



PAUL RICHARD LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF CONSERVATION
MAINE LAND USE REGULATION COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0022

WILLIAM H. BEARDSLEY
COMMISSIONER

PERMIT

AMENDMENT A TO BUILDING PERMIT BP 9273

The Staff of the Maine Land Use Regulation Commission, after reviewing the application and supporting documents submitted by Misty Moon Beam, LLC for Amendment A to Building Permit BP 9273, finds the following facts:

1. Applicant: Misty Moon Beam, LLC
Attn: Richard G. Allan
PO Box 568
Rangeley, ME 04970
2. Date of Completed Application: January 12, 2012
3. Location of Proposal: Dallas Plantation, Franklin County
Lot #111-C on Tax Map 2, Dallas Plantation
4. Zoning: (D-RS2) Community Residential Development Subdistrict
5. Lot Size: 7.5 Acres (owned)
6. Principal Building: Existing Permanent Home (42ft. by 42ft.)
7. Accessory Structures: Proposed Garage (30 ft. by 34 ft.)
8. Sewage Disposal: Existing Combined System
9. Affected Waterbody: Nile Brook

Background

10. The subject lot is located along Old County Road and was formerly owned by Tom McCutcheon.
11. Building Permit BP 9273, issued to Mr. McCutcheon in March of 1996, authorized the construction of a permanent home on the lot and installation of a combined sewage disposal system to serve the home. The permitted home and sewage disposal system have been constructed. The applicant has since acquired the property.

SAMANTHA HORN OLSEN, ACTING DIRECTOR

www.maine.gov/doc/lurc
PHONE: (207) 287-2631
FAX: (207) 287-7439
TTY: (888) 577-6690

Proposal

12. The applicant now seeks amendment approval to transfer Building Permit BP 9273 to its name; and to construct a garage on the lot. The garage would be used solely for the storage of vehicles and other items, and would not be used as a dwelling.
13. The proposal complies with Sub-Chapter III of the Commission's Land Use Districts and Standards.
14. The facts are otherwise as represented in Building Permit application BP 9273, 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.A.

Therefore, the staff approves the application of Misty Moon Beam, LLC with the following conditions:

1. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started 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 permitted garage is to be used as a garage only, for storage of vehicles and other materials associated with the residential use of the parcel. The structure is not authorized or intended for use as human habitation and may not have any plumbing fixtures or sleeping facilities unless and until the applicants obtain a design for a subsurface wastewater disposal system in conformance with Maine subsurface wastewater disposal laws, and a new Permit Amendment is granted from the Commission authorizing such residential use.
3. Structures authorized under this permit, filled and graded areas and cleared openings created as part of construction activities authorized under this permit must be set back a minimum of 75 feet from the normal high water mark of Nile Brook, 50 feet from Old County Road and 15 feet from other property boundary lines.
4. All clearing of vegetation on the lot must comply with the Commission's standards for vegetative clearing and the development standards for buffering within the D-RS2 Subdistrict, Sections 10.27, B and 10.25, B, 2, a copies of which are attached.
5. The total height of the permitted structure may not exceed 35 feet as measured from the peak of the roof (excluding chimneys or antennae) to the lowest point of the structure, including the foundation, at grade along the downhill side.

6. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all erosion and sedimentation control devices (including ditches, culverts, sediment traps, settling basins, hay bales, silt fences, etc.) have been installed and stabilized. Once in place, such devices shall be maintained to ensure proper functioning. All temporary sedimentation and erosion control devices shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively implemented. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.
7. Once construction is complete, the permittee shall submit a self-certification form, notifying the Commission that all conditions of approval of this permit have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of this permit.
8. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.
9. All exterior lighting must be located and installed so as to illuminate only the target area to the extent possible. Exterior lighting must not produce a strong, dazzling light or reflection beyond lot lines onto neighboring properties, water bodies, or roadway so as to impair driver vision or to create nuisance conditions.
10. The permittee shall submit a copy of its deed to the subject lot for Commission records.
11. The lot may not be further divided without the prior review and approval of the Commission. In addition, certain restrictions, including subdivision, setback and minimum lot size requirements, and activities on the original parcel from which the lot was first divided, may limit or prohibit a redivision of the lot in the future. The permittee is hereby advised to consult applicable land use laws and rules and with the Commission prior to any future redivision of the lot.

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 complies with all of these conditions. Any variation 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 Regulation Commission law. 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 13th DAY OF JANUARY, 2012.

By: 
for Samantha Horn Olsen, Acting Director