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GOVERNOR

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

WALTER E. WHITCOMB  
COMMISSIONER

NICHOLAS D. LIVESAY  
EXECUTIVE DIRECTOR

# PERMIT

## AMENDMENT A TO SUBDIVISION PERMIT SP 3264

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by David and Linda Harvey and Alvin and Thelma Harvey for Amendment A to Subdivision Permit SP 3264, finds the following facts:

1. Applicants: David and Linda Harvey  
19 Harvey Highlands  
Corinth, Maine 04427  
  
Alvin and Thelma Harvey  
891 Maine Street  
Corinth, Maine 04427
2. Date of Completed Application: January 21, 2014
3. Location of Proposal: Lake View Plantation, Piscataquis County  
Lots 11 & 12; Lakeview Realty Trust Subdivision (SP 3264)
4. Zoning: (D-RS) Residential Development Subdistrict
5. Size of Parcels: Lot 11 (1.34 acres) & Lot 12 (2.26 acres)

### BACKGROUND INFORMATION

6. On August 30, 1999, the Commission approved Subdivision Permit SP-3264 for Lakeview Realty Trust, creating a 31 lot residential subdivision on Schoodic Lake. Lots 11 and 12 were part of that Commission approved subdivision. The approved subdivision was recorded in the Piscataquis County Registry of Deeds, Book 1234, and Page 24 on December 6, 1999.
7. On July 18, 2001, David and Linda Harvey purchased Lot 11; and Alvin and Thelma Harvey purchased Lot 12.

8. On November 30, 2001, David & Linda Harvey obtained a Building Permit (BP 11325) to construct a residential dwelling on Lot 11.
9. On December 13, 2013, Wendell & Leah Germon submitted a Building Permit application (BP 15119) for residential development on the undeveloped Lot 12. The Germons had entered into a "Purchase and Sales Agreement" with Alvin & Thelma Harvey for Lot 12. The survey submitted with the application showed a reconfigured boundary line separating Lot 11 from Lot 12. During the application review process, the Commission's staff advised the Germons that they would need an amendment to Subdivision Permit SP 3264 to reconfigure the lot boundary between Lot 11 and Lot 12. David & Linda Harvey and Alvin and Thelma Harvey agreed to submit an application to amend the subdivision permit. The Germons agreed to have their Building Permit application placed on hold while the Commission considered the application to amend Subdivision Permit SP 3264.

### **SUBDIVISION PROPOSAL**

10. On January 10, 2014, David & Linda Harvey and Alvin & Thelma Harvey submitted an application to amend Subdivision Permit SP 3264 to request approval for the reconfigured Lots 11 and 12, which are shown on the plan submitted with Building Permit application BP 15119. The proposed reconfigured lot boundary between Lots 11 & 12 would transfer approximately 0.14 acres of land from Lot 12 to Lot 11. This would increase the road frontage on Sunrise Point Road for Lot 11 by approximately 55.36 feet, giving it a total of approximately 253.36 feet. The road frontage on Sunrise Point Road for Lot 12 would be proportionately reduced to approximately 227.04 feet. The shoreline frontage and outermost property boundaries for Lots 11 and 12 would not change. Access to Lot 12 would continue to be from the cul-de-sac on Rocky Shore Road.
11. The proposed reconfigured boundary line separating Lots 11 & 12 is shown on a survey plat prepared by Webber Surveying, dated January 15, 2014, entitled: "Amendment to Lot 11 & 12 of Lakeview Realty Trust Subdivision" Lakeview Plantation, Piscataquis County.

### **REVIEW CRITERIA**

12. Under provisions of Section 10.21,J,3,c,(18) of the Commission's Land Use Districts and Standards, residential subdivisions are an allowed use upon issuance of a permit in the (D-RS) Residential Development Subdistrict subject to the applicable requirement set forth in Sub-Chapter III.
13. Under the provisions of Section 10.26, A, 1, of the Commission's Land Use Districts and Standards, the minimum lot size for residential uses is 40,000 square feet per dwelling unit.
14. Under the provisions of Section 10.26,B,2,a, of the Commission's Land Use Districts and Standards, the minimum shoreline frontage for lots on a flowing water draining 50 square miles or more the minimum shoreline frontage shall be 200 feet per dwelling unit for residential uses.

15. Under the provisions of Section 10.26, C, 1, a, of the Commission's Land Use Districts and Standards, the minimum road frontage shall be 100 feet per dwelling unit for residential uses.
16. The facts are otherwise as represented in the application for Amendment A for Subdivision Permit SP 3264 and the files for Subdivision Permit SP 3264; and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The proposed amendment to the residential subdivision is consistent with the provisions of Section 10.21,J,3,c,(18) of the Commission's Land Use Districts and Standards, in that residential subdivisions are an allowed use upon issuance of a permit in the (D-RS) Residential Development Subdistrict, subject to the applicable requirement set forth in Sub-Chapter III.
2. A subdivision permit was issued pursuant to the Commission's rules in 1999. The current application for an amendment to the original subdivision permit is consistent with the Commission's Land Use Districts and Standards. Both Lots 11 & 12 would continue to meet the Commission's minimal dimensional standards after the transfer of 0.14 acres from Lot 12 to Lot 11.
3. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, 12 M.R.S.A. Section 685-B(4) of the Commission's Statutes.

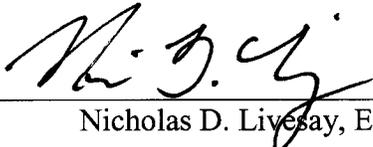
**Therefore, the Commission approves the application of David & Linda Harvey and Alvin & Thelma Harvey to amend the subdivision permit, subject to the following conditions:**

1. All conditions of Subdivision Permit SP 3264 remain in effect.
2. The permittees shall revise the deeds to Lots 11 and 12 to describe the reconfigured lots as approved by this permit amendment. The revised deeds must be recorded with the Piscataquis County Registry of Deeds and a copy of the recorded deeds shall be submitted to the Commission no later than 180 days from the issuance of this amended permit.
3. Any division or modification to the dimensions of the approved lots will require a subdivision permit from the Commission.
4. The permittees shall record and cross-reference in the Piscataquis County Registry of Deeds this approved Amendment A to Subdivision Permit SP 3264 including Conditions of Approval and the final subdivision plat signed by the Director of the Commission. Upon such recording of the permit and plat, the permittee must promptly submit to the Commission a copy of the recorded plat; the book, page and file numbers for the permit and plat; and the date of such recording.

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's 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 staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT AUGUSTA, MAINE, THIS 28<sup>th</sup> DAY OF JANUARY, 2014.

By:   
Nicholas D. Livesay, Executive Director

Personally appeared the above named Nicholas D. Livesay, in his capacity as Executive Director of the Maine Land Use Planning Commission, and acknowledged the foregoing to be his free act and deed in his said capacity and the free act and deed of the Maine Land Use Planning Commission.

Before me,

  
Melissa Macaluso, Notary Public

My Commission expires 2-7-18

**MELISSA A. MACALUSO**  
Notary Public • State of Maine  
My Commission Expires February 7, 2018

