Based on the information you have submitted in the attached application and supporting documents, the staff of the Maine Land Use Planning Commission concludes that, if carried out in compliance with the conditions of approval below, your proposal will meet the criteria for approval, 12 M.R.S.A. §685-B(4) of the Commission’s statutes and the provisions of the Commission’s Land Use Districts and Standards (Chapter 10; ver. June 17, 2019). 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 Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

LUPC Authorized Signature

October 3, 2019

Effective Date

**CONDITIONS OF APPROVAL**

**General Conditions**

1. **At least one week prior to commencing the permitted activities**, the permittee or the designated agent must contact the Commission staff and notify them of the estimated date construction work will start. Notice may be provided in writing, in person, by email, or by calling. If you leave or send a message, please include your full name, telephone number, permit number, and the date the work will start.

2. **Prior to commencing the permitted activities**, the permittee, or the designated agent acting on behalf of the permittee, must provide a copy of the permit, including its attached conditions, to contractors that will be performing work or will be responsible for work at the site.

3. 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.

4. A minimum of 10 saplings shall be replanted within 80 to 100 feet from the normal high water mark to meet the requirements of Chapter 10, Section 10.27,B,2,a and resolve EC-19-33.

5. The permittee shall remove patio block structures within 100 feet of the normal high water mark to resolve EC-19-33.

6. The permittee shall allow revegetation of undergrowth to naturally occur without disturbance, within 100 feet of the normal high water mark to meet the requirements of Chapter 10, Section 20.27,B,2,b to resolve EC-19-33. See attached Vegetation Clearing Standards for reference.

7. This permit is dependent upon and limited to the proposal as set forth in the application and supporting documents, except as modified by the Commission in granting this permit. Any variation is subject to 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.

8. Structures authorized under this permit, as well as filling/grading/soil disturbance and cleared openings created as part of construction activities authorized under this permit, must be located to meet the road, property line, water and wetland setback distances, exterior dimensions and building heights listed in Sections 4 and 5 and approved by this permit.

9. Temporary and permanent sedimentation control measures must be implemented to effectively stabilize all areas of disturbed soil and to catch sediment from runoff water before it leaves the construction site so that sediment does not enter water bodies, drainage systems, water crossings, wetlands or adjacent properties. 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.

10. Effective, temporary stabilization of all disturbed and stockpiled soil must be completed at the end of each work day. 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.

11. Cleared openings created as part of construction activities authorized under this permit must be effectively stabilized and revegetated.
12. All imported fill material must be free of hazardous or toxic materials and must not contain debris, trash, or rubbish.

13. Unless otherwise proposed in Question 8.4 and by the submittal of Exhibit G, Erosion and Sediment Control Plan, and approved by this permit, soil disturbance must not occur when the ground is frozen or saturated.

14. Topsoil must not be removed from the site except for that necessary for construction activities authorized in this permit. Topsoil must be stockpiled at least 100 feet from any water body.

15. The permittee shall not advertise Land Use Planning Commission approval without first obtaining 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.

16. In the event the permittee should sell or lease this property, the buyer or lessee shall be provided a copy of the approved permit and conditions of approval. The new owner or lessee should then contact the Land Use Planning Commission to have the permit transferred into his/her name. If there are no additional changes the transfer can be accomplished on a Minor Change Form.

17. 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.

18. 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.

19. The permittee shall secure and comply with all applicable licenses, permits, authorizations, and requirements of all federal, state, and local agencies including but not limited to: Air and Water Pollution Control Regulations; Subsurface Wastewater Disposal System approval from the Local Plumbing Inspector and/or Maine Department of Health and Human Services, Subsurface Wastewater Program; and the Maine Department of Transportation, Driveway Entrance Permit, a physical E-911 address from your County Commissioner’s Office.

20. 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.

21. All conditions of previously issued Commission permits shall remain in effect, except as specifically modified by this permit. For parcels that are part of a Commission-approved subdivision, all conditions of the subdivision permit as they pertain to the permittee’s parcel shall remain in effect.

