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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 4097

The Maine Land Use Planning Commission, through its staff, after reviewing the application and supporting documents submitted by Rangeley Plantation Irrevocable Trust for Amendment A to Subdivision Permit SP 4097, finds the following facts:

1. Applicant: Rangeley Plantation Irrevocable Trust
PO Box 770
Rangeley, ME 04970
2. Date of Completed Application: June 11, 2015
3. Location of Proposal: Rangeley Plantation, Franklin County
Lot #5 on Rangeley Plantation Tax Map 06
4. Parcel Size: 45.0 Acres (Owned)
5. Zoning: (D-GN) General Development Subdistrict
6. Existing Development: Main Lodge w/Attached Decks (23 ft. by 41 ft.) (permitted to be used as a community building)

Cedar Lane Camps (all permitted to be converted to condominium units)

- Camp IX (24 ft. by 28 ft.)
w/ Enclosed Porch (8 ft. by 24 ft.)
- Camp X (24 ft. by 28 ft.)
w/ Enclosed Porch (8 ft. by 24 ft.)
- Camp XI (24 ft. by 28 ft.)
w/ Enclosed Porch (8 ft. by 24 ft.)
- Camp XII (24 ft. by 28 ft.)
w/ Enclosed Porch (8 ft. by 24 ft.)
w/ Ramp (5.5 ft. by 28 ft.)

18 ELKINS LANE, HARLOW BUILDING
www.maine.gov/acf

PHONE: 207-287-2631

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Lower Way Camps (all permitted to be converted to condominium units)

- Camp I (24 ft. by 28 ft.)
w/ Enclosed Porch (8 ft. by 24 ft.)
- Camp II (24 ft. by 28 ft.)
w/ Enclosed Porch (8 ft. by 24 ft.)
- Camp III (24 ft. by 28 ft.)
w/ Enclosed Porch (8 ft. by 24 ft.)
- Camp IV (24 ft. by 28 ft.)
w/ Enclosed Porch (8 ft. by 24 ft.)

Siding Camp (18 ft. by 20 ft.) w/ Porch (8 ft. by 18 ft.)
(permitted to be converted to a condominium unit)

Permanent Home w/Attached Garage (36.5ft. by 92 ft.)
(permitted to be converted to a condominium unit)

Shed (6 ft. by 8 ft.)

Deck (8 ft. by 12 ft.)

7. Proposed Development: Eighteen Permitted Condominium Units (#10 - #27)
(Each to be 24 ft. by 36 ft. with an 8 ft. by 24 ft. porch)
8. Sewage Disposal: One Existing Combined System
Three Existing Combined Systems to be Expanded and/or add Aeration Tank
Three New Combined Systems
9. Affected Waterbodies: Rangeley Lake and Unnamed Stream

The Commission has identified Rangeley Lake as a resource class 1A, management class 4, accessible, developed lake with outstanding fisheries, scenic, physical, and cultural resources, and significant wildlife, shoreline and botanical resources.

Background

10. The subject property was originally developed with a commercial sporting camp in the 1800's. The sporting camp was operated into the 1980's, and then utilized as a private residence and farm until 1996 when the owner at the time passed away. S.C. Noyes and Company (hereinafter "Noyes") acquired the subject lot in August of 1998, with the lot being approximately 59 acres at that time.
11. Development Permit DP 4526, issued to Noyes in February of 2000, authorized the establishment of a commercial sporting camp complex to be known as "Niboban Camps." Permitted structures for the sporting camp included a main lodge, and thirteen individual cabins to be known as the Cedar Lane Camps (four cabins), the Lower Way Camps (four cabins), the Ethelwald Camps (four cabins), and the Siding Camp. Condition #11 of Development Permit DP 4526 stipulated that the subject lot not be further divided without the prior review and approval of the Commission and the Maine Bureau of Parks and Lands.

