



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
P.O. Box 1107
GREENVILLE, MAINE 04441

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

SHORELAND ALTERATION PERMIT SA 1095 AND WATER QUALITY CERTIFICATION

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Randall S. Bickford for Shoreland Alteration Permit SA 1095, finds the following facts:

1. Applicant: Randall S. Bickford
PO Box 71
Greenville, Maine 04441
2. Date of Completed Application: May 18, 2016
3. Location of Proposal: Taunton Raynham Academy Grant, Somerset County
Plan 01, Lot 21
4. Zoning: (D-RS) Residential Development Subdistrict
(P-WL1) Wetland Protection Subdistrict
5. Affected Waterbody: Brassua Lake, is a Resource Class 1B developed accessible lake with significant fishery resources.
6. The applicant's lot is developed with a pre-Commission lakefront residential dwelling, timber retaining wall and permanent rock filled cribbed timber planked docking structures.

Proposal

7. The applicant proposes to reconstruct / replace approximately 100 linear feet of existing timber retaining wall, in place, with a concrete retaining wall. The applicant also proposes to reconstruct / replace the existing timber planking on the permanent docking structures that are attached / secured to the existing timber retaining wall. All proposed construction will be at or behind / above the Normal High Water Mark (NHWM) of Brassua Lake. The proposed reconstructed concrete retaining wall would be in the same footprint as the existing timber retaining wall and would be installed during periods of low water. With the exception of ice breaking timbers, all replacement timber planking for the permanent docking structures would be installed above the NHWM. The existing cribbing and structural components that are below the NHWM would not be altered, replaced or reconstructed. The applicant does not propose any filling or construction below the NHWM, which would result in a loss or alteration of lake bottom.

8. The applicant does not propose any permanent alteration to the P-WL1 (Wetlands of Special Significance) during the installation of the replacement concrete retaining wall. The existing timber retaining wall would be removed and the proposed concrete retaining wall would be installed in the same footprint as the pre-existing timber retaining wall. All back fill would be above / behind the pre-existing NHWM of Brassua Lake. The proposed work would be undertaken during periods of low water. Any disturbance to the rocky lake bottom outshore of the existing and proposed retaining wall would be temporary during reconstruction and that temporary disturbance would be restored to pre-construction conditions upon completion of the retaining wall reconstruction project. There would be no net loss of wetlands or lake bottom upon completion of construction.

Review Criteria

9. Under Definitions, Section 10.02,#150 of the Commission's Land Use Districts and Standards, a permanent docking structure is a docking structure in place for longer than 7 months in any calendar year or which is so large or otherwise designed as to make it impractical to be removed on an annual basis without alteration of the shoreline, and associated on-shore structures used to secure a permanent dock or mooring.
10. Under provisions of Section 10.21,K,3,c (16) and Section 10.23,N,3,c (11) of the Commission's Land Use Districts and Standards, shore-land alterations are uses requiring a permit.
11. Under provisions of Section 10.25, P, 2, b, (3) (f) of the Commission's Land Use Districts and Standards, neither a functional assessment nor compensation is required for single complete projects altering less than 500 square feet of freshwater wetland of special significance provided the Commission determines there will be only minimal effect on the functions and values of the freshwater wetlands.
12. Under provisions of Section 10.27,O,4,d of the Commission's Land Use Districts and Standards, Uncured concrete must not be placed directly in the water. Concrete must be pre-cast and cured at least three weeks before placing it in the water or, where necessary, must be placed in forms and must cure at least one week before the forms are removed.

