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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 4096

The Maine Land Use Planning Commission, through its staff, after reviewing the application and supporting documents submitted by Phillips Article 8 LLC, Phillips 1973-APW LLC, Phillips 1973-JAP LLC and Phillips 1973-MPC LLC for Amendment A to Subdivision Permit SP 4096, finds the following facts:

1. Applicants: Phillips Article 8 LLC
Phillips 1973-APW LLC
Phillips 1973-JAP LLC
Phillips 1973-MPC LLC
c/o Loring, Coolidge, and Wolcott Offices
230 Congress Street
Boston, MA 02110-2437
2. Date of Completed Application: February 29, 2016
3. Location of Proposal: Lincoln Plantation, Oxford County
No Tax Maps Available
Book 4915 Page 301 Oxford County Registry of Deeds
4. Parcel Size: Approximately 4792 Acres* (Owned)
*Includes 1294 acres of flowed land
5. Zoning: (P-GP2) Semi-Remote Lake Protection Subdistrict
(M-GN) General Management Subdistrict
(P-SL2) Shoreland Protection Subdistrict
(P-WL1) Wetland Protection Subdistrict
(P-WL2) Wetland Protection Subdistrict
(P-WL3) Wetland Protection Subdistrict
6. Affected Water Body: Aziscohos Lake

Background

7. The applicants own an approximately 4,792 acre parcel with frontage along Lincoln Pond Road, Beaver Brook Road, Aziscohos Lake and Beaver Brook. Their parcel has 17,800 feet of frontage along Aziscohos Lake. The applicants' lot is a portion of a larger parcel in Lincoln Plantation formerly held by Six Rivers Limited Partnership [reference: Advisory Ruling AR 13-12, James W. Sewall Company].
8. Subdivision Permit SP 4096, issued to the applicants in June of 2015, authorized the creation of a 10-lot level 1 residential subdivision out of its parcel. Five of the permitted lots are to be for residential development, four of the lots are permitted as open space lots, and the tenth permitted lot is a 1.01 acre "Community Center Lot."

Subdivision Permit SP 4096 also authorized the construction of an approximately 3,378 foot long subdivision road from Beaver Brook Road to access the permitted subdivision lots. The permitted subdivision lots and access road are shown on a preliminary subdivision plan received by the Commission on April 27, 2015. The permitted subdivision is called "Island View Subdivision" and the permitted subdivision access road is called "Island View Road."

Proposal

9. The applicants seek approval to move the entrance of Island View Road onto Beaver Brook Road approximately 375 feet northeasterly of the previously permitted location, and relocate the first approximately 900 feet of the subdivision road coming in from Beaver Brook Road. The purpose of the proposed road relocation is to move the permitted subdivision road farther away from existing campsites associated with the Black Brook Campground and also to provide a better road alignment for forest management purposes. The length of the proposed relocated road section is approximately the same length as the originally permitted section of road. The relocated road section would not cross any streams or impact any wetlands. The proposed road relocation and revised design, drainage and profile plans are as shown on Plans C7, C7A and C8 submitted by the applicants and dated February 5, 2016. The proposed relocated road section would have a 12-foot wide travel surface within a 50-foot wide right-of-way, as with the originally permitted subdivision road. A turnout would be constructed along the proposed relocated road section approximately 450 feet in from Beaver Brook Road. The proposed relocated road section would have a maximum slope of nine percent. Erosion and sedimentation control for the proposed relocated road section would be in accordance with the erosion and sedimentation control plan previously approved under Subdivision Permit SP 4096.

No other changes are proposed to the previously permitted subdivision and access road.

Review Criteria

10. Section 10.25,D of the Commission's Land Use Districts and Standards specifies standards for vehicular circulation, access and parking. Under the provisions of Section 10.25,D,4,a, "Class 2 Roadways" are generally appropriate for residential subdivisions with fewer than 15 lots surrounded by a relatively sparse development pattern. The specifications for a Class 2 roadway under Section 10.25,D,4,e include a minimum required roadway surface width of 14 feet, or 8 feet with turnouts every 500 feet on average; and a maximum sustained grade of 15 percent.