22. Nothing in this permit shall be construed to release the permittee(s) from any liability or responsibility arising from any violation, including Enforcement Case EC 19-33, or to be considered a waiver of the authority of the Commission or the state to fully pursue or prosecute such violations.
B. VEGETATION CLEARING

Vegetation clearing activities not in conformance with the standards of Section 10.27,B 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 Section 10.27,B, 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 except as provided for in Section 10.27,B,1,b below,
   b. 30 feet of the right-of-way or similar boundary of any public roadway in D-RS and D-GN subdistricts;
   c. 75 feet of the normal high water mark of any body of standing water less than 10 acres in size, or any coastal wetland or flowing water draining less than 50 square miles, and
   d. 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 (1,250 square feet) rectangular area as determined by the following rating system.

<table>
<thead>
<tr>
<th>Diameter of Tree at 4-1/2 feet Above Ground Level (inches)</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.0 to &lt; 4.0</td>
<td>1</td>
</tr>
<tr>
<td>4.0 to &lt; 8.0</td>
<td>2</td>
</tr>
<tr>
<td>8.0 to &lt; 12.0</td>
<td>4</td>
</tr>
<tr>
<td>12.0 +</td>
<td>8</td>
</tr>
</tbody>
</table>

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

Gray text applies only to prospectively zoned areas.
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.

5. When revegetation is required: (i) in response to violations of the vegetation standards set forth in Section 10.27.B.1 through 4; (ii) to address the removal of non-native invasive species of vegetation; (iii) as a mechanism to allow for development by permit that exceeds the vegetation standards of Section 10.27.B or the cleared opening standards of Section 10.27.Q.1, Table A.(4), including removal of vegetation in conjunction with a shoreline stabilization project; or (iv) as part of a mitigation plan for clearing associated with a recreational lodging facility, the revegetation must comply with the following requirements.
a. The property owner must submit a revegetation plan, prepared with and signed by a qualified professional (examples include: arborist, forester, landscape architect, U.S.D.A. Natural Resources Conservation Service), that describes revegetation activities and maintenance. The plan must include a scaled site plan depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.

b. Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed. When part of a mitigation plan, revegetation must occur along the same segment of shoreline, road, or other resource affected by proposed uses or development, and at a density and configuration comparable to other naturally occurring forests on the site or in the vicinity.

c. Revegetation activities must meet the following requirements for trees and saplings:

(1) All trees and saplings removed must be replaced with native noninvasive species;
(2) Replacement vegetation must at a minimum consist of saplings;
(3) If more than three trees or saplings are planted, then at least three different species shall be used;
(4) No one species shall make up 50% or more of the number of trees and saplings planted;
(5) If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
(6) A survival rate of at least 80% of planted trees or saplings is required for a minimum five years period from the time of planting. Replanting of trees or saplings that did not survive does not trigger a new five year period.

d. Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three feet in height:

(1) All woody vegetation and vegetation under three feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three feet in height as applicable;
(2) Woody vegetation and vegetation under three feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
(3) If more than three woody vegetation plants are to be planted, then at least three different species shall be planted;
(4) No one species shall make up 50% or more of the number of planted woody vegetation plants; and
(5) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for a minimum of five years from the time of planting. Replanting of trees or saplings that did not survive does not trigger a new five year period.

e. Revegetation activities must meet the following requirements for ground vegetation and ground cover:

(1) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

(2) Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and

(3) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within Section 10.27.B for a minimum of five years from the time of planting.

f. The applicant may propose, and the Commission may approve or require, variations from the standards in Section 10.27.B.5.c through e if necessary to achieve effective buffering. The Commission may exempt an individual, whether an applicant or violator, from the requirement that the revegetation plan be prepared by a qualified professional in accordance with Section 10.27.B.5.a, when the proposed revegetation is routine and would not affect a particularly sensitive resource.
**Building Permit Amendment**

