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GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
P.O. BOX 1107
GREENVILLE, MAINE 04441

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

GREAT PONDS PERMIT GP 3439 AND WATER QUALITY CERTIFICATION

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Timothy and Roberta Young for Great Ponds Permit GP 3439, finds the following facts:

1. Applicant: Timothy and Roberta Young
795 Lily Bay Road, Unit # 112
Beaver Cove, Maine 04441
2. Date of Completed Application: June 24, 2016
3. Location of Proposal: Beaver Cove, Piscataquis County
Plan 01, Lot 1 (Part of)
Lot S-1; SP 4081
4. Zoning: (D-RS) Residential Development Subdistrict
(P-WL1) Wetland Protection Subdistrict
5. Affected Waterbody: Moosehead Lake, is a Resource Class 1A developed accessible lake with Outstanding fishery, wildlife and scenic resources.
6. The applicant's lake front lot is located within a Commission approved residential subdivision and subject to the terms and conditions of Subdivision Permit SP 4081. The applicant recently constructed a lakefront residential dwelling on Lot S-1, pursuant to the terms and conditions of Building Permit BP 15451 and the aforementioned subdivision permit.

Proposal

7. The applicant proposes to construct a timber planked walkway, bridging a wetland narrow open water area to a gravel beach to provide access from the 6 foot wide meandering path to the shoreline of Moosehead Lake. The timber framed structure would be supported on the existing rocks and gravel above the wetland and waters surface. The proposed timber structure would be approximately 5 foot wide and approximately 42 feet long. The applicant proposes to install a temporary dock from the gravel beach area, which would be accessed from the proposed timber planked walkway. The applicant does not propose any filling or construction below the NHWM, which would result in a loss or alteration wetlands or open waters.

8. The applicant does not propose any permanent alteration to the P-WL1 (Wetlands of Special Significance) during the installation of the timber planked walkway. The applicant proposes to support the walkway on the existing rocks and gravel beach, without installing any cribbing, pilings or posts into the wetlands or open water area. There would be no net loss of wetlands or lake bottom upon completion of construction.

Review Criteria

9. Under Definitions, Section 10.02,#210 of the Commission's Land Use Districts and Standards, a trail is a route or path, other than a roadway, and related facilities, developed and used primarily for recreational activities, which passes through or occurs in a natural environment.
10. Under Definitions, Section 10.02,#218 of the Commission's Land Use Districts and Standards, a water crossing is a roadway or trail crossing of any body of standing or flowing water (including in its frozen state) by means of a bridge, culvert or other means.
11. Under provisions of Section 10.21,K,3,c (22) and Section 10.23,N,3,c (15) of the Commission's Land Use Districts and Standards, water crossings of bodies of standing water are uses requiring a permit.
12. 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.

Review Comments

13. On May 15, 2016, staff from the Commission met the applicant to review the proposed location and design of the water crossing from the existing 6 foot wide path from the dwelling to the edge of the emergent wetlands. The applicant discussed designing a timber framed walkway, which would extend from a large rock on the edge of the wetlands to another large rock in the middle of the wetlands and then to a gravel beach across a narrow section of open water. Seasonally when the lake level is drawn down, this open water area would be dry. Based on the applicant's description, the timber framed walkway would be located above the full pond level and ice elevations experienced at this section of the lake. Based on the applicant's description, the timber framing would be supported by the large rocks and gravel beach, and would not require any cribbing, piles or posts to be placed in either the wetlands or open water areas. Based on this description of the project, it is a use that may be allowed upon issuance of a permit, but it would not qualify for an Expedited Shoreland Alteration Permit.
14. The facts are otherwise as represented in Great Ponds Permit Application GP-3439 and supporting documents.

Based upon the above Findings, the staff concludes that:

15. The proposed activities would meet the standards of Section 10.21,K,3,c (22) and Section 10.23,N,3,c (15), specifically it is a bridge type water crossing that would provide access for the residential property owners to their shoreline and future access to a temporary dock from that section of shoreline. The water crossing is an extension of the existing 6 foot wide path that extends from the dwelling approved pursuant to Building Permit BP 15451 and is consistent with the intent to allow water access for this waterfront lot created pursuant to Subdivision Permit SP 4081.
16. 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 construct the proposed water crossing, because it does not disturb or alter any wetlands or open water areas. The timber framed walkway supported on the large rocks and gravel beach will bridge / span the emergent wetland and narrow open water area of the lake. There are no structures proposed within either the wetlands or open water areas; the timber walkway will cross above each area.
17. 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.