12. Amendments A through C to Development Permit DP 4526 were issued to Noyes from 2001 to 2003 authorizing various changes to the permitted structures and operation of the facility, and the construction of a permanent home at the facility.
13. The sporting camp as constructed included the permitted main lodge, permanent home with attached garage, the Cedar Lane Camps (four cabins), the Lower Way Camps (four cabins), and the Siding Camp, for a total of nine cabins. The permitted Ethelwald Camps were not constructed. There are four interior access roads: the main road, "Niboban Camp Road," and four secondary roads being "Woody's Way," "Cedar Lane," and "Lower Way."
14. In accordance with Condition #11 of Development Permit DP 4526, Amendment D to Development Permit DP 4526, issued to Noyes in September of 2012, authorized the transfer of an approximately 8 acre lot out of the west end of its parcel to the Rangeley Lakes Heritage Trust (hereinafter "RLHT"). Noyes subsequently transferred the lot to RLHT on October 25, 2012, as authorized under Amendment D. The lot retained by Noyes was 50.7 acres in size.
15. In July of 2014, the applicant acquired the remaining 50.7 acre lot with the sporting camp complex retained by Noyes after the transfer of the RLHT lot.
16. Amendment E to Development Permit DP 4526, issued to the applicant in September of 2014, reflected its ownership of the subject property, and authorized the transfer of an approximately 5.7 acre undeveloped portion of its parcel, located on the east side of the original parcel.
17. Subdivision Permit SP 4097, issued to the applicant in December of 2014, authorized the conversion of the sporting camp facility to a residential condominium development, with the existing cabins and residence all to be converted to condominium units (Units #1 - #9 and #28). The existing lodge was authorized for conversion to use as a community building for all the condominium unit owners. Subdivision Permit SP 4097 also authorized the construction of 18 new condominium units for a total of 28 condominium units. The common elements include pedestrian paths, water access points, designated undeveloped land (land that would be part of the open space), roads, the community building, sewage disposal systems, utilities, and other infrastructure.

Condition #8 of Subdivision Permit SP 4097 required that the travel surface of the interior access roads be widened as needed to attain the minimum required travel surface widths of 18 feet for a Class 1 roadway and 14 feet for a Class 2 roadway, as applicable. Condition #8 required that all necessary road widening be done by July 1, 2015.

Condition #9 of Subdivision Permit SP 4097 stipulated that all required structures for the permittee's approved phosphorus management plan be installed by July 1, 2015.

18. A partial certificate of compliance was issued for Subdivision Permit SP 4097 in May of 2015, allowing for the transfer of the existing permitted condominium units #1 - #9 and #28.

Proposal

19. The applicant seeks approval to extend the deadline dates for the required widening of the interior access roads and installation of phosphorus control structures as specified under Conditions #8 and #9 of Subdivision Permit SP 4097 to September 30, 2015. No other changes are proposed.

20. The facts are otherwise as represented in Subdivision Permit Application SP 4097, Amendment Request A, and supporting documents.

Based upon the above Findings, the staff concludes that 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.

Therefore, the Commission, through its staff, approves the application of Rangeley Plantation Irrevocable Trust subject to the following conditions:

1. The Standard Conditions (ver. 4/04), a copy of which is attached.
2. The travel surface of Niboban Camp Road from South Shore Road to the shared driveway for permitted condominium units #19 and #20 shall be widened as needed to attain the minimum required travel surface of 18 feet for a Class 1 roadway. The remainder of Niboban Camp Road, and all of Woody's Way, Cedar Lane and Lower Way shall be widened as needed to attain the minimum required travel surface of 14 feet for a Class 2 roadway. All necessary road widening shall be done by September 30, 2015. The permittee shall notify Commission staff when it has completed the necessary road widening so that a site inspection may be arranged.
3. All required structures for the permittee's approved phosphorus management plan, as shown on its phosphorus plan sheet 1-1 revised December 9, 2014, must be installed by September 30, 2015. The permittee shall notify Commission staff when it has completed the required phosphorus control structures so that a site inspection may be arranged.
4. Prior to the sale or lease of the permitted new condominium units #10 - #27 the permittee must obtain a Certificate of Compliance for those lots. Prior to issuance of a Certificate of Compliance for those lots, interior roads must be widened and the phosphorus control measures installed in accordance with Conditions #2 and #3 above.
5. All conditions of Subdivision Permit SP 4097 shall remain in effect except for Conditions #8, #9 and #12.B(3) of Subdivision Permit SP 4097 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 WEST FARMINGTON, MAINE, THIS 24TH DAY OF AUGUST, 2015.

By: *Sara G. Busile*
for Nicholas D. Livesay, Executive Director



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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