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GOVERNOR

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

WALTER E. WHITCOMB
COMMISSIONER

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EXECUTIVE DIRECTOR

PERMIT

GREAT PONDS PERMIT GP 3437; EC 12-62 WATER QUALITY CERTIFICATION

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Edward Belanger for Great Ponds Permit GP 3437, finds the following facts:

1. Applicant: Edward Belanger
PO Box 6
Van Buren, ME 04785
2. Date of Completed Application: August 4, 2016
3. Location of Proposal: T17 R3 WELS, Aroostook County
Part of Lot 1 on Plan 1
Allagash Timberlands LP, Lease Lot #6111
4. Zoning: (P-GP) Great Pond Protection Subdistrict
(P-WL1) Wetland Protection Subdistrict
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 lot is developed with a residential dwelling, garage and shed [Reference: BP 14513]. In the fall of 2013, the applicant cleared, or caused to have cleared, an 11,835 sq. ft. canopy opening within 100 feet of Long Lake and extending to within 10 feet of the lake. [Reference: EC 12-62; Active].

Proposal

7. The applicant proposed to install 48 feet of rip-rap along the shoreline at a height of approximately 7 feet. The riprap will begin approximately 2 feet below the normal high water mark and extend back towards the dwelling approximately 15 feet. Filter fabric would be installed as underlayment and rock set at approximately a 2 to 1 ratio. A silt fence and/or hay bales would be placed between the water body and work area to prevent erosion and sedimentation. Minimal clearing of vegetation would occur and the applicant proposed to plant

within the rip-rap area. The installation of rip-rap would occur during a period of low water and no equipment would be driven below the normal high water mark.

8. On July 27, 2016, staff from the Commission met the applicant on site to review the limits of the proposed shoreline stabilization and discuss the information required to complete the pending permit application. During this field meeting, the applicant agreed to limit the area of disturbance to approximately 96 square feet (48 linear feet by 2 feet) and to install the rip rap from the upland area adjacent to the eroding shoreline. Based on this description of the project, it would qualify for an Expedited Shoreland Alteration Permit.
9. Approximately 96 sq. ft. of P-WL1 (Wetlands of Special Significance) will be disturbed during the installation of the rip-rap. This represents the footprint of the rip-rap placed along the shoreline.

Review Criteria

10. Under provisions of Section 10.23, E,3,c (14) and Section 10.23,N,3,c (11) of the Commission's Land Use Districts and Standards, shoreland alterations are uses requiring a permit within the P-GP and P-WL1 subdistricts, respectively.
11. Under provisions of Section 10.25, P,2,b (3) (f) of the Commission's Land Use Districts and Standards, neither a functional assessment nor compensation is required for single complete projects altering less than 500 square feet of freshwater wetland of special significance provided the Commission determines there will be only minimal effect on the functions and values of the freshwater wetlands.
12. The facts are otherwise as represented in Great Ponds Permit Application GP 3437 and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The proposed activities would meet the standards in Section 10.25, P, 2, b (3) (f) and no functional assessment or compensation is required to install rip rap within approximately 96 square feet of a P-WL1 wetlands of special significance to structurally stabilize an existing eroding shoreline.
2. 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 Edward Belanger with the following conditions:

1. The Standard Conditions for Shoreland Alterations (ver. 4/04), a copy of which is attached.
2. The installation of rip rap is limited to approximately 48 linear feet of shoreline along the permittee's property.
3. All construction must be done during a period of low water. Wheeled or tracked equipment may not be driven below the normal high water mark of Long Lake.
4. Upon completion of the project, all areas of exposed mineral soil above the normal high water mark of Long Lake must be stabilized and revegetated.

5. 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 located below the normal high water mark in order to key-in the riprap and rock work needed for structural shore protection.
6. Filter fabric must be installed under the rocks along the bank in order to prevent fine particles from washing into the waterbody.
7. Prior to commencement of construction, notify the U.S. Army Corps of Engineers using the attached notification form.
8. The removal of vegetation must be limited to only what is necessary in order to properly install the riprap.
9. 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.
10. 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.
11. Nothing in this permit shall be construed to release the permittee(s) from any liability or responsibility arising from any violation, including Enforcement Case EC 12-62, or to be considered a waiver of the authority of the Commission or the state to fully pursue or prosecute such violations.
12. 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.

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 ELEVENTH DAY OF AUGUST, 2016.

By: Patrick Emery
for Nicholas Livesay, Executive Director



STATE OF MAINE
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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



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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.