Review Comments

13. On May 5, 2016, staff from the Commission met the applicant to review the proposed work on the existing permanent dock that is secured to a timber retaining wall along the shoreline of Brassua Lake. The footprints of the permanent dock and retaining wall appeared to be consistent with the limits and design shown on the April 4, 1972 survey and reflected pre-Commission structures that had been maintained in place and in kind. The recent photos of the structures and a recent aerial image depicted serviceable structures that appeared to be in active use. During this meeting we reviewed limits and techniques for the proposed reconstruction of the timber retaining wall and re-planking the permanent dock. We also discussed the information required to complete the permit application. During this meeting, the applicant provided a compelling rationale for

replacing the existing timber retaining wall with a concrete retaining wall and agreed to install the replacement structure in the same location as the existing structure. All work would be done during low water and any disturbance out-shore of the retaining wall would be temporary and restored to pre-construction conditions upon completion of construction. Based on the fetch of the lake at this location and the evidence of severe erosion on adjacent properties that did not have any structural shore protection, the applicant's proposal to install a concrete wall retaining structure appeared to be justified. However, based on this description of the project, it would not qualify for an Expedited Shoreland Alteration Permit because it would involve the use of concrete.

14. The facts are otherwise as represented in Shoreland Alteration Permit Application SA 1095 and supporting documents.

Based upon the above Findings, the staff concludes that:

15. The proposed activities would meet the standards in Section 10.25, P, 2, b, (3) (f) and no functional assessment or compensation is required to reconstruct / replace approximately 100 linear feet of timber retaining wall, in place with a concrete retaining wall, because there would be no net loss of wetlands and only a temporary disturbance during construction. The wetlands at this location are the rocky lake bottom immediately adjacent to and out-shore of the existing timber retaining wall. The proposed construction would have a temporary and minimal effect on the functions and values of the lake bottom, which is a P-WL1 wetlands of special significance located immediately adjacent to the lakeside face of the retaining wall. The proposed construction would be at low water, during a period that the lake bottom out-shore of this project site is dry. The proposed concrete retaining wall would be installed in the same location as the existing timber retaining wall, and would continue to represent the unaltered limits of the Normal High Water Mark of Brassua Lake at the project site. There would be no permanent disturbance to the lake bottom immediately out-shore of the reconstructed concrete retaining wall.
16. 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 Richard Preble with the following conditions:

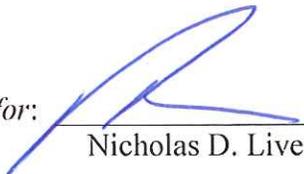
1. The Standard Conditions for Shoreland Alterations (ver. 4/04), a copy of which is attached.
2. Temporary and permanent sedimentation control measures must be implemented to effectively stabilize all areas of disturbed soil and to catch sediment from runoff water before it leaves the construction site 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.

3. Effective, temporary stabilization of all disturbed and stockpiled soil must be completed at the end of each work day. All temporary sedimentation and erosion 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.
4. All imported fill material must be free of hazardous or toxic materials and must not contain debris, trash, or rubbish.
5. The proposed concrete retaining wall shall be installed after the removal of the existing timber retaining wall and in the same location as that timber retaining wall. The permittee shall not install any permanent sections of the reconstructed / replacement concrete retaining wall out-shore of the existing location of timber retaining wall.
6. Uncured concrete must not be placed directly in the water. Concrete must be pre-cast and cured at least three weeks before placing it in the water or, where necessary, must be placed in forms and must cure at least one week before the forms are removed.
7. All construction must be done during a period of low water. Any machinery operating below or adjacent to the normal high water mark must be driven on a bed of logs, mats or the rock surface to prevent undue disturbance of lakebed materials. No equipment may be driven below the normal low water mark across the unprotected lake bottom of Brassua Lake.
8. Upon completion of the project, all areas of exposed mineral soil above the Normal High Water Mark of Brassua Lake must be stabilized and revegetated.
9. Flowable fill must not come into contact with water that could enter the waterbody.
10. Filter fabric must be installed behind the concrete retaining wall in order to prevent fine particles from washing into the waterbody.
11. Comply with the terms and conditions of the Brassua Lake Project Permit issued by the Kennebec Water Power Company.
12. Prior to commencement of construction, notify the U.S. Army Corps of Engineers using the attached notification form.
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 GREENVILLE, MAINE, THIS TWENTY FIFTH DAY OF MAY, 2016.

