

BUILDING PERMIT BP-16494

Based on the information you have submitted in the attached application and supporting documents, the staff of the 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*. 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

September 9, 2020

Effective Date

CONDITIONS OF APPROVAL

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. 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.
5. 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.
6. 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.
7. 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.
8. Cleared openings created as part of construction activities authorized under this permit must be effectively stabilized and revegetated.
9. All imported fill material must be free of hazardous or toxic materials and must not contain debris, trash, or rubbish.
10. 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.

11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. Upon completion of the authorized structures within the terms of this permit, any existing structures authorized to be removed from the lot and other construction debris must be disposed of in a proper manner, in compliance with applicable state and federal solid waste laws and rules.
19. The driveway must be located and constructed so that (a) it will not erode or create any undue restriction or disruption of existing surface water drainage ways and (b) it will divert runoff to a vegetated buffer strip so as to prevent it from directly entering a water body, mapped P-WL1 wetland or roadway.
20. If the permittee holds interest in this parcel of land via a sales contract or other binding agreement, the permittee shall submit a copy of the deed transferring title of this parcel to the Commission upon final execution of such deed.
21. 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 further division of the lot in the future. The permittee(s) is (are) hereby advised to consult applicable land use laws and rules and with the Commission prior to any future further division of the lot.

For Office Use

Maine Land Use Planning Commission

Building Permit

52023
Tracking No.

BP 16494
Permit No.

\$ 261.20
Fee Received

For All Residential Development

1. APPLICANT INFORMATION

Applicant Name:	<u>Edward Johnston</u>	Phone:	<u>(207) 462-9110</u>	NO FAX
Mailing Address:	<u>15 Cassidy Lane</u>	Email:	<u>ted@resourcepolicygroup.com</u>	
Town:	<u>West Gardiner</u>	State:	<u>Maine</u>	Zip: <u>04345</u>

2. PROJECT LOCATION AND PROPERTY DETAILS

Township:	<u>Wyman</u>	County:	<u>Franklin</u>						
Tax Map:	<u>FR004</u>	Plan:	<u>03</u>	Lot:	<u>54</u>	Deed Information Book:	<u>3599</u>	Page:	<u>106</u>
Lot Size:	<u>1.94 Acres</u>	RECEIVED							
Zoning:	<u>D-RS: Residential (entire property)</u>								
Road Frontage:	<u>Stoney Brook Rd</u>	(ROW)	Frontage:	<u>295± Ft.</u>	LUPC - RANGELEY				
LUPC Approved Subdivision:	<u>N/A</u>								
Land Division History	<u>Kurt and Robin Davis to Edward Johnston</u>	<u>11/13/2017</u>	<u>1.94 Acres</u>						
	<u>Scott A. Watkins to Kurt & Robin Davis</u>	<u>10/23/1990</u>	<u>1.94 Acres</u>						

3. EXISTING STRUCTURES OR USES

Remnants from old collapsed buildings located about 60 feet of Stoney Brook including boards, timbers, sheet metal, nails, and pipes were a hazard and removed. There is an outhouse located approximately 300 feet west of Stoney Brook. There is also a stone-lined dug well approximately 8 feet in diameter of unknown depth located approximately 25 feet west of Stoney Brook. The well has an existing crude wood-framed plywood cover. There is a large graveled/grassy clearing that used for the plow truck turn-around.

4. PROPOSED STRUCTURES OR USES (Including driveways and parking areas)

4.1 Proposed Use of Property:	<input checked="" type="checkbox"/> Residential Only				
Type of Structure	<input checked="" type="checkbox"/> New Structure <u>44Lx24Wx22H</u>				
The existing graveled area will be used for parking for personal vehicles. No driveways are proposed. See building sketch.					
Setbacks: Road (ROW):	<u>30 Ft.</u>	Property Line:	<u>150 Ft.</u>	Stoney Brook:	<u>75 Ft.</u>
There are no lakes, ponds, or wetlands on or adjacent to the property. The property is not near the coast.					