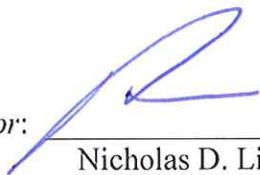
Therefore, the staff approves the application of Timothy and Roberta Young with the following conditions:

1. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 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.
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 is subject to 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. The permitted structures must be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement resulting from the effects of buoyancy or ice.
4. 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.

5. The scenic character and healthful condition of the area covered by this permit must be maintained. The area must be kept clear of litter, trash, and any other materials that may constitute a hazardous or nuisance condition.
6. Issuance of this permit does not obviate the need for any other federal, state or local approvals.
7. 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.

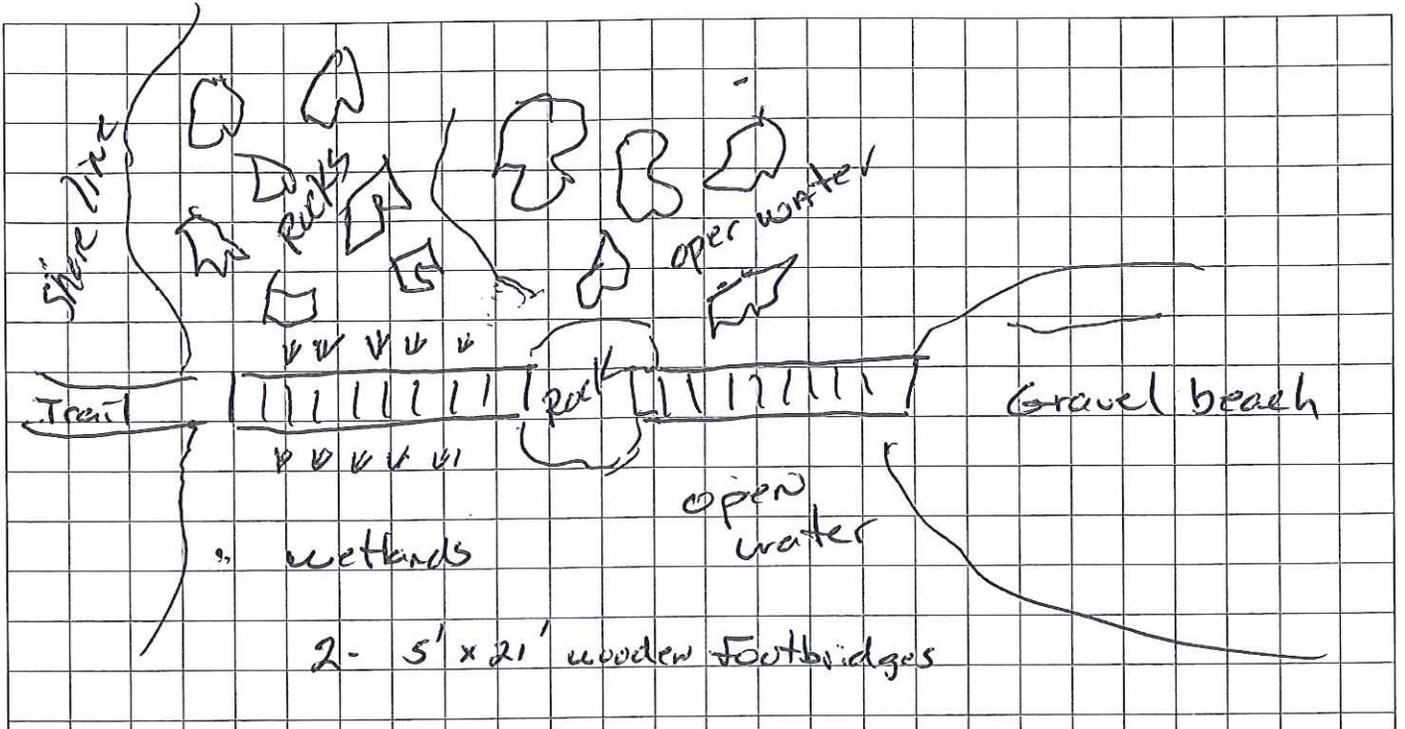
DONE AND DATED AT GREENVILLE, MAINE, THIS TWENTY FOURTH DAY OF JUNE, 2016.

for:  Nicholas D. Livesay
Nicholas D. Livesay, Executive Director

For office use: GP
 48975 SA 3439
 Tracking No. Permit No.

EXHIBIT D-1: SITE PLAN

Prepare a bird's-eye view site plan that shows your entire property and includes all the elements described for Exhibit D. Do not use colors.



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EXHIBIT D-3: SITE PLAN CROSS-SECTION

Prepare a profile or cross-section view site plan that shows the launch and includes all the elements described for Exhibit D. Do not use colors.

