



PAUL R. LEPAGE  
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 4094

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Rapid River, LLC for Amendment A to Subdivision Permit SP 4094, finds the following facts:

1. Applicant: Rapid River, LLC  
c/o Randall Martin  
10 Stonegate Farm Road  
Temple, NH 03084
2. Date of Completed Application: March 10, 2014
3. Location of Proposal: Magalloway Plantation, Oxford County  
No Tax Plan or Lot numbers available  
Found in Book 4534 on Page 35 of the Oxford County Registry of Deeds
4. Parcel Size: 102.9 Acres (Owned)
5. Zoning: (D-RS3) Residential Recreation Development Subdistrict  
(M-GN) General Management Subdistrict
6. Affected Water Body: Umbagog Lake

The Commission has identified Umbagog Lake as a resource class 1B, accessible, undeveloped lake with significant fishing and cultural resources and outstanding wildlife resources.

### Background Information

7. Subdivision Permit SP 4094 (corrected), issued to the applicant in September of 2013, authorized a four-lot Level 1 residential subdivision along Umbagog Lake in Magalloway Plantation. The permitted subdivision is located on a 7.8 acre portion of the applicant's 102.9 acre parcel, with the remaining 95.1 acres retained by the applicant. The permitted residential lots all have frontage along Umbagog Lake.

Condition #2 of Subdivision Permit SP 4094 required that the applicant submit a sample deed for the transfer of the permitted lots.

8. Forestry Operations Permit FOP 937, issued to the applicant in November of 2013, authorized timber harvesting within the (D-RS3) Residential Recreation Development Subdistrict on the applicant's lot, including within the residential lots approved under Subdivision Permit SP 4094. Conditions #2 and #3 of Forestry Operations Permit FOP 937 required that timber harvesting within the shoreland zone and within 15 feet of property lines of the the permitted residential subdivision be conducted in accordance with the Commission's standards for clearing of vegetation for development under Section 10.27,B and for vegetative buffering in prospectively zoned areas under Section 10.25,B,2. Condition #4 required that the applicant file an application to amend Subdivision Permit SP 4094 to restrict future clearing of trees 4 inches or greater in diameter at 4 ½ feet above ground level on the approved residential lots until September 2024 such that the standards of Section 10.27,B,2,c and Section 10.27,B,3 of the Commission's standards for clearing of vegetation are not exceeded.

The applicant states that it has completed the timber harvest permitted under Forestry Operations Permit FOP 937 and no more harvesting is planned under that permit.

### Proposal

9. The applicant has submitted a request to amend Subdivision Permit SP 4094 to revise the sample deed to incorporate the restrictions on the removal of trees on the approved residential lots where timber has been recently harvested, as required by Condition #4 of Forestry Operations Permit FOP 937.

The applicant has submitted the revised sample deed which is attached as Appendix A.

The applicant has also requested that Condition #8.A of Subdivision Permit SP 4094 be amended to allow for portions of the retained lot to be transferred to abutters in accordance with the provisions of Section 10.25,Q(2)(A) of the Commission's Standards as revised September 1, 2013.

10. 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 Statues, 12 M.R.S.A.

**Therefore, the staff approves the application of Rapid River, LLC subject to the following conditions:**

1. The Standard Conditions (ver. 10/90), a copy of which is attached.
2. Deeds conveying approved lots must incorporate the language of the sample deed as approved by the Commission and attached to this permit as Appendix A. Furthermore, leases entered into for approved lots must incorporate the restrictions imposed by the approved sample deed.
3. The remainder of the permittee's lot must be retained for a period of at least five years from the date of Subdivision Permit SP 4094. For this five year period the retained lot must:
  - a. not be sold, platted, leased, conveyed or further divided except for transfer to an abutter pursuant to Section 10.25,Q,1,g(3) of the Commission's standards; and
  - b. be used solely for forest or agricultural management activities, or natural resource conservation purposes and associated structures and development such as buildings to store equipment or materials used in forest or agricultural management activities, land management roads, driveways consistent with forest or agricultural management activities, or natural resource conservation purposes.

4. Prior to the sale or lease of any subdivision lot the permittee must:
  - a. Record and cross- reference in the Oxford County Registry of Deeds this approved Amendment A to Subdivision Permit SP 4094 including Conditions of Approval. Upon such recording of the permit, the permittee must promptly submit to the Commission the book and page numbers for the permit amendment; and the date of such recording.
  - b. Obtain a Certificate of Compliance for Subdivision Permit SP 4094 and Amendment A to Subdivision Permit SP 4094 from the Commission.
5. All Conditions of Subdivision Permit SP 4094 shall remain in effect except for Conditions #2 and #3 of Subdivision Permit SP4094 which are superseded by Condition #2 of this amendment; and Condition #8 of Subdivision Permit SP 4094 which is superseded by Condition #3 of this amendment.

This permit is approved only upon the above stated conditions and remains valid only if the permittee complies with all of these conditions. 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 12th DAY OF MARCH, 2014.

By:   
 Nicholas D. Livesay, Executive Director

STATE OF MAINE  
County of Kennebec, ss,

Date: 3/12/14

Personally appeared the above named Nicholas D. Livesay, in his capacity as Executive Director of the 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 Land Use Planning Commission.

