



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
106 HOGAN ROAD, SUITE 8
BANGOR, MAINE 04401

WALTER E. WHITCOMB
COMMISSIONER

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GOVERNOR

PERMIT

AMENDMENT E TO DEVELOPMENT PERMIT DP 4066 BY SPECIAL EXCEPTION

The staff of the Maine Land Use Planning Commission (LUPC or Commission), after reviewing the application and supporting documents submitted by Tea Pond Camps, Inc. (Applicant) for Amendment E to Development Permit DP 4066, finds the following facts:

1. Applicant: Tea Pond Camps, Inc.
Attn: Albert J. Nielsen and Diane L. Nielsen (Ellis)
PO Box 373
Naples, Maine 04055
2. Date of Completed Application: April 03, 2015
3. Location of Proposal: Jim Pond Township, Franklin County, State of Maine
Maine Revenue Service Map FR010, Plan 01, as Lot 1.4
Franklin County Registry of Deeds: Book 2502; Pages 228-230
4. Zoning: General Development Subdistrict (D-GN)
General Management Subdistrict (M-GN)
Great Pond Protection Subdistrict (P-GP)
Wetland Protection Subdistrict (P-WL)
Shoreland Protection Subdistrict (P-SL)
5. Lot Size: 42.25[±] acres - owned
6. Development: Existing Recreational Lodging Facility, Level C – Expanded Access
(within a Geographic Allowance Area)
 - A. Principal Buildings: Existing Owners' Dwelling/Office (Irregularly shaped, 1580 square feet)
Existing Cabin #1 – (21 ft. by 20 ft. by 19 ft.) with
Existing Lake-side Covered Porch (7 ft. by 20 ft.)
Existing Cabin #2 (21 ft. by 21 ft. by 20 ft.) with
Existing Lake-side Covered Porch (10 ft. by 21 ft.) and
Existing Back Addition (4 ft. by 8 ft.)
Existing Cabin #3 (18 ft. by 16 ft. by 16 ft.) with
Existing Lake-side Covered Porch (7 ft. by 16 ft.)

Existing Lodge/Dining/Kitchen (Irregularly shaped, 680 square feet)
Existing Cabin #4 (16 ft. by 30 ft.) with
Existing Back Addition (7 ft. by 9 ft.)
Existing Cabin #5 (18 ft. by 24 ft.) with
Existing East-side Covered Porch (16 ft. by 14 ft.) and
Existing Lake-side Covered Porch (6 ft. by 38 ft.)
Existing Cabin #7 (26 ft. by 30 ft.)
Existing Cabin #8 (21 ft. by 26 ft.)
Existing Cabin #9 (15 ft. by 29 ft.) with
Existing Covered Porch (5 ft. by 29 ft.)
Existing Bathhouse (10 ft. by 20 ft.)
Existing Cabin #7 Outhouse (4 ft. by 4 ft.)
Existing Cabin #9 Outhouse (5 ft. by 5 ft.)

B. Accessory Structures: Existing Cabin #7 Woodshed (5 ft. by 8 ft.)
Existing Cabin #9 Woodshed (6 ft. by 8 ft.)
Existing Woodshed #1 (8 ft. by 32 ft.) - To be removed
Existing Woodshed #2 (5 ft. by 25 ft.) - To be removed
Existing Woodshed #3 (40 ft. by 16 ft.) - To be removed
Proposed Woodshed #4 (40 ft. by 16 ft.)
Existing Generator Shed #1 (8 ft. by 10 ft.) - To be removed
Existing Boat Storage Shed #1 (6 ft. by 8 ft.) - To be removed
Existing Canoe Rack #1 - To be removed
Existing Well Pump House #1 (8 ft. by 4 ft.)
Existing Fire Pump House #1 (3 ft. by 4 ft.)
Existing Electrical Utility Junction Shed (8 ft. by 13 ft.)
Existing Solar System Garage (40 ft. by 60 ft.)
Existing Retaining Wall #1 (4 to 6 ft. tall by 138 ft. long, L-shaped)
Existing Retaining Wall #2 (138 ft. long, Irregularly-shaped)
Existing Retaining Wall #3 (1 ft. by 24 ft.)

