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STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

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PERMIT

SHORELAND ALTERATION PERMIT SA 1079

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Wayne and Laura Moody for Shoreland Alteration Permit SA 1079, finds the following facts:

1. Applicants: Wayne and Laura Moody
48 Whalen Drive
Auburn, ME 04210
2. Date of Complete Application: August 21, 2014
3. Location of Proposal: Adamstown Township, Oxford County, Maine
Lot 9 on Plan 04 of Maine Revenue Services Property Tax Map
4. Zoning: (P-GP) Great Pond Protection Subdistrict
(P-SL2) Shoreline Protection Subdistrict
(M-GN) General Management Subdistrict
5. Lot Size: 6.9 Acres
6. Proposed Development: Shoreline Access Walkway (5 ft. by 50 ft.)
7. Affected Waterbody: Cupsuptic Lake
The Commission has identified Cupsuptic Lake as a management class 4, resource class 1A, accessible, developed lake with the following resource ratings: outstanding fisheries resources, outstanding wildlife resources, outstanding scenic resources, significant shore character, significant cultural resources.
8. The applicants' lot is developed with a single family dwelling with porches and a stone patio, a garage, driveway and parking area, approved by the Commission pursuant to Building Permit BP 11205 and Amendments A, B and C to BP 11205.
9. The applicants now seek permit approval to construct a 5 foot wide by 50 foot long wooden walkway across a wet area, located between the dwelling and the shoreline of Cupsuptic Lake and within 100 feet of the lake, in order to gain access to the shoreline of Cupsuptic Lake. The applicants state that the proposed elevated walkway will allow them access to the lakeshore with minimal disturbance to the wetland area.

10. The walkway would be constructed of 2 inch by 10 inch wooden stringers overlain with decking and supported by 6 inch by 6 inch posts installed every 10 feet along the length of the walkway. The walkway would be installed by hand, and no machinery would be operated within the wet area. The walkway would extend to approximately 52 feet from the shoreline of Cupsuptic Lake at its closest point, and would be located within the (P-GP) Great Pond Protection Subdistrict.
11. Commission staff inspected the site and determined that the wet area extends across the breadth of the applicants' lot between the dwelling and the lake such that there is no alternative route to access the shoreline without crossing the wetland, and that the route the applicants propose requires the shortest length of walkway and minimizes the amount of disturbance to the wetland area. The total area of wetland affected by the proposed walkway would be 250 square feet.
12. Although the area of the proposed walkway is zoned P-GP, the wetland area qualifies as a P-WL1 wetland pursuant to Section 10. 23,N,2,a,(1),(c)(i); freshwater wetlands within 250 feet of the normal high water mark of any body of standing water greater than 10 acres.
13. Pursuant to Section 10.25,P,1,c(3) of the Commission's Land Use Districts and Standards, Tier 3 reviews are required for projects altering any area of P-WL1 wetlands.
14. Pursuant to Section 10.25,P,2 of the Commission's Land Use Districts and Standards, projects requiring Tier 3 reviews must comply with the General Land Use Standards, including avoidance, minimization, water quality protection, erosion control, compensation and no unreasonable impact.
15. Pursuant to 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.
16. Pursuant to Section 10.26,D,1 of the Commission's Land Use Districts and Standards, the minimum setback for structures accessory to a single family dwelling from a body of standing water 10 acres or greater in size (such as is Cupsuptic Lake) is 100 feet from the nearest shoreline.
17. Pursuant to Section 10.26,G,5 of the Commission's Land Use Districts and Standards, an exception may be made to the shoreline, road, and/or property line setback requirements for structures where the Commission finds that such structures must be located near to the shoreline, road, or property line due to the nature of their use. Structures which must be located near to the shoreline include structures which require direct access to the water as an operational necessity, such as piers, docks, retaining walls, and structures necessary for commercial fishing activities or water dependent uses within a D-MT Subdistrict. This provision shall not apply to boat houses or float plane hangars not included within a D-MT Subdistrict.
18. The facts are otherwise as represented in Shoreland Alteration Permit Application SA 1079 and supporting documents.

Based upon the above Findings, the staff Concludes that:

1. In accordance with Section 10.25,P,2 of the Commission's Land Use Districts and Standards, the proposed walkway will meet the applicable requirements of a Tier 3 review. Specifically, there is no practicable

alternative to the project that would be less damaging to the wetland while still allowing access to the shoreline of Cupsuptic Lake; the walkway would be constructed on posts to minimize wetland impacts to the minimum amount necessary to complete the project; the project will comply with water quality classification standards contained in 38 M.R.S.A. §465; the project will be completed utilizing erosion control methods which will prevent sedimentation to the waterbody; and the proposed project has been designed to have no unreasonable impact to the wetland.

2. In accordance with Section 10.25,P,2,e,(2) of the Commission's Land Use Districts and Standards, neither a functional analysis nor compensation has been required. The permanent impacts to the wetland have been limited and the Commission has determined that the impact to wetland functions and values from the walkway will be insignificant.
3. In accordance with Section 10.26,G,5 of the Commission's Land Use Districts and Standards, the Commission has found that an exception may be made to the minimum shoreline setback requirement in that the proposed structure must be located near to the shoreline due to the nature of its use and to minimize the impact to the wetland by use of the access way to the shoreline.
4. If carried out in compliance with the Conditions below, the walkway will meet the Criteria for Approval, §685_B(4) of the Commission's statutes, 12 M.R.S.A. and will be in compliance with the provisions of Sub-Chapter III of the Commission's Land Use Districts and Standards.

Therefore, the staff approves the application of Wayne and Laura Moody with the following Conditions:

1. The Standard Conditions of Approval for All Shoreland Alteration Permits (Rev. 04/04, attached)
2. 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.
3. 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.
4. Temporary and permanent sedimentation control measures must be implemented to effectively stabilize all areas of disturbed soil and to catch sediment from runoff water before it leaves the construction site so that sediment does not enter water bodies, drainage systems, water crossings, wetlands or adjacent properties. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all erosion and sedimentation control devices (including ditches, culverts, sediment traps, settling basins, hay bales, silt fences, etc.) have been installed and stabilized. Once in place, such devices shall be maintained to ensure proper functioning. All temporary erosion and sedimentation control devices shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively implemented. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.
5. All work shall be done by hand, and no heavy equipment shall be operated within the wetland area.

6. The use of untreated lumber is preferred. Pressure-treated wood approved by the U.S. Environmental Protection Agency for use in dock reconstruction may be used. Chromated copper arsenate (CCA) treated wood shall not be used in freshwater environments. Creosote or pentachlorophenol (PCP) treated wood shall not be used.
7. Once construction is complete, the permittees shall submit a self-certification form, notifying the Commission that all conditions of approval of this permit have been met. The permittees shall submit all information requested by the Commission demonstrating compliance with the terms of this permit.
8. The approved walkway shall extend no closer than 52 feet from the shoreline of Cupsuptic Lake.

This permit is approved based on 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 AUGUSTA, MAINE THIS 26th DAY OF AUGUST, 2014

By: William J. Galbreath
for Nicholas D. Livesay, Executive Director