4.2 HOME OCCUPATION: N/A

4.3 CAMPSITES: N/A

4.4 RECONSTRUCTION OR NEW ACCESSORY STRUCTURES: N/A

4.5 DRIVEWAYS: N/A Not located on a public road

5. SUBSURFACE WASTEWATER DISPOSAL (SEPTIC SYSTEM)

5.1 Combined Subsurface System

5.2 Will new Structure generate wastewater? YES (HHE200 attached as Exhibit E)

6. DEVELOPMENT IN FLOOD PRONE AREAS

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P-FP Subdistrict NO

FEMA Flood Zone NO

Unmapped Area Prone to Flooding NO

7. VEGETATIVE CLEARING

7.1 What is the total amount of vegetative clearing not including the driveway and footprint of the of the proposed structure 2400 sq. ft

7.2 Will the total amount of existing and proposed vegetative clearing within 250 feet of any lakes or rivers be less than 10,000 square feet? N/A

7.3 Will the proposed clearing be located at least 50 feet from the right-of-way or similar boundary of all public roadways? N/A

7.4 Will the proposed clearing be located at least 75 feet from the normal high-water mark of any body of standing water less than 10 acres in size, any coastal wetland, or flowing water draining less than 50 square miles? NO How Close? 55-60 Ft

7.5 Will the proposed clearing be located at least 100 feet from the normal high-water mark of the lake or river? N/A

7.6 In response to 7.4: **Removal of remnants of old collapsed buildings and removal of one (1) spruce tree located approximately 74 ft from Stoney Brook disturbed and area of approximately 800 square feet as close as 55 feet of Stoney Brook. Vegetation was comprised mostly of grasses and small bushes. This area had been previously cleared and partially covered by gravel. After the disturbance, the area was covered in conservation mulch. There was no erosion or sedimentation and the area is stabilized. Maine indigenous trees and woody vegetation will be planted as part of the construction (See Exhibit D-1).**

7.7 Is your property located in one of the prospectively Zoned Plantations or Townships? NO

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BP

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8. SOIL DISTURBANCE

- 8.1 Will project involve disturbing soil or filling and grading? YES
- 8.2 What is the total area of proposed soil disturbance or filling and grading? 3200± sq. ft.
- 8.3 What is the total square feet of soil disturbance or filling and grading within 250 feet of a body of standing water, flowing water, or wetland? 3200± sq. ft.
- 8.4 Will all soil disturbance or filling and grading be done with the ground is frozen or saturated? NO
- 8.5 Will any fill be free of hazardous or toxic materials, trash and rubbish? YES
- 8.6 How and when will disturbed areas be seeded or stabilized at the end of the construction season and at the completion of the project?

The area between the structure and Stoney Brook is heavily vegetated. Plantings will be done by a combination of using a small tractor and manual labor including hand sowing in the spring of 2021 when the ground is no longer frozen, and the weather is relatively frost free.

- 8.7 What will you do to stabilize disturbed soil and prevent sediment from entering water, wetlands, natural drainage systems, catch basins, culverts or adjacent properties?

Silt fence will be installed between any disturbed soils at the farthest practical point from Stoney Brook. Conservation mulch will also be used as described in Section 7.6. Vehicles and equipment will be kept as far from Stoney Brook as practical, but no closer than 75 feet. Most of the building site is located within an area that is gently sloped away from Stoney Brook and down gradient. Regular visual inspections will look for any signs or erosion or sedimentation and corrective action will be employed if necessary. There are no wetlands, catch basins or culverts on the site. Adjacent properties are at a considerable distance and the areas between the building site and adjacent properties are heavily vegetated (Included a Exhibit G).

- 8.8 & 8.9 What is the average slope/sustained slop between the area to be disturbed and the nearest waterbody or wetland

2% up gradient for the first 20 feet and then 12% down gradient for the next 60 feet.

- 8.9 Please explain how your project will not create an undue adverse impact on the resources and uses in the area. Include information about erosion control devices and other plans to stabilize the site:

This property was previously developed with several structures including a 40 x 60 ft bunkhouse located within 55 feet of Stoney Brook that have all since collapsed (See 7.6 above). Stoney Brook Road and Samuels Road, which branches off from Stoney Brook Road, have over a dozen existing homes and seasonal cabins. Many of these existing structures are grandfathered and much closer than the current 75-ft setback requirement.

