STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
191 MAIN STREET
EAST MILLINOCKET, MAINE 04430

PAUL R. LEPAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

GREAT PONDS PERMIT 3444
And Water Quality Certification

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by William & Beverly Rhoades for Great Ponds Permit 3444, finds the following facts:

1. Applicant: William & Beverly Rhoades
   20 Rhoades Lane
   Clinton, Maine 04927

2. Date of Completed Application: July 25, 2016

3. Location of Proposal: Indian Purchase #4 Township, Penobscot County
   Maine Revenue Service Plan 15, Lot 144 on Map PE033
   Formerly Katahdin Timberlands, LLC Lease Lot #ST-144

4. Zoning: (D-RS) Residential Development Subdistrict
   (P-WL) Wetland Protection Subdistrict

5. Affected Waterbody: South Twin Lake

   The Commission has identified South Twin Lake as management class 3,5, resource class 1A lake, relatively accessible, relatively developed lake with the following resource ratings: outstanding scenic and significant fisheries, shore character, and cultural resources.

Background & Proposal

6. The applicants' lot is developed with a pre-Commission 25 foot by 24 foot seasonal camp, a one-car garage, and storage shed. The lot is further developed with a 4 foot high by 114 linear-foot concrete block retaining wall with a 4 foot wide concrete top slab constructed along the shoreline of the applicant's lot.

7. The applicants seek authorization to repair the deteriorating 114 linear foot block retaining wall along the shoreline to prevent collapse of the existing wall and erosion of the shoreline. The applicants propose to sawcut the existing top slab to expose and remove a 7.5 inch portion of the existing face block and web, install rebar to the remaining block and upper slab, and pour 7.5 inches of concrete wall to the entire face and sidewalls. The

existing footer will remain intact and will be utilized to pour the new concrete wall using concrete forms. The applicants further states a skidd steer bucket will be used from the top of the existing wall to receive the block pieces that are to be removed and to prevent the pieces from entering the waterbody. Access to the project site will be from the applicant's driveway and existing lawn area. All work will be completed during a period of low water levels, erosion control measures will be implemented, and concrete properly cured prior to removal of the forms. The retaining wall reconstruction would not alter any additional (P-WL1) Wetland Protection Subdistrict and would be limited to the existing 71.25 square feet of previously altered area (approximately 114 linear feet by 7.5 inches wide).

Review Criteria

12. Under provisions of Section 10.21,K,3,c,(16) of the Commissions Land Use Districts and Standards shoreland alterations may be allowed within a (D-RS) Residential Development Subdistrict upon the issuance of a permit from the Commission pursuant to 12 M.R.S.A. subsection 685-B and subject to the applicable requirements set forth in Sub-Chapter III.

13. Under provisions of Section 10.23,N,3,c,(11) of the Commissions Land Use Districts and Standards shoreland alterations 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.

14. Under provisions of Section 10.25,P,2,a(2)(c) 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 not have an unreasonable negative affect 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 natural resources.

15. Under provisions of Section 10.25,P,2,b 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

16. Under provisions of Section 10.25,P,2,b(3)(g) of the Commission's Land Use Districts and Standards, neither a functional assessment nor compensation is required for freshwater wetland alterations of less than 500 square feet in a freshwater wetland of special significance provided that the Commission determines that there will be only minimal effect on freshwater wetland functions and values, significant wildlife habitat, or imperiled or critically imperiled communities due to the actvitie 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 3444 and supporting documents.

Review Comments

17. The Army Corps of Engineers reviewed the proposal and states that the project is considered a Category 2 project under the MEGP and requires written approval from the Corps.

18. The Department of Inland Fisheries and Wildlife reviewed the proposal and recommends that all available erosion control be utilized.

19. The Maine Natural Areas Program has reviewed the proposal and finds that according to their current information, there are no rare botanical features that will be disturbed within the project site.

20. The Maine Historic Preservation Commission has reviewed this proposal and has no concerns regarding archaelogical or architectureal resources for this project.

