



PAUL R. LE PAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
191 MAIN STREET
EAST MILLINOCKET, MAINE 04333-0022

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

AMENDMENT A TO SUBDIVISION PERMIT SP 4083

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Jason B. Goodwin and Melissa F. Goodwin for Amendment A to Subdivision Permit SP 4083, finds the following facts:

1. Applicant: Jason B. Goodwin
Melissa F. Goodwin
139 Phillips Road
Glenburn, Maine 04401
2. Date of Completed Application: March 24, 2015
3. Location of Proposal: T 3 R 1 NBPP (Twombly Twp.), Penobscot County
Lot #1.1 on Plan 01 (part of)
4. Zoning: (D-RS) Residential Development Subdistrict
By Virtue of Zoning Petition ZP 706
5. Size of Affected Parcels: 2.25 acres (Lot#5), 2.44 acres Lot #6)
6. Affected Waterbody: Bill Green Pond

The Commission has identified Bill Green Pond as a management class 7, resource class 2, inaccessible, undeveloped lake with the following resource ratings: significant fisheries resources.

BACKGROUND

7. On May 5, 2009 Subdivision Permit SP 4083 was issued to Gardner Land Company, Inc (subdivider), authorizing a seventeen-lot subdivision for single-family residential use. The proposed subdivision was to be located on approximately 66.9 acres of a 1,475 acre-parcel, with the applicants retaining the access road and a 50 foot by 50 foot parking area within the subdivision and the remaining approximately 1,408.1 acres of forestland outside the subdivision. The developed area would occupy approximately 37.58 acres of the parcel (including roads, access ways, and parking), with an additional 4.43 acres of common space owned by the homeowner's association and 24.89 acres of open space owned by a homeowner's association. Eight of the seventeen proposed residential lots were to have shore frontage

- on Bill Green Pond. All proposed residential lots would have frontage on “Sylvan Way”, an existing logging road.
8. The subdivider incorporated shared driveways where possible. Specifically, the following pairs of lots were to have shared driveways: Lots #5 and #6, Lots #7 and #8, Lots #10 and #11, and Lots #15 and #16.
 9. Building envelopes for all proposed lots, as identified on the proposed subdivision plat, indicate vegetated buffers for waterbodies, access roads, and other property boundary lines. The buffers maintain and protect at least a 100 foot setback from Bill Green Pond for all shorefront lots. There was to be a 35 to 50 foot road buffer for Lots #1 thru #8 and a 125 to 150 foot road buffer for Lots #9 through #17. In general, a 15 foot buffer was proposed from other property boundary lines, with additional buffering on Lots #4, #6, and #7.
 14. Prior to the sale of individual subdivision lots, the subdivider constructed driveway entrances to most of the authorized subdivision lots. In so doing, the shared driveway between lots 5 & 6 was installed in a location other than that depicted on the approved subdivision plat. In order to avoid discharge from an existing road culvert, the shared driveway was constructed such that it is located almost entirely on Lot #5. Access to the shared driveway is located entirely on lot #5.
 15. In order to rectify this discrepancy, the applicants have submitted a request to modify the subdivision approval to authorize the as-built location of the shared driveway serving lots #5 and #6.
 16. Irving E. McInnis and Jennifer R. McInnis (McInnis) are owners of Lot #5 as described in a deed recorded in the Penobscot County Registry of Deeds in Book 12119, Page 291.
 17. Jason R. Goodwin and Melissa F. Goodwin (applicants) are owners of Lot #6 as described in a deed recorded in the Penobscot County Registry of Deeds in Book 13415, Page 143.
 18. On February 20, 2015, McInnis and the applicants entered into a Reciprocal Easement Agreement to confirm and clarify the location of the shared driveway serving their respective parcels and to release to one another, all right, title, and interest in and to that portion of the shared driveway over lots #5 and #6, respectively, as depicted on a plan entitled “BILL GREEN SUBDIVISION” dated April 10, 2009, revised May 5, 2009, prepared by Webber Surveying, Inc., and approved by the Maine Land Use Planning Commission (formerly Land Use Regulation Commission) on May 12, 2009 and recorded in the Penobscot County Registry of Deeds in Plan Book 2009, Page 25. Further, McInnis granted to the Goodwins, as joint tenants, a right of way to be used as a driveway in common with McInnis, which said driveway shall serve both lots #5 and #6.
 19. The above referenced Right of Way is described by metes and bounds in the Reciprocal Easement Agreement and described on a plat entitled Amendment of Lots 5&6 of Bill Green Pond Subdivision prepared by Webber Surveying, Inc. on October 23, 2014.

REVIEW CRITERIA

20. 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.

3. The standards for Filling and Grading, Section 10.27,F of the Commission’s Land Use Districts and Standards, a copy of which is attached.
4. All conditions of Subdivision Permit SP 4083 shall remain in effect, with the exception for Condition #15 which shall be changed to state that “Shared driveways shall be utilized for Lots #5 and #6, Lots #7 and #8. Lots #10 and #11, and Lots #15 and #16, in accordance with the subdivision, except that the shared driveway for Lots #5 and #6 shall be as depicted on a plat entitled “Amendment of Lots 5&6 of Bill Green Subdivision” prepared by Webber Surveying, Inc. on October 23, 2014.”
5. Within 30 days of the date of issuance of this amendment, the permittees shall cause this document and the plat referenced in Condition #4 above to be recorded in the Penobscot County Registry of Deeds.

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 variations 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 18th DAY OF MAY, 2015.

By: 
 Nicholas D. Livesay, Executive Director

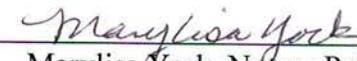
STATE OF MAINE
 County of Kennebec, ss,

Date: May 18, 2015

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 Regulation Commission.

Before me,

MARYLISA YORK
 Notary Public • State of Maine
 My Commission Expires September 11, 2018


 Marylisa York, Notary Public
 My Commission expires September 11, 2018

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MARYLISA YORK
 Notary Public • State of Maine
 My Commission Expires September 11, 2018


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 My Commission expires September 11, 2018