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GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
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GREENVILLE, MAINE 04441

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COMMISSIONER

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EXECUTIVE DIRECTOR

PERMIT

Road Construction Permit 3283

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Ray Roux and Gordon Wilson for Road Construction Permit RP 3283, finds the following facts:

1. Applicants: Ray Roux
60 Jeffrey Woods Road
Windham, Maine 04062

Gordon Wilson
7223 Mill Run Drive
Warrenton, Virginia 20187
2. Date of Completed Application: April 20, 2016
3. Location: LakeView Plt. Piscataquis County
Lots #41 and #42 on Plan 17 of LakeView Plantation Property Tax Maps
4. Zoning: (D-RS) Residential Development Subdistrict
(P-GP) Great Ponds Protection Subdistrict
5. Lot Size: Lot #41 1.17 acres (owned)
Lot #42 1.29 acres (owned)

Background

6. Road Permit RP 3237 was issued to Michael Lyford, Kristi Lyford, and Andrew Dishaw in April 2006 to relocate Fire Road #13 on Lot #38 and Lot # 39 so as to allow the development of Lot #39 with a single family dwelling unit and combined sewage disposal system. The road has been constructed as proposed and the single family dwelling unit has been substantially started.
7. Road Permit RP 3237 Amendment A was issued to Michael Lyford, George Knutson, Ray Roux, and Gordon Wilson in June 2009 to relocate the portion of Fire Road #13 that was located on Lots #39, #40, #41, and #42 and which accessed Lots #43 and #44. The 15 foot by approximately 741 foot relocated road segment began on Lot # 39, owned by Michael Lyford and travels through Lots # 40, #41, and #42 owned by George Knutson, Ray Roux, and Gordon Wilson then reconnects with the currently existing Fire Road #13(Coburn Road) that serves Lots #43 and #44 owned previously by Laurie and Sue Dostie . The applicants were also authorized to use parts of currently



existing Fire Road #13 for individual driveways and to close out and revegetate all sections of previously and currently existing Fire Road #13 not used for the proposed driveways.

Proposal

8. The applicants Ray Roux and Gordon Wilson now propose to relocate Fire Road #13 (Coburn Road) westward and construct a new 18 foot by approximately 400 foot road bed on Lots # 41 and #42 which would be set back approximately 200 feet from the normal high water mark of Schoodic Lake. The proposed road would serve two individual driveways and end as a driveway to Lots #43 and #44. An approximately 100 foot straight distance line of sight would be maintained at all locations along the proposed relocated road. All sections of the discontinued road not used for the two individual driveways will be hayed, seeded, and allowed to revegetate.
9. An area of approximately 7200 square feet would be cleared of vegetation to allow construction of the new road. All cleared areas would be located greater than 100 feet from the normal high mark of Schoodic Lake.
10. The applicants propose to install temporary sedimentation control devices, such as silt fence and/or staked hay bales prior to soil disturbance. The proposed road bed would be prepared by grubbing and removing stumps. The stumps and miscellaneous fill would be removed and properly disposed of off-site. The road bed would be constructed per plan dated March 2016.
11. The applicants state that road would not cross any streams or wetlands and the finished travel portion of the road bed would have a maximum sustained slope of no more than 1%. All road shoulders or ditches would be graded to a 2:1 slope, loamed and seeded.
12. The applicants state that the relocated road would have no adverse impacts to Schoodic Lake because the new location would be further back from the normal high water mark of Schoodic Lake and farther from structures than the original road bed. The applicants also state that there would be no adverse impacts to traffic circulation because Fire Road #13 (Coburn Road) only serves 2 residential lots beyond Lot # 42 and traveled speeds are no more than 25 miles per hour.

Review Comments

13. The North Shore Lot Owners Association has reviewed the application and do not object to the project.
14. Property owners of Lots # 43 Peter and Valerie Small and #44 Daniel Compagna do not object to the project.