for:  Nicholas D. Livesay, Executive Director
Zodanck J. Falls



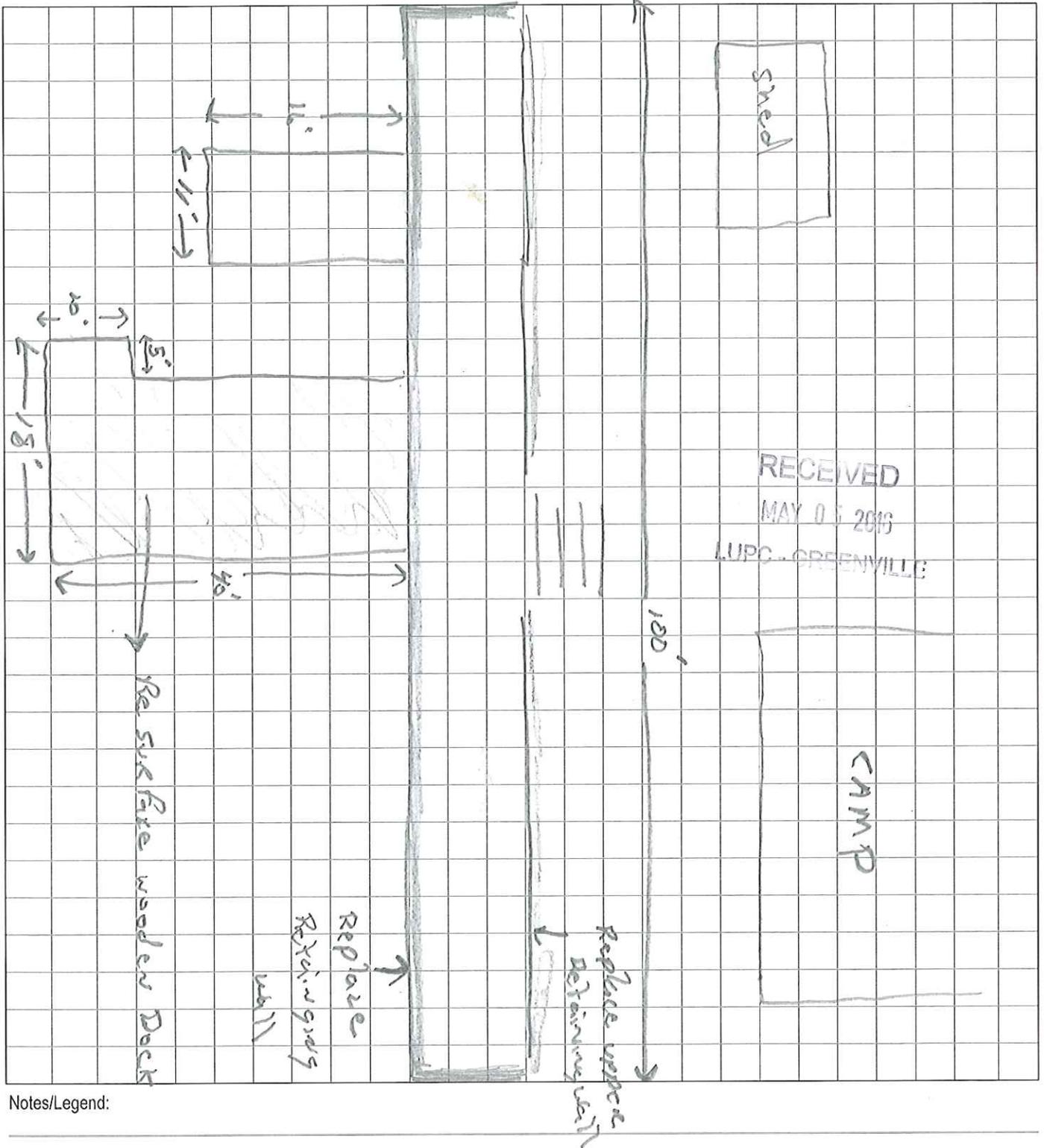
STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

**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

EXHIBIT D: SITE PLAN



Notes/Legend:

Randall S. Bradford

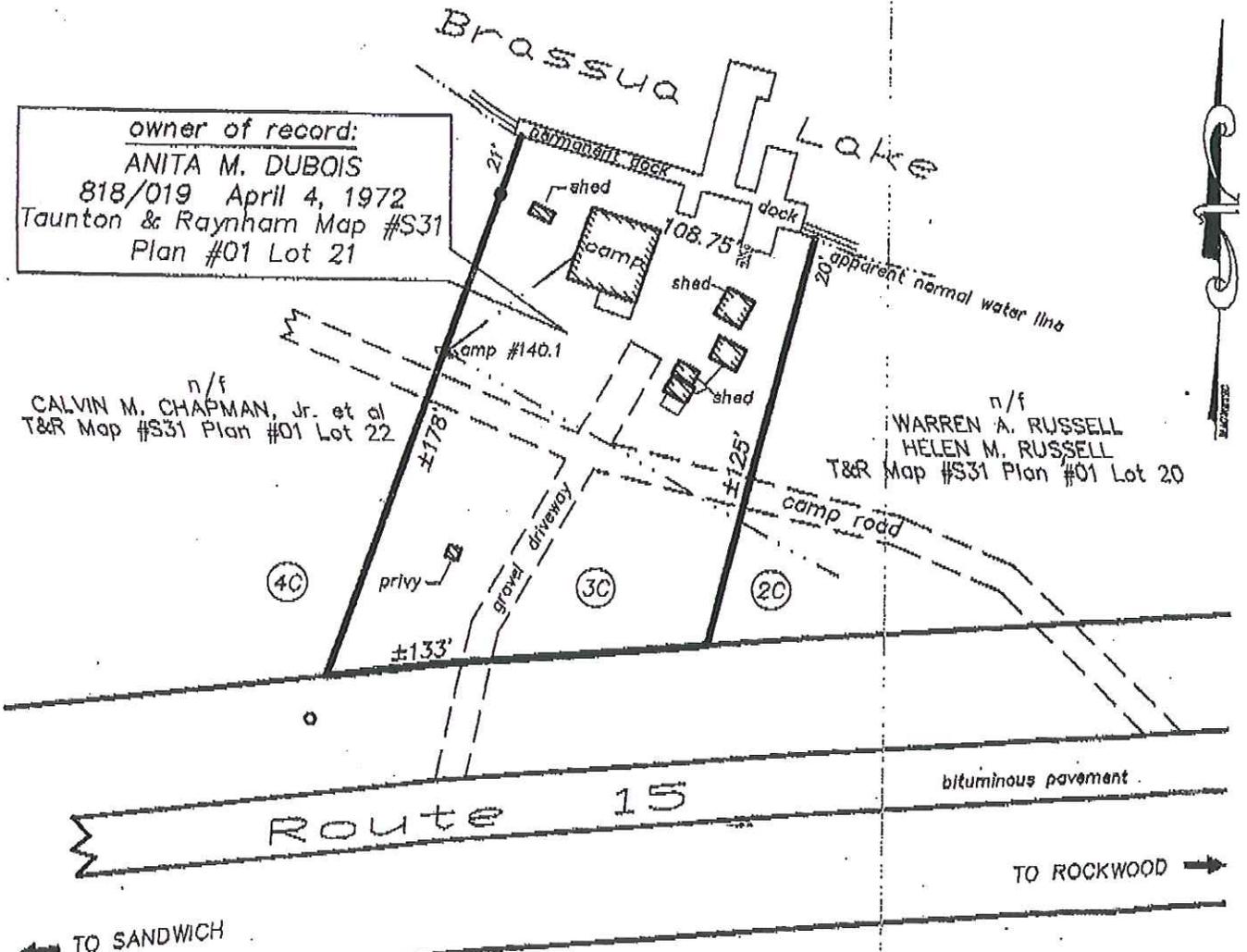
5/5/16

RECEIVED
MAY 05 2016
LUPC - GREENVILLE

NOTES.....