**1. APPLICANT INFORMATION**

<table>
<thead>
<tr>
<th>Applicant Name(s)</th>
<th>Daytime Phone</th>
<th>FAX (if applicable)</th>
<th>Email (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thomas C. Sweezer</td>
<td>251-979-0175</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mailing Address</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>5454 E. Oak Ridge Dr.</td>
<td>36561</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Town</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Orange Beach</td>
<td>AL</td>
</tr>
</tbody>
</table>

**2. PROJECT LOCATION AND PROPERTY DETAILS**

<table>
<thead>
<tr>
<th>Township, Town or Plantation</th>
<th>County</th>
<th>Tax Information (check Tax Bill)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake View Plantation</td>
<td>Piscataquis</td>
<td></td>
</tr>
</tbody>
</table>

| Map: 020-023 Plan: 6124903 Lot 23 |

<table>
<thead>
<tr>
<th>Road Frontage. List the name(s) and frontage(s) (in feet) for any public or private roads, or other rights-of-way adjacent to your lot:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Road #1: Railroad Bed Rd Frontage 200 ft.</td>
</tr>
<tr>
<td>Road #2:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Road Frontage. List the name(s) and frontage(s) (in feet) for any lakes, ponds, rivers, streams, or other waters on or adjacent to your lot:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waterbody #1: Schoodic Lake Frontage 265 ft.</td>
</tr>
</tbody>
</table>

**3. EXISTING STRUCTURES** *(Fill in a line for each existing structure)*

<table>
<thead>
<tr>
<th>Type of structure (dwelling, garage, deck, porch, shed, driveway, parking area, etc.)</th>
<th>Year built</th>
<th>Exterior dimensions (In feet) (LxWxH)</th>
<th>Type of foundation (full basement, slab, post, etc.)</th>
<th>Horizontal Distance (In feet) of structure from nearest:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling</td>
<td>2017/19</td>
<td>40x30x20</td>
<td>Full</td>
<td>Road</td>
</tr>
<tr>
<td>Deck</td>
<td>2017/19</td>
<td>30x12</td>
<td>Slab Post</td>
<td>120</td>
</tr>
<tr>
<td>Screened Porch/Lidolate</td>
<td>2017/19</td>
<td>12x12</td>
<td>Post</td>
<td>150</td>
</tr>
<tr>
<td>DriveWay</td>
<td>2018</td>
<td>20x90</td>
<td>Rock</td>
<td>135</td>
</tr>
</tbody>
</table>

**4. PROPOSED ACTIVITIES** *(Fill in a line for each new or modified structure)*

<table>
<thead>
<tr>
<th>Type of structure (dwelling, garage, deck, porch, shed, driveway, parking area, etc.)</th>
<th>Proposal (check all that apply)</th>
<th>Exterior Dimensions (In feet) (LxWxH)</th>
<th>Horizontal Distance (H ft) of structure from nearest:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Garage</td>
<td></td>
<td>32x28x30</td>
<td>Road</td>
</tr>
</tbody>
</table>

* Reconstructions, Relocations, Permanent Foundations and New Accessory Structures:

a. If the structure or foundation will not meet the LUPC's minimum setback distances from property lines, roads, water bodies or wetlands, explain what physical limitations (lot size, slope, location of septic system, etc.) prevent the structure or foundation from meeting setbacks:
b. For reconstructions, has the existing structure been damaged, destroyed or removed from your property? □ YES □ NO
If YES, was the structure in regular active use within a 2-year period preceding the damage, destruction or removal? □ YES □ NO
If YES, provide the date the structure was damaged, destroyed or removed:

5. VEGETATION CLEARING, FILLING AND GRADING, SOIL DISTURBANCE (If applicable, fill in this table)

<table>
<thead>
<tr>
<th>Cleared area</th>
<th>Proposed New Area (In sq. ft.) of cleared/filled/disturbed soil</th>
<th>Distance (in feet) between edge of cleared/filled area and the nearest:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Road</td>
<td>Property line</td>
</tr>
<tr>
<td>Filled/disturbed area</td>
<td>2025</td>
<td>'75'</td>
</tr>
</tbody>
</table>

What is the average slope of land between the area to be filled/disturbed and the waterbody or wetland? □ YES □ NO

6. PROSPECTIVELY ZONED AREAS (RANGELEY AREA ONLY)

Buffering in Prospectively Zoned Areas. Is your property located in one of the following Prospectively Zoned Plantations or Townships? □ YES □ NO

- Adamantown Twp.
- Dallas Pit.
- Lincoln Pit.
- Magalloway Pit.
- Rangeley Pit.
- Richardsontown Twp.
- Sandy River Pit.
- Townships C, D, and E.

If YES, please complete the following table regarding the width of the vegetative buffers at the narrowest point between the existing and proposed structures and the nearest applicable road, property line, and subdistrict setbacks as applicable:

<table>
<thead>
<tr>
<th>Width of Vegetated Buffers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard Minimum Required:</td>
</tr>
<tr>
<td>Road</td>
</tr>
<tr>
<td>25 feet in D-GN, D-GN2, D-GN3</td>
</tr>
<tr>
<td>50 feet in D-ES, D-RS, D-RS2, D-RS3</td>
</tr>
<tr>
<td>75 feet in E-ES and D-CI</td>
</tr>
</tbody>
</table>

This property: ___________________ feet ___________________ feet ___________________ feet

7. APPLICANT SIGNATURE (REQUIRED) AND AGENT AUTHORIZATION (OPTIONAL)

Agent Name (if applicable) __________________________ Daytime Phone __________________________ FAX (if applicable) __________________________ Email (if applicable) __________________________

Mailing Address 5454 E. Oak Ridge Dr.

Town Orange Beach State AL Zip Code 36561

I have personally examined and am familiar with the information submitted in this application, including the accompanying exhibits and supplements, and to the best of my knowledge and belief, this application is complete with all necessary exhibits. I understand that if the application is incomplete or without any required exhibits that it will result in delays in processing my permit decision. The information in this application is a true and adequate narrative and depiction of what currently exists on and what is proposed at the property. I certify that I will give a copy of this permit and associated conditions to any contractors working on my project. I understand that I am ultimately responsible for complying with all applicable regulations and with all conditions and limitations of any permits issued to me by the LUPC. If there is an Agent listed above, I hereby authorize that individual or business to act as my legal agent in all matters relating to this permit application. I understand that while there is a required Statewide Maine Uniform Building and Energy Code (MUBEC); administered by the Maine Department of Public Safety, Bureau of Building Codes & Standards, "The Commission's review is limited only to land use issues and the Commission does not make any findings related to the MUBEC nor do the LUPC staff inspect buildings or enforce any provisions of that Code."

Please check one of the boxes below: (see "Accessing the Project Site for Site Evaluation and Inspection")

☑ I authorize staff of the Land Use Planning Commission to access the project site as necessary at any reasonable hour for the purpose of evaluating the site to verify the application materials I have submitted, and for the purpose of inspecting for compliance with statutory and regulatory requirements, and the terms and conditions of my permit.

☐ I request that staff of the Land Use Planning Commission make reasonable efforts to contact me in advance to obtain my permission to fully access the project site for purposes of any necessary site evaluation and compliance inspection.

All appropriate persons listed on the deed, lease or sales contract must sign below.

I certify that staff of the Land Use Planning Commission to access the project site as necessary at any reasonable hour for the purpose of evaluating the site to verify the application materials I have submitted, and for the purpose of inspecting for compliance with statutory and regulatory requirements, and the terms and conditions of my permit.

All appropriate persons listed on the deed, lease or sales contract must sign below.

Signature(s) __________________________ Date 9/14/19 - same as above
Prepare a bird's-eye view site plan that shows your entire property and includes all the elements described for Exhibit C in the instructions on page ii. Do not use colors. Refer to the instructions on page ii for a sample site plan.

Notes/Legends:

- Proposed Disturbed Area = 2025 sq. ft., some of this already cleared. New cleared area approx. 1500 sq. ft.