Review Agency Comments

11. The Maine Department of Inland Fisheries and Wildlife states that it has no concerns regarding inland fisheries in relation to the proposal, and anticipates minimal impacts to wildlife resources.
12. The Maine Natural Areas Program states that it has no records of any rare botanical features within the project area.
13. The Maine Historic Preservation Commission states that it has no concerns regarding archaeological or architectural resources in relation to the proposal.
14. The Maine State Soil Scientist states that he visited the project site on December 9, 2015 with the applicants' road contractor. He found that the soils at the site are loamy glacial till soils, moderately well drained or better, and uniform over the length of the project site. No sensitive hydrologic areas were observed. He did not observe a seasonal ground water table, hardpan or bedrock in several auger borings to a depth of about 18 inches. He further states that the site is extremely bouldery which is not an environmental concern, but is a consideration for construction. The Maine State Soil Scientist states that he found the project site and soils suitable for road construction and that he concurs with the road construction techniques proposed by the contractor as discussed during their site visit.
15. The facts are otherwise as represented in Subdivision Permit Application SP 4096, Amendment Request A and supporting documents.

Based upon the above Findings, the staff concludes that:

1. Adequate provision has been made for vehicular access and traffic circulation in that the proposed relocated section of the subdivision access road is designed in accordance with the Commission's standards for vehicular access under Section 10.25,D of the Commission's standards.
2. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, §685-B(4) of the Commission's Statutes, 12 M.R.S.

Therefore, the Commission, through its staff, approves the application of Phillips Article 8 LLC, Phillips 1973-APW LLC, Phillips 1973-JAP LLC and Phillips 1973-MPC LLC subject to the following conditions:

1. The Standard Conditions (ver. 04/04), a copy of which is attached.
2. The permittees must submit for Commission review, approval, and signature, a final plat for this subdivision which meets the Commission's specifications for subdivision plats and is acceptable for recording in the Registry of Deeds. The final plat must accurately show all lot lines, roads (as originally permitted and modified by this amendment), utilities, building envelopes, common driveways, wooded phosphorus buffers, and delineated wetlands.
3. The permitted Island View Road must be constructed in accordance with the revised road plans received by the Commission on July 16, 2014 and February 26, 2015, as amended by Plans C7, C7A and C8, dated February 5, 2016. Once the construction areas are permanently stabilized, any temporary erosion and sedimentation control structures must be removed. The subdivision road must be maintained so that it will not erode.

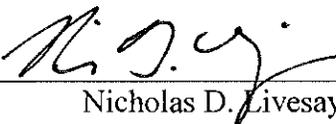
4. Prior to the sale or lease of any subdivision lot the permittee must:

- A. Record and cross- reference in the Oxford County Registry of Deeds approved Subdivision Permit SP 4096 and this approved Amendment A, including Conditions of Approval, the final subdivision plat signed by the Director of the Commission, the Declaration of Restrictive Covenants for the residential lots, as described under Finding of Fact #14 of Subdivision Permit SP 4096, and the Declaration of Open Space Restrictions as described under Finding of Fact #15 of Subdivision Permit SP 4096. Upon such recording of the permits, plat, and declarations, the permittees must promptly submit to the Commission a copy of the recorded plat; the book, page, and file numbers for the permits, plat and declarations; and the dates of such recordings.
- B. Obtain a Certificate of Compliance for this Subdivision Permit SP 4096 and Amendment A from the Commission.

5. All conditions of Subdivision Permit SP 4096 shall remain in effect, except Conditions #4, #8 and #12 of Subdivision Permit SP 4096 which are superseded by Conditions #2, #3 and #4 of this amendment, respectively.

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 3RD DAY OF MAY, 2016.

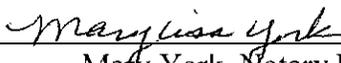
By: 
Nicholas D. Livesay, Executive Director

STATE OF MAINE
County of Kennebec, ss,

Date: 5/4/16

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,


Mary York, Notary Public
My Commission expires: _____

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



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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 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.
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 Health and 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 Planning 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 Planning 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 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.
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 the 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** issues.

Administrative Policy Revised 4/04