EXISTING STRUCTURES, INCLUDING THE PERMANENT DOCK, APPEAR TO HAVE BEEN CONSTRUCTED PRIOR TO THE DATE OF THE FIRST SALE OF THE SUBJECT PREMISES WHICH AT TIME OF SALE BECAME RESTRICTED BY DEED COVENANTS. THE DEED COVENANTS WOULD ONLY APPLY TO USE AND STRUCTURES MADE AFTER THE CONVEYANCE IN 1972 AND APPEAR NOT TO AFFECT PRE EXISTING NON CONFORMING USE (under deeded protective covenants).

OWNERSHIP APPEARS TO BE IMPLIED TO THE SHORE OF BRASSUA LAKE SUBJECT TO THE OWNERSHIP RIGHTS OF FPLE MAINE HYDRO LLC IN COMMON WITH OTHERS TO LAND AT AND BELOW THE 1076 CONTOUR LINE. THE 1076 CONTOUR LINE APPEARS TO LIE BELOW THE SURFACE OF THE PERMANENT DOCK, ALSO BEING WELL BELOW OR BEYOND THE ELEVATION OF THE EXISTING STRUCTURES LOCATED ON THE PREMISES.



owner of record:
ANITA M. DUBOIS
818/019 April 4, 1972
Taunton & Raynham Map #S31
Plan #01 Lot 21

n/f
CALVIN M. CHAPMAN, Jr. et al
T&R Map #S31 Plan #01 Lot 22

n/f
WARREN A. RUSSELL
HELEN M. RUSSELL
T&R Map #S31 Plan #01 Lot 20

Note..1 Reference 817/1011 for Plan of Brassua Lc

THIS SKETCH IS NOT SUITABLE FOR NEW CONSTRUCTION PURPOSES OF ANY KIND.

BORROWERS:
RANDALL S. BICKFORD / CINDY A. STORER

- LEGEND
- = Iron pipe or pin (found)
 - ⊙ = Utility pole
 - = o/h utility line



Appendix B: Self-Verification Notification Form
(for all tidal and non-tidal projects in Maine subject to Corps jurisdiction)

**US Army Corps
of Engineers** [®]
New England District

At least two weeks before work commences, complete all fields (write "none" if applicable) below or use the fillable form at www.nae.usace.army.mil/missions/regulatory.aspx. Send this form, a location map, any project plans, and an Official Species List (See GC 8) to the address noted below; fax to (207) 623-8206; or email to jay.l.clement@usace.army.mil. The two-week lead time is not required for emergency situations (see page 4 for definition). Please call (207) 623-8367 with questions.

Maine Project Office
U.S. Army Corps of Engineers
New England District
675 Western Avenue #3
Manchester, Maine 04351

State Permit Number: _____
Date of State Permit: _____
State Project Manager: _____

Permittee: _____
Address, City, State & Zip: _____
Phone(s) and Email: _____

Contractor: _____
Address, City, State & Zip: _____
Phone(s) and Email: _____

Consultant/Engineer/Designer: _____
Address, City, State & Zip: _____
Phone(s) and Email: _____

Wetland/Vernal Pool Consultant: _____
Address, City, State & Zip: _____
Phone(s) and Email: _____

Project Location/Description: _____
Address, City, State & Zip: _____
Latitude/Longitude Coordinates: _____ Tax Map/Lot: _____
Waterway Name: _____
Work Description: _____

Provide any prior Corps permit numbers: _____
Proposed Work Dates: Start: _____ Finish: _____

Area of wetland impact: _____ SF (leave blank if work involves structures & no fill in Navigable Waters)
Area of waterway impact: _____ SF (leave blank if work involves structures & no fill in Navigable Waters)
Area of compensatory mitigation provided: _____ SF

Work will be done under the following Appendix A categories (circle all that apply):
I. Inland Waters and wetlands: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24
II. Navigable Waters: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24

Your name/signature below, as permittee, indicates that you accept and agree to comply with the terms, eligibility criteria, and general conditions of Category 1 of the Maine General Permit.

Permittee Printed Name: _____

Permittee Signature: _____ Date: _____