



STATE OF MAINE
PAUL R. LEPAGE
GOVERNOR

DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
43 LAKEVIEW DRIVE
P.O. BOX 1107
GREENVILLE, MAINE 04441

WALTER E. WHITCOMB
COMMISSIONER

PERMIT

UTILITY LINE PERMIT ULP 451

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Winthrop R. Scudder for Utility Line Permit ULP 451, finds the following facts:

1. Applicant: Winthrop R. Scudder
70 Cambridge Road
Bedford, New Hampshire 03110
2. Date of Completed Application: October 20, 2014
3. Location of Proposal: Town of Beaver Cove, Piscataquis County
Plan 02 Lots 3 and 3.1
4. Zoning: D-RS (Residential Development Subdistrict)
M-GN (General Management Subdistrict)

Proposal

5. The applicant proposes to install overhead utility line with 7 new utility poles and anchors at an average height of 40 feet, with an average spacing of 240 feet, set back approximately 11 feet, from the center line of a currently existing 12 foot wide gravel road in augered holes within the existing 33 foot right of way for a length of 1500 feet. The applicant also proposes to install approximately 1800 feet of underground utility lines buried 2 to 6 feet in depth in a 2 to 3 foot wide trench that will connect the overhead lines to the applicants existing camp which is located more than 100 feet from the Normal High Water Mark of Moosehead Lake.
6. The applicant states the there will be limited tree cutting because of the currently existing road and proposed buried lines. The applicant also states that there are no anticipated impacts on scenic quality or water quality since the overhead utility lines will be at least 1800 feet from Moosehead Lake and the underground lines will not be any closer than 100 feet to Moosehead Lake. Hay bales will be used for erosion control in the vicinity of the lake until revegetated. No wetlands will be impacted and all abutters have been notified.
7. The facts are otherwise as represented in Utility Line Permit Application ULP 451 and supporting documents.

NICHOLAS D. LIVESAY, EXECUTIVE DIRECTOR

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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.A.

Therefore, the staff approves the application of Winthrop R. Scudder with the following conditions:

1. The Standard Conditions (ver. 10/90), a copy of which is attached.

Notwithstanding Condition #3 of the Standard Conditions (ver. 10/90), construction activities permitted in this permit must be substantially started within two (2) years of date of issue and substantially completed within five (5) years from date of issuance of this permit. If such construction 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.

2. The standards for Vegetative Clearing, Section 10.27,B of the Commission's Land Use Districts and Standards, a copy of which is attached.

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 GREENVILLE, MAINE, THIS 20th DAY OF OCTOBER, 2014.



For: Nicholas D. Livesay,
Executive Director



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

STANDARD CONDITIONS OF APPROVAL FOR UTILITY LINE PERMITS:

1. The permit certificate must be posted in a visible location on your property during development of the site and construction of the structures approved by this permit.
2. This permit is limited to the proposal as set forth in the application and as modified by these and any other specified conditions of approval. All variances therefrom are subject to the review and approval of the Commission. Any variance from the application or the conditions of approval undertaken without the review and approval of the Commission constitutes a violation of the Land Use Planning Commission Law.
3. The permittee shall secure and comply with all applicable licenses, permits and authorizations of all federal, state and local agencies, with particular regard to those regulations of the Maine Department of Environmental Protection, Maine Department of Inland Fisheries and Wildlife, and the Maine Department of Human Services.
4. The permittee shall promptly submit all information requested by the Commission demonstrating compliance with the terms of the application and all of the conditions of approval.
5. The scenic character and healthful condition of the area covered by this permit must be maintained. The area must be kept free of litter, solid wastes, junk vehicles and vehicle parts, and any other materials that may constitute a hazardous or nuisance condition.
6. All disturbed areas of soil shall be promptly revegetated and maintained in a vegetative state so as to blend with the natural surroundings and prevent soil erosion.
7. Once construction is complete, the permittee shall notify the Commission that all requirements and conditions of approval have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of the application and the conditions of approval. Following notification of completion, the Commission's staff may arrange and conduct a compliance inspection.
8. 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 construction 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.

