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GOVERNOR

STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
LAND USE PLANNING COMMISSION  
106 HOGAN ROAD, SUITE 8  
BANGOR, MAINE 04401

WALTER E. WHITCOMB  
COMMISSIONER

NICHOLAS D. LIVESAY  
EXECUTIVE DIRECTOR

## PERMIT

### ROAD CONSTRUCTION PERMIT RP 3284

The Maine Land Use Planning Commission (LUPC or Commission), through its staff, after reviewing the application and supporting documents submitted by Michael E. and Mary T. Tuttle (Applicants or Permittees) for Road Construction Permit RP 3284, finds the following facts:

1. Applicant: Michael E. and Mary T. Tuttle  
8 Burden Lane  
Phippsburg, Maine 04562
2. Landowner: GLS Lender, LLC  
c/o Mr. Sean Ross, The Lyme Timber Company  
23 South Main Street, 3<sup>rd</sup> Floor  
Hanover, New Hampshire 03755
3. Easement Holder: State of Maine  
Department of Agriculture, Conservation and Forestry  
Division of Parks and Public Lands  
22 State House Station  
Augusta, Maine 04333
4. Date of Completed Application: March 30, 2016
5. Location of Proposal: Grand Lake Stream Plantation, Washington County, Maine  
Maine Revenue Service Map WA030, Plan 01, Part of Lot 6  
Washington County Registry of Deeds: Book 4082; Page 189
6. Zoning: General Management Subdistrict (M-GN)
7. Proposed Development: Level C Road Project (Residential driveway greater than 1,000 feet)
8. On July 17, 2014, the Applicants acquired Lot # 4, located on West Grand Lake, as depicted on the plan entitled "West Grand Lake Division, Washington County, Maine" (Sheet 2 of 3) prepared by G.S. Viitala, dated December 14, 1992 as revised April 25, 2001 and recorded in the Washington County Registry of Deeds at Cabinet 3, Drawer 11, Plan 11. The acquisition contains a non-exclusive appurtenant easement (Access Easement) for purposes of ingress and



egress. Lot #4 is currently developed with a single family dwelling unit and a shed (reference, Building Permit BP 9399).

9. In 2014, the Applicants constructed a 3,627-foot by 10- to 12-foot graveled residential driveway on the Access Easement to their camp without prior permit approval from the Commission (reference, Enforcement Case, EC 15-51, resolved with this permit).
10. On November 10, 2015, Commission staff inspected the residential driveway and on December 07, 2015 issued a Notice of Violation (NOV). The NOV outlined an immediate corrective action requiring the Applicants to submit a completed road construction application, for an after-the-fact permit for the residential driveway as constructed, by April 01, 2016.
11. The Applicants submitted the completed road construction application on March 30, 2016 seeking after-the-fact permit approval for the residential driveway (Level C Road Project) as constructed.
12. GLS Lender, LLC stated that the Applicants acquired the rights to build the driveway and has a legal right-of-way as part of the purchase of the lot.
13. The State of Maine, Department of Agriculture, Conservation and Forestry, Division of Parks and Public Lands stated that they reviewed the *West Grand Lake Forest Conservation Easement* and do not find any conflicts by allowing the driveway.
14. According to Section 10.27,H,1,b of the Commission's *Land Use Districts and Standards* (Standards), if the length of a proposed driveway is greater than 1,000 feet, it is regulated as a road and requires a permit from the Commission unless it qualifies as a land management road.
15. According to Section 10.02,(105) of the Commission's Standards, Level C Road Projects are defined as construction of new roads, and relocations or reconstruction of existing roads, other than that involved in level A or level B road projects; such roads shall include both public and private roadways excluding land management roads.
16. According to Section 10.22,A,3,c,(15) of the Commission's Standards, Level C Road Projects may be allowed within M-GN subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III.
17. The facts are otherwise as represented in Road Construction Permit application RP 3284 and supporting documents and Enforcement Case EC 15-51 and supporting documents.

**Based upon the above Findings, the staff Concludes that:**

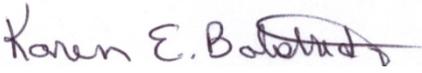
1. The Level C Road Project (new residential driveway greater than 1,000 feet) was constructed to meet the requirements of a Class 3 Roadway, Section 10.25,D,4 and the applicable requirements of Section 10.27,H of the Commission's Standards.
2. The proposal meets the Criteria for Approval, section 685-B(4) of the Commission's Statutes, 12 M.R.S.

**Therefore, staff Approves the after-the-fact application of Michael E. and Mary T. Tuttle with the following Conditions:**

1. The Permittees shall maintain ditches, culverts, dips, water turnouts, and other water control installations associated with the driveway on a regular basis to assure function and to assure the driveway does not erode or create any undue restriction or disruption of existing surface water drainage ways and divert runoff to a vegetated buffer strip so as to prevent it from directly entering a water body, mapped P-WL1 wetland or roadway.
2. Nothing in this permit shall be construed to release the Permittees from any liability or responsibility arising from any violation, including Enforcement Case EC 15-51, or to be considered a waiver of the authority of the Commission or the state to fully pursue or prosecute such violations.

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 Permittees comply 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 BANGOR, MAINE, THIS 13<sup>th</sup> DAY OF APRIL, 2016.

By:   
\_\_\_\_\_ *for* Nicholas D. Livesay, Executive Director