This project is a cedar log cabin that will fit with existing uses and once constructed, have minimal if any impact on existing resources. Best management practices for control of erosion and sedimentation including the use of silt fence and conservation mulch during construction will

be employed to ensure there is no erosion or sedimentation to Stoney Brook or any adjacent properties.

9. LAND AND WETLAND ALTERATION

- 9.1 Will your proposal alter a total of one acre or more of land area, whether upland or wetland? NO
- 9.2 Will your proposal alter any amount of land that is mapped P-WL Subdistrict, or any ground below the normal high-water mark of any lake, pond, river, stream or intertidal area? NO

10. APPLICANT SIGNATURE

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. 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.


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.

Signatures:

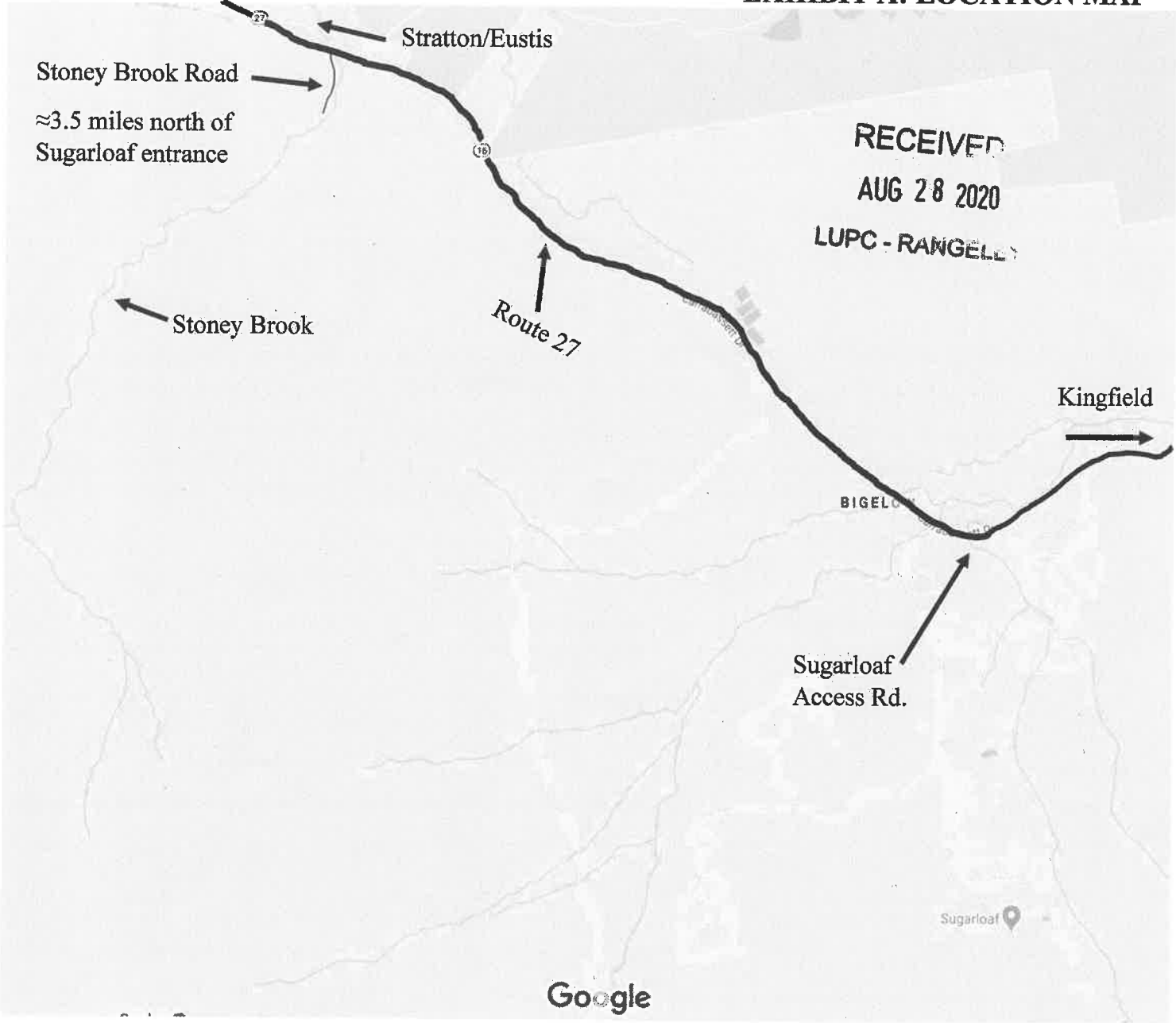

Edward I. Johnston

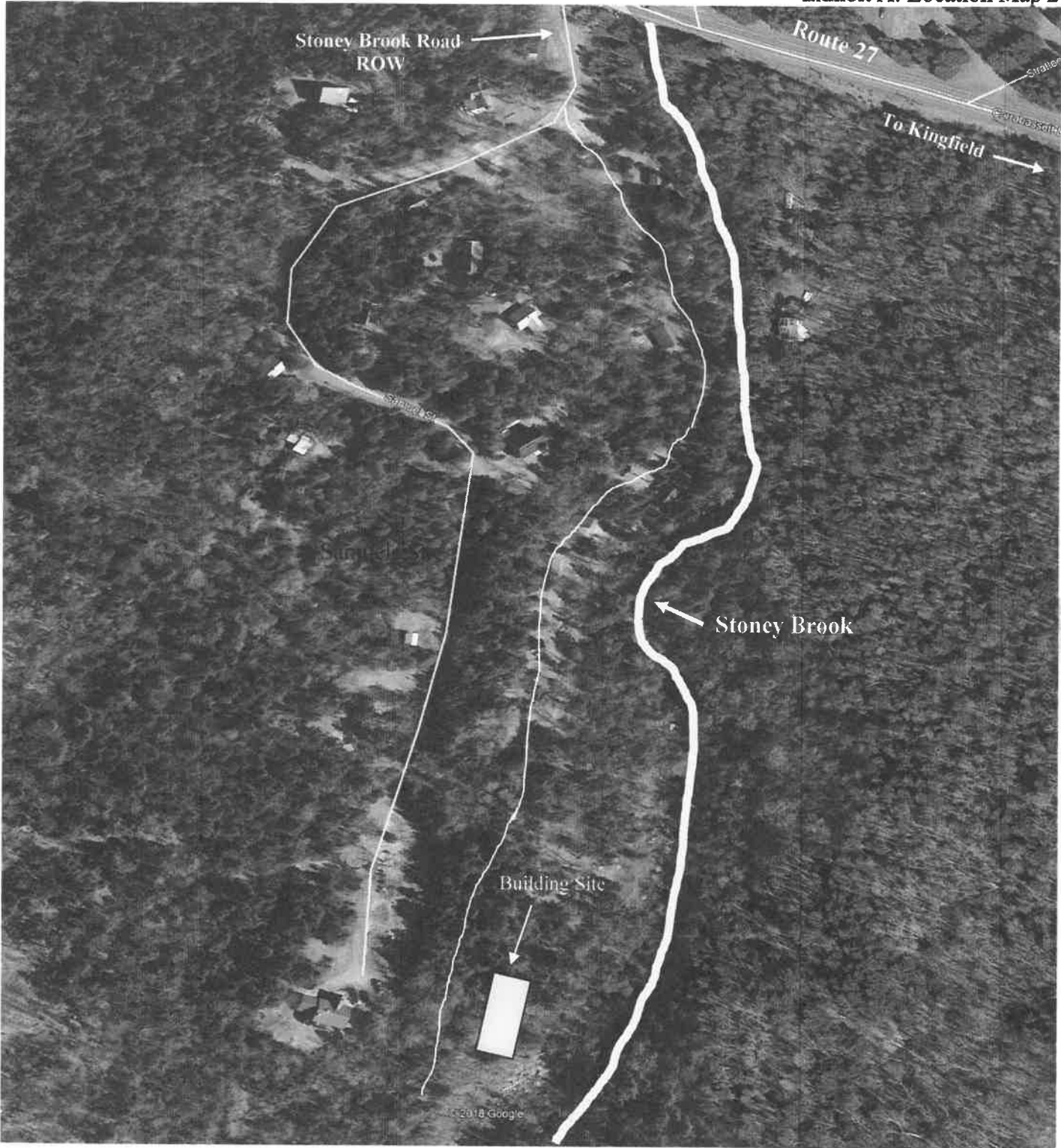
Date: 8/23/2020


Alec T. Johnston

Date: 8/23/20

EXHIBIT A: LOCATION MAP





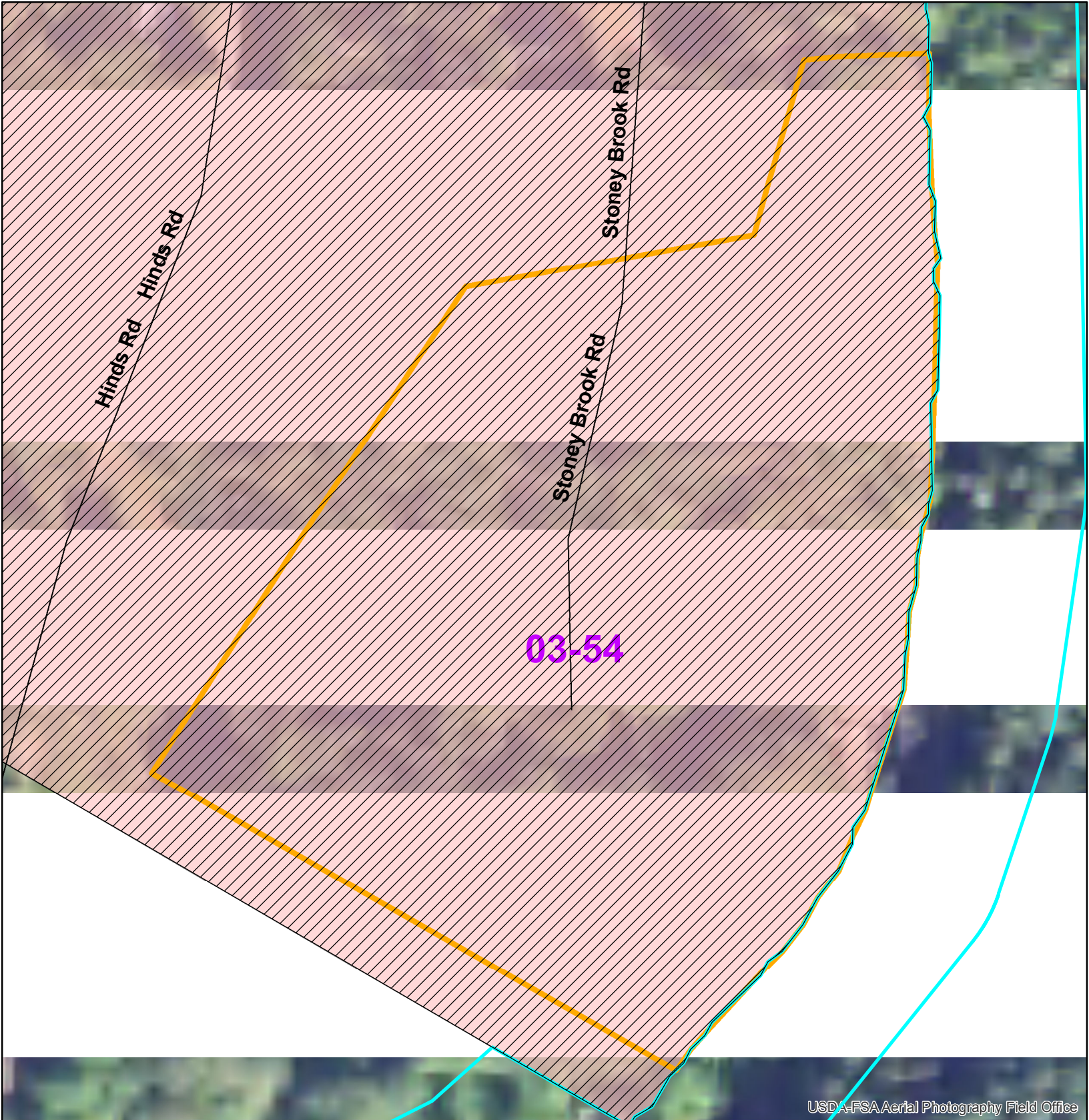
GPS Coordinates: 45.105186 70.370561

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Johnston Building Permit
54 Stoney Brook Road, Wyman