*Adopted January 8, 1976
Revised 09/84
Revised 02/92
Revised 04/04*

B. VEGETATION CLEARING

Vegetation clearing activities not in conformance with the standards of this section may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of this section, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

The following requirements shall apply to vegetation clearing activities for any purpose other than road construction, road reconstruction and maintenance, wildlife or fishery management, forest management, agricultural management, public trailered ramps or hand-carry launches:

1. A vegetative buffer strip shall be retained within:
 - a. 50 feet of the right-of-way or similar boundary of any public roadway,
 - b. 75 feet of the normal high water mark of any body of standing water less than 10 acres in size, or any tidal water or flowing water draining less than 50 square miles, and
 - c. 100 feet of the normal high water mark of a body of standing water 10 acres or greater in size or flowing water draining 50 square miles or more.
2. Within this buffer strip, vegetation shall be maintained as follows:
 - a. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath is permitted, provided it does not exceed six (6) feet in width as measured between tree trunks, and, has at least one bend in its path to divert channelized runoff.
 - b. Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other natural vegetation is maintained.

For the purposes of this section a “well-distributed stand of trees” adjacent to a body of standing water 10 acres or greater in size shall be defined as maintaining a rating score of 24 or more in a 25-foot by 50-foot rectangular area as determined by the following rating system.

Near other water bodies, tributary streams and public roadways a “well-distributed stand of trees” shall be defined as maintaining a rating score of 16 or more per 25-foot by 50-foot (1250 square feet) rectangular area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2.0 to < 4.0	1
4.0 to < 8.0	2
8.0 to < 12.0	4
12.0 +	8

Table 10.27,B-1. Rating system for a well-distributed stand of trees.

The following shall govern in applying this rating system:

- (1) The 25-foot x 50-foot rectangular plots shall be established where the landowner or lessee proposes clearing within the required buffer;
- (2) Each successive plot shall be adjacent to but not overlap a previous plot;
- (3) Any plot not containing the required points shall have no vegetation removed except as otherwise allowed by these rules;
- (4) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by these rules; and
- (5) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of this section, "other natural vegetation" is defined as retaining existing vegetation under 3 feet in height and other ground cover and retaining at least 5 saplings less than 2 inches in diameter at 4½ feet above ground level for each 25-foot by 50-foot rectangular area. If 5 saplings do not exist, the landowner or lessee may not remove any woody stems less than 2 inches in diameter until 5 saplings have been recruited into the plot. In addition, the soil shall not be disturbed, except to provide for a footpath or other permitted use.

- c. In addition to Section 10.27,B,2,b above, no more than 40% of the total basal area of trees 4.0 inches or more in diameter, measured at 4½ feet above ground level, may be removed in any ten (10) year period.
 - d. Pruning of live tree branches is prohibited, except on the bottom 1/3 of the tree provided that tree vitality will not be adversely affected.
 - e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings in excess of 250 square feet, these openings shall be established with native tree species.
3. At distances greater than one hundred (100) feet, horizontal distance, from the normal high water mark of a body of standing water greater than 10 acres, no more than 40% of the total basal area of trees four inches or more in diameter, measured at 4½ feet above ground level, may be removed in any ten (10) year period. In no instance shall cleared openings exceed, in the aggregate, 10,000 square feet, including land previously cleared. These provisions apply to areas within 250 feet of all bodies of standing water greater than ten (10) acres, and to the full depth of the P-AL zone. This requirement does not apply to the development of uses allowed by permit.
 4. Cleared openings legally in existence as of June 7, 1990 may be maintained, but shall not be enlarged except as permitted by these regulations.

In all subdistricts where natural vegetation is removed within the required vegetative buffer strip of a flowing water, body of standing water, tidal water, or public roadway, it shall be replaced by other vegetation (except where the area cleared is built upon) that is effective in preventing erosion and retaining natural beauty.