Review Criteria

15. Under provisions of Section 10.21,J,3,c,(15) of the Commission's Land Use Districts and Standards, Level B road projects, such as the proposed relocation of Fire Road #13 (Coburn Road), are an allowed use with a permit from the Commission within a (D-RS) Residential Development Subdistrict.
16. Under provisions of Section 10.23,E,3,c,(13) of the Commission's Land Use Districts and Standards, Level B road projects are an allowed use with a permit from the Commission within a (P-GP) Great Pond Protection Subdistrict.

17. Under provisions of Sections 10.25,D,4,a,(2) and 10.25,D,4,e of the Commission's Land Use Districts and Standards, a Class 2 roadway is generally appropriate for residential subdivisions with 15 or fewer lots surrounded by a relatively sparse development patterns. Class 2 roadways shall have a minimum roadway surface of 14 feet, a minimum of 12" of coarse gravel for the road base, minimum of 3" of fine gravel for the wearing surface, and maximum sustained slope of 15%.
18. The facts are otherwise as represented in Road Construction Permit Application RP 3283 and supporting documents.

Based upon the above Findings, the staff concludes that 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 Ray Roux and Gordon Wilson with the following conditions:

1. The Standard Conditions for Road Construction Permits (ver. 10/84), a copy of which is attached. Condition #5 of the Standard Conditions shall now refer to Section 10.27, D of the Commission's Land Use Districts and Standards.
2. The roadway must be constructed to meet the Commission's Vehicular Circulation, Access and Parking Standards, Section 10.25, D of the Commission's Land Use Districts and Standards, a copy of which is attached.
3. The roadway must be constructed in a manner to allow for two way vehicular travel and provide adequate line of sight to allow visibility of pedestrians.
4. The roadway shall not be located closer than 50 feet to any existing structure.
5. Upon completion of the permitted roadway within the terms of this permit, the removal of stumps and miscellaneous fill material shall not be stockpiled on the lots and all solid waste and other debris shall be disposed of in a proper manner, in compliance with applicable state and federal solid waste laws and rules.
6. Prior to construction, erosion control devices must be in place prior to commencement of construction. All disturbed soil, other than the traveled surface of the road, must be permanently stabilized with mulch and seeded. All soil stabilization measures must be completed during or immediately following construction to minimize the potential for soil erosion sedimentation.
7. During construction, the permittees shall take reasonable precautions to avoid siltation and overland storm water flows. Methods used may include, but are not limited to, the use of mulch to temporarily stabilize exposed soil, cessation of construction activities during inclement weather and installation of water turnouts, waterbars, and any other measures which may prove necessary.
8. All operations must be stopped where the continuation of such operations will cause or contribute to the occurrence of accelerated erosion or concentrated overland storm water flows, or the sedimentation of surface waters, whether such occurrence is precipitated by wet weather, the failure of water control measures, or other factors. Adequate steps must immediately be taken to stop any accelerated erosion or sedimentation of surface waters and to correct the situation which led to such occurrence.

9. Portions of the discontinued road bed on Lots #41 and #42 not being utilized for individual driveways or sewage disposal systems shall be revegetated to recreate a well distributed stand of trees, shrubs, and vegetation in accordance with Chapter 10 Section 10.27,B of the Commissions Land Use Districts and Standards. Portions of the discontinued road used for any other purpose will require Commission approval.
10. The road is to be constructed to the standards as defined in the plan dated March 2016.
11. The applicants shall maintain the existing portion of the roadway across their lots in a passable condition, allowing use and access by the other lot owners, their guests and visitors, to the other properties accessed via Fire Road #13 (Coburn Road), until such time as the permitted section of road has been completed, the old road is closed and Certificate of Compliance issued by the Commission documenting that the new road is in compliance and the old road is closed and revegetated within the terms and conditions of this permit.

This permit is approved only upon the above stated conditions and remains valid only if the permittees comply with all of these conditions. 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 20th DAY OF APRIL, 2016.



For: Nicholas D. Livesay
Executive Director