Based upon the above Findings, the staff concludes that:

1. The proposed shoreland alteration would be in conformance with the provisions of Sections 10.21,K,3,c(16) and 10.23,N,3,c(11), of the Commission's Land Use Districts and Standards. The existing block retaining wall is still intact and the proposed repair of the retaining wall would serve to protect it the existing development from water action.

2. In accordance with the provisions of Section 10.25,P, 2,a(2)(c) of the Commission's Land Use Districts and Standards, the proposed shoreland alteration meets the requirements for reduction from a Tier 3 to a Tier 2 wetland review. Specifically, the project will not unreasonably interfere with the character of the area, the existing scenic, aesthetic, recreational or navigational use or negatively affect the lake in that the retaining wall currently exists and is still intact and the existing footer will be utilized and would be limited to that which is needed to stop the collapse of the wall. Several other retaining walls are also present along the shoreline at this location, and would not change the general character of the area. The project is impacting zero (0) additional P-WL1 wetlands and is limited to the previously altered area of 71.25 square feet of P-WL1 wetland.

3. The proposal would meet the provisions of Section 10.25,P,2,b of the Commission's Land Use Districts and Standards. Specifically, the retaining wall cannot practicably be located elsewhere as it serves to protect the shoreline and existing development. Alternatively, if no repair is done to the existing wall it would result in collapse. No disturbance to the lake bottom or additional fill is proposed and is limited to the existing altered area and the minimum amount necessary to complete the project, thereby, minimizing water quality impacts. The water quality classification of South Twin Lake is not likely to be affected by the project, the project would be completed when the water level is below the work area,

erosion control measures would be implemented, and the concrete forms would not be removed prior to the concrete being properly cured for at least one week.

4. Under provisions of Section 10.25,P,2,e(2) of the Commission's Land Use Districts and Standards, neither a functional assessment nor compensation is required because the area of P-WL1 Subdistrict disturbance is utilizing and limited to an existing altered area of less than 500 square feet in size and no additional area of P-WL1 will be impacted. No additional adverse impact to the lake, fisheries habitat, or other wetland functions and values has been identified.

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 & Beverly Rhoades 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 when the lake water level is lower than the project area.

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 retaining wall structure may be moved and/or reused.

6. Existing vegetation should be maintained as much as practicable. Trees and/or shrubs should be replanted to re-establish a vegetative buffer.

7. **Staked hay bales or silt fencing anchored with rock must be placed between the work area and the water prior to undertaking construction activities. Once implemented or put in place, erosion control devices and measures must be maintained to ensure proper functioning. Should any erosion or sedimentation occur during construction, the permittee shall cease construction and contact the Commission immediately, notifying it of the problem and describing all proposed corrective measures.**

8. **Wheeled or tracked equipment may not be operated below the normal high water mark of South Twin Lake.**

9. **Uncured concrete must not be placed directly into the water. Concrete must be placed in forms and cured at least one week before the forms are removed. No washing of tools, forms, etc. may occur in or adjacent to the waterbody or wetland.**

10. **Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.**

11. 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.

12. The permittee shall secure and comply with all applicable licenses, permits, authorizations and requirements of all federal, state and local agencies, including but not limited to the U.S. Army Corps of Engineers. **No work may proceed until written approval from the U.S. Army Corps of Engineers is received.**

13. 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 EAST MILLINOCKET, MAINE THIS 15th DAY OF AUGUST, 2016

By: _____

for Nicholas 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

18 ELKINS LANE, HARLOW BUILDING
PHONE: 207-287-2631 www.maine.gov/acf FAX: 207-287-7439

Indian Purchase # 4 Twp.

South Twin Lake
Sandy Point
Rhoades Site Location
Duck
T4 Indian Purchase Twp
p-wl1ow
p-fp
p-wl3
d-rs
Mossy
Drf Kl
01-1
Benjamin
Turkey Tail
p-gp
Bkher
p-wl1
p-wl2