Before me,

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

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



STATE OF MAINE  
DEPARTMENT OF CONSERVATION  
22 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0022

### STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISION PERMITS

1. This permit is dependent upon and limited to the proposal as set forth in the application, plan 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 Regulation Commission. Any variation from the application or the conditions of approval undertaken without approval of the Commission constitutes a violation of Land Use Regulation Commission law.
2. 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 natural resources protection and air and water pollution regulations of the Maine Department of Environmental Protection and the Maine Department of Human Services.
3. The permittee shall promptly submit all information requested by the Commission to demonstrate compliance with the terms and conditions of approval.
4. In the event the permittee should sell or lease this subdivision in its entirety, the buyer or lessee shall be provided a copy of the approved subdivision permit and advised of the conditions of approval. The new owner or lessee must contact the Land Use Regulation Commission to have the permit transferred into their name to reflect any changes they propose from the original application and permit approval.
5. The permittee may not advertise Commission approval without first obtaining Commission approval for such advertising. Any such advertising shall refer to this permit only, if it also notes that the permit is subject to Conditions of Approval.
6. The scenic character and healthful condition of the area of the project covered by this permit must be maintained. The area must be kept free of litter, trash, junk cars, and any other materials that may constitute a hazardous or nuisance condition.
7. Before leasing, selling or entering into a contract for sale of any lot in the subdivision herein permitted, the permittee must provide a copy of this permit to the potential buyer or lessee and must indicate all of the conditions of approval. The permittee must also inform the potential buyer or lessee that no structure may be constructed or installed without first obtaining permit approval from the Maine Land Use Regulation Commission. Failure to give such notice is a violation of this approval and the Commission may initiate appropriate enforcement action.
8. Development and limited construction activities permitted in this permit must be completed within five (5) years from the date of issuance of the permit. If such activities are not 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.
9. This subdivision permit authorizes development and specified limited construction only. No lots or other interests in the subdivision herein permitted shall be transferred until a **CERTIFICATE OF COMPLIANCE**, stating that requirements and conditions of approval have been met, has been issued to the permittee. Once development and specified construction are complete, the permittee must notify the Commission so that the premises may be inspected and a **CERTIFICATE OF COMPLIANCE** issued.

Administrative Policy  
Revised 10/90

MAINE LAND USE REGULATION COMMISSION

**Notwithstanding Condition #8 of the Standard conditions (ver.10/90), development and limited construction activities permitted in this permit must be substantially started within two years of date of issue and substantially completed within five years from date of issuance of this permit. If such activities are not begun 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. (4/04)**

PHONE: (207) 287-2631

FAX: (207) 287-7439

**QUITCLAIM DEED WITH COVENANT**

**RAPID RIVER, LLC**, a New Hampshire Limited Liability Company, organized and operating under the laws of the State of New Hampshire, whose mailing address is 10 Stonegate Farm Road, Temple, NH 03084 for consideration paid, grants to **(Grantee)** of **(City/Town)**, \_\_\_\_\_ County, Maine with a mailing address of: \_\_\_\_\_, with Quitclaim Covenant, a certain lot or parcel of land more particularly described as follows:

Lot # \_\_\_\_\_ as shown as on a Plan entitled "Proposed Subdivision for Rapid River, LLC, Umbagog Lake, Magalloway Plantation" which is recorded in the Oxford County Registry of Deeds in Plan Number 4951, for part of a Subdivision approved pursuant to Maine Land Use Planning Commission Subdivision Permit SP 4094, and Amendment A to Subdivision Permit SP 4094, which permits are recorded in the Oxford County Registry of Deeds in Book 5043, Page 85, and Book \_\_\_\_\_, Page \_\_\_\_\_. Use of this lot is subject to applicable conditions of those Subdivision Permit approvals.

This conveyance is subject to the following additional restrictions:

- (1) No building or other such construction may be undertaken on any lot without first obtaining an approved Building Permit from the Maine Land Use Planning Commission (LUPC);
- (2) All structures must be set back a minimum of 100 feet from water bodies, 50 feet from all access roads and rights of way, a minimum of 75 feet from any streams and P-WLI wetlands, and a minimum of 15 feet from all other property boundary lines. In addition, all structures and clearing for development must be located within the boundaries of building envelopes, as designated on the Subdivision plat authorized pursuant to Maine Land Use Planning Commission Subdivision Permit SP 4094.
- (3) No lot shall be further divided. No lot shall be reconfigured without the written approval of the Maine Land Use Planning Commission in accordance with 12 M.R.S.A. § 681 *et seq.* and applicable requirements of the Commission.
- (4) The removal of trees 4.0 inches or more in diameter, measured at 4 ½ feet above ground level, within 250 feet of the normal high water mark of Umbagog Lake shall be prohibited until January 1, 2024; or sufficient information, as determined by the LUPC, has been provided to the LUPC to establish that the total volume of trees in this size class removed from November 22, 2013 to January 1, 2024 does not exceed 40 percent of the basal area of this size class on this lot. Notwithstanding the foregoing, diseased or unsafe trees may be removed within 250 feet of the normal high water mark of Umbagog Lake provided that any opening resulting from such removal is replanted with native tree species at least 3 feet in height.
- (5) Removal of other vegetation is subject to the applicable standards of the Maine Land Use Planning Commission.

IN WITNESS WHEREOF the said Rapid River, LLC, has caused this instrument to be signed

by \_\_\_\_\_, its duly authorized Member this \_\_\_\_\_ day of \_\_\_\_\_,  
2014.

**Rapid River, LLC**

By: \_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_, 2013

Personally appeared the above named \_\_\_\_\_ Member and  
acknowledged the signing of the foregoing instrument to be his/her free act and deed and the free  
act and deed of said Rapid River, LLC.

Before me,

\_\_\_\_\_  
Notary Public  
(Print Name Below Line)