



Paul Richard Lepage
GOVERNOR

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

William H. Beardsley
COMMISSIONER

PERMIT

ROAD CONSTRUCTION PERMIT RP 3266

The staff of the Maine Land Use Regulation Commission, after reviewing the application and supporting documents submitted by James Folsom for Road Construction Permit RP 3266, finds the following facts:

1. Applicant: James Folsom
43 Highland Ridge Drive
Hampden, Maine 04444
2. Date of Completed Application: January 18, 2012
3. Location of Proposal: Days Academy Grant Twp, Piscataquis County
Lot# 2 on Plan 01
4. Zoning: (M-GN) General Management Subdistrict
(P-SL) Shoreland Protection Subdistrict
(P-GP) Great Pond Protection Subdistrict
(P-WL) Wetland Protection Subdistrict
5. Lot Size: 68 acres (Owned)
6. Affected Waterbody: Moosehead Lake

The Commission has identified Moosehead Lake as a resource class 1A, management class 7, relatively accessible, relatively developed lake with significant shore character and outstanding fisheries, wildlife, scenic, cultural, and physical resources.

Background

7. The applicants lot is currently developed with a pre-LURC farm with residential structures accessed by a pre-LURC road located approximately 15 feet from the shore of Moosehead Lake.

Proposal

8. The applicant proposes to construct a new access road and discontinue the use of the currently existing access road by:
 - a.) Constructing a 10 foot wide by 2500 foot long access road with 4 foot wide shoulders from the Kelly Wharf Road to the Folsom Farm. Approximately 1600 feet will be on leased property from the State of Maine Bureau of Parks and Lands. The proposed road would be located approximately 250 feet from Moosehead Lake within a 33 foot right of way and constructed at less than a 5 percent grade using filter fabric, course gravel, crushed stone, compacted gravel and two 15 inch culverts to be placed at the proposed road entrance and at a minor stream crossing.

- b.) Discontinue the use of the currently existing access road located approximately 15 feet from the shore of Moosehead Lake. The road is proposed to be rocked off by the State of Maine Bureau of Parks and Lands per lease agreement and allowed to revegetate back to a natural state.
9. The proposed access road would involve clearing approximately 25,000 square feet of scrub vegetation within a previous timber harvest and in the proposed layout area. There is one mapped forested wetland (P-WL3) and one intermittent minor stream. The stumps would not be pulled but would instead be cut to the existing grade. Once the vegetation is cleared the applicants would install fill above grade using an excavator, bulldozer, dump truck and by hand. Installation and material for fill includes filter fabric, large stone, and filter fabric placed to a depth of 12 inches, then capped with 18 inches of base gravel and finished with 3 inches of surface gravel. This would be accomplished by working on a previously constructed skid road on Bureau of Parks and Lands portion which includes a mapped forested wetland and intermittent stream and on dry grade on the applicants proposed portion. The applicant also proposes the installation two 15 inch culverts. One at the beginning of the proposed road at the intersection of the Kelly Wharf Road and the other approximately 700 feet in on the leased portion for the minor stream crossing. The proposal would use approximately 24,000 cubic yards of fill and would affect approximately 2800 square feet of forested wetland. The Bureau of Parks and Lands has given permission to the applicant to use fill from their currently existing gravel pit adjacent to the proposal. The applicant also proposes a 2 to 1 slope on road shoulders to allow for sheet flow of runoff.
10. The applicants state that silt fences or hay bales would be installed in any sensitive areas prior to starting construction and that all disturbed soils would be seeded and mulched upon completion of the project.

Review Criteria

11. Under provisions of Section 10.22,A,3,c,(17) of the Commission's Land Use Districts and Standards, Level C road projects are an allowed use within the (M-GN) Management General Subdistrict upon issuance of a permit.
12. Under provisions of Section 10.23,L,3,c,(15) of the Commission's Land Use Districts and Standards, Level C road projects are an allowed use within the (P-SL) Shoreland Protection Subdistrict upon issuance of a permit.
13. Under provisions of Section 10.23,E,3,c,(6) of the Commission's Land Use Districts and Standards, filling and grading is an allowed use within the (P-GP) Great Pond Protection Subdistrict upon issuance of a permit.
14. Under provisions of Section 10.23,N,3,b,(5) of the Commission's Land Use Districts and Standards, filling and grading is an allowed use without a permit subject to standards within a (P-WL3) Wetland Protection Subdistrict as long as it does not alter more than 4,300 square feet of wetland.
15. The facts are otherwise as represented in Road Construction Permit Application RP 3266 and supporting documents.

Review Comments

16. The Maine Bureau of Parks and Lands has granted the applicant a 25 year lease for the proposed project.

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 James Folsom 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.
3. The standards for Filling and Grading, Section 10.27,F of the Commission's Land Use Districts and Standards, a copy of which is attached.
4. In wet/hydric soil areas, the pulling of stumps, construction activities, and installation of ditches below existing grade shall be prohibited.
5. The permitted road must set back a minimum of 250 feet from the normal high water mark of Moosehead Lake.
6. Any activities which result in unstabilized soil conditions must comply with the General and Design Standards of Section 10.25,M,1 and 2 of the Commission's Land Use Districts and Standards, a copy of which is attached.
7. During construction, the permittee shall take reasonable precautions to avoid siltation of waterbodies including, but not limited to, the use of hay mulch to temporarily stabilize exposed soil, cessation of construction activities during inclement weather, and other measures which may prove to be necessary.
8. If water control measures beyond those specified prove to be necessary in order to reasonably avoid accelerated erosion or sedimentation of surface waters, such additional measures must be employed.
9. All operations must be stopped where the continuation of such operations will cause or contribute to the occurrence of accelerated erosion or the sedimentation of surface waters, whether such occurrences is caused by wet weather, failure of water control devices, or other factors.
10. Culvert installation shall be done to BMP standards and shall be properly sized.

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 GREENVILLE, MAINE, THIS 25th DAY OF JANUARY, 2012.

By : 
For: Samantha Horn Olsen, Acting Director