 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.
13. In accordance with the provisions of Section I,C,1,a of the Commission's Compensation Guidelines, the proposal is exempt from the requirement for functional assessment or compensation because the wetland alteration would be less than 500 square feet total and is likely to have only a minimal effect on freshwater wetland functions and values.
14. The facts are otherwise as represented in Great Ponds Permit Application GP 3401 and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The proposed shoreland alteration would be in conformance with the provisions of Sections 10.23,N,3,c(11), 10.23,C,3,c(15) and 10.21,H,3,c(16) 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 rip rap reconstruction and shoreline reclamation meet 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 and the project would be completed during low water which will prevent sedimentation and minimize water quality impacts. The water quality classification of Long Lake is most likely to be improved by the project.
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 Scott T. Albert the following conditions:

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

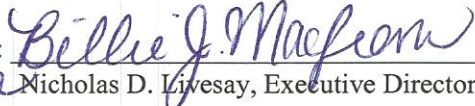
Notwithstanding Condition #3 of the Standard Conditions for Shoreland Alterations, activities authorized by this permit must be begun within two years of the date of issuance and completed within five years from the date of issuance of this permit.
2. The Standards for Installation of Riprap (ver. 4/91), a copy of which is attached.

Notwithstanding Condition #1 of the Standards for Installation of Riprap, the riprap can be installed a maximum of 1:1 ratio as needed to prevent the removal of vegetation.

Notwithstanding Condition #5 of the Standards for Installation of Riprap, the riprap can be installed a maximum of 2 feet below the normal high water mark of Long Lake.
3. Any excavation or construction must be done when the water level is low.
4. Any debris or fill material must be stored on the shore until reused or removed. Silt fences, hay bales, and tarps must be used to prevent sedimentation from stockpiled materials, where necessary.
5. 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.
6. No dredging may take place, except rocks that were part of the original shoreline may be removed and/or reused.
7. All material used for shoreline alteration stone and gravel shall be clean.
8. Upon completion of the project within the terms of this permit, any debris or excavated materials remaining must be removed from the lot and all solid waste and other debris disposed of in a proper manner, in compliance with all applicable state and federal solid waste laws and rules.
9. Should any erosion or sedimentation occur during construction, the permittees shall contact the Land Use Planning Commission immediately, notifying it of the problem and describing all proposed corrective measures.
10. Wheeled or tracked equipment may be operated below the normal high water mark of Long Lake or in the vegetated area above the normal high water mark but in no instance shall be operated in the open water or below the water line of Long Lake.

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 ASHLAND MAINE THIS 3RD DAY OF SEPTEMBER, 2014

By: 
for Nicholas D. Livesay, Executive Director



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND
FORESTRY
MAINE 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.



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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.