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STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
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PERMIT

AMENDMENT A TO GREAT PONDS PERMIT 678 And Water Quality Certification

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by James P. Ancona for Amendment A to Great Ponds Permit 678, finds the following facts:

1. Applicant: James P. Ancona
21 Scar Hill Road
Boylston, Massachusetts 01505
2. Date of Completed Application: March 5, 2014
3. Location of Proposal: Harfords Point Township, Piscataquis County
Plan 01, Lot 39
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 .94 acre lot with 150 feet of shoreline frontage is presently developed with a Pre-LUPC (LURC) residential structure, wood shed and boat storage shed. The property is also developed with a combination permanent timber crib dock and open sided boathouse and a railroad track boat launch. The existing permanent dock is 8 feet by 50 feet in size, and consists of a rock filled log crib. The existing open sided boat house consists of wood posts supporting a 16 foot by 25 foot peaked roof over the dock and a boat slip. 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 remove and repair the 16 by 25 foot open sided boat house and reconstruct the permanent 8 foot by 50 foot dock to the same dimensions and in the same location as the currently existing dock then reattach said boathouse to the reconstructed dock. The project area would be accessed by Moosehead Lake. Work would be done during the winter from the ice. Construction would be by handwork with handtools using EPA approved pressure treated decking and stringers. The proposal would impact 400 square feet of Wetland Protection Subdistrict.

Review Criteria

8. Under Section 10.23,N,3,c,(11) of the Commissions 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 678 Amendment A and supporting documents.

Review Comments

12. Kennebec Water 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 be done in the winter on the ice 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 the winter on the ice.

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 James P. Ancona 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 frozen.
3. Any debris or fill material stored on the ice and/ or stockpiled below the normal high water mark must be tarped to prevent sedimentation from stockpiled materials, where necessary.
4. 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 EPA approved pressure treated lumber and any and all hardware will be galvanized.

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 7th DAY OF MARCH, 2014



For Nicholas Livesay, Director