7. Affected Waterbody: Tea Pond

The Commission has identified Tea Pond as a management class 7, resource class 1B, accessible, developed lake with the following resource ratings: significant fisheries resources, significant wildlife resources, outstanding physical resources.

SUMMARY OF ADMINISTRATIVE HISTORY

8. Historically, the subject property was developed as a pre-Commission commercial sporting camp complex. Development within the complex included a lodge with a kitchen and dining area, five rental cabins, a caretaker's cabin, a shed, and a bathhouse.
9. Development Permit DP 4066, issued to Tea Pond Camps, Inc. on June 26, 1990, authorized the expansion of the bathhouse, the installation of a drilled well, and the installation of a combined sewage disposal system to replace an existing pre-Commission cesspool.

10. Building Permit BP 7478, issued to Tea Pond Camps, Inc. on July 05, 1990, authorized the construction of a seasonal camp and shed and the installation of a combined sewage disposal system to be used by the owner of the complex.
11. Amendment A to Development Permit DP 4066, issued to Tea Pond Camps, Inc. on December 23, 1991, authorized the construction of a storage shed and a workshop.
12. Amendment B to Development Permit DP 4066, issued to Tea Pond Camps, Inc. on January 31, 1992, authorized a change to Condition #3 of Amendment A to Development Permit DP 4066 by changing the setback of the storage shed and workshop from the edge of the snowmobile trail from 75 feet to 25 feet.
13. Amendment C to Development Permit DP 4066, issued to Tea Pond Camps, Inc. on April 12, 2004, authorized the remodeling of cabins #1 through #5 to include bathrooms and kitchens with no expansion in footprint; the construction of a sewage disposal system to serve cabins #1 through #5; the change of use of the caretaker's cabin (cabin #5), the seasonal camp permitted under Building Permit BP 7478 (cabin #7), and the storage shed (cabin #8) and workshop (cabin #9) permitted under Amendment A to Development Permit DP 4066 to rental cabins; additions to cabins #6 through #9; construction of four sewage disposal systems to serve cabins #6 through #9; removal of the bathhouse; construction of a 44 foot by 56 foot single family residence/office and combined sewage disposal system; and construction of a 40 foot by 60 foot garage.
14. Amendment D to Development Permit DP 4066, issued to Tea Pond Camps, Inc. on November 28, 2005, authorized a location switch between cabin #6 and the single family residence/office approved under Amendment C to Development Permit DP 4066. The permit also authorized changes to the combined sewage disposal systems and re-authorized the expansion of cabin #6 through #9 as originally approved by Amendment C to Development Permit DP 4066.
15. On February 23, 2015 staff of the Commission conducted an inspection of the development at the facility in response to a request for a Certificate of Compliance for Amendment D to Development Permit DP 4066 which was dated February 09, 2015. A list of potential violations was noted (reference Enforcement Case EC 15-09, active). Subsequently, the Applicants submitted a structure inventory to clarify the size, location and use of each structure in the development.
16. On March 27, 2015, staff issued a Notice of Violation for multiple violations associated with the development at the facility. In brief, those violations included:
 - A. construction of structures in noncompliance with setback requirements and without the required permits (Woodshed #1, Woodshed #2, Woodshed #3, Boat Storage Shed #1, Canoe Rack #1, Retaining Wall #1, and Retaining Wall #2);
 - B. relocation of a structure in noncompliance with setback requirements and without the required permit (Generator Shed #1);
 - C. relocation of a structure without the required permit (Solar System Garage);
 - D. construction of structures without the required permits (Electrical Utility Junction Shed, Fire Pump House Retaining Wall #3).

17. On April 08, 2015, at a meeting of the Commission in Brewer, Maine, the Commission ratified an Administrative Settlement Agreement (Agreement) for