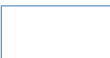


USDA-FSA Aerial Photography Field Office

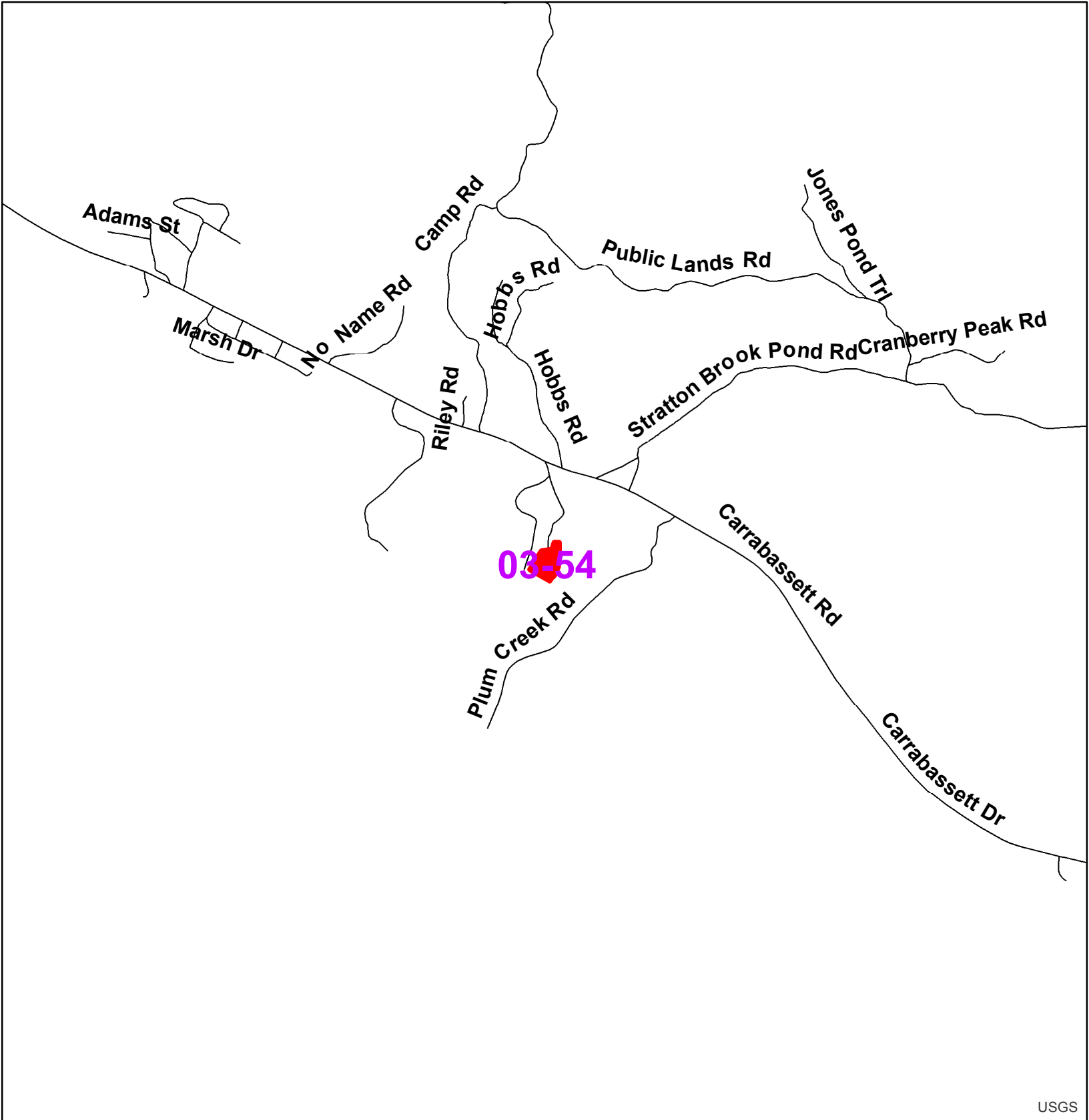
Edward Johnston Map 03 Lot 54 BP 16494

20200909jsb

Legend

-  D-RS: Residential
-  P-SL2: Shoreland - 75'





USGS






Edward Johnston
Map 03 Lot 54
BP 16494

20200909jsb



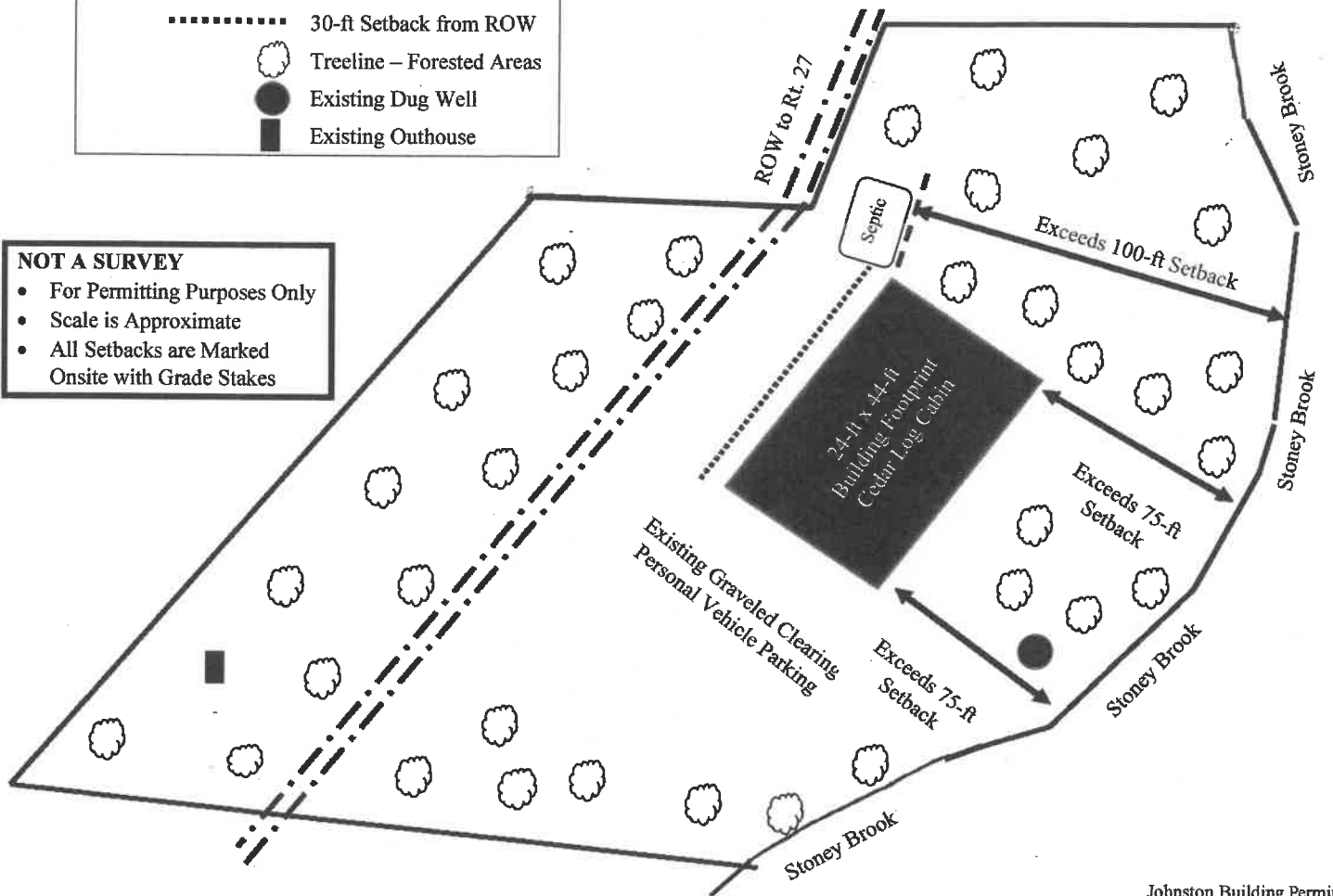
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EXHIBIT D: SITE PLAN

KEY	
	Property Boundary
	30-ft Setback from ROW
	Treeline - Forested Areas
	Existing Dug Well
	Existing Outhouse

NOT A SURVEY

- For Permitting Purposes Only
- Scale is Approximate
- All Setbacks are Marked Onsite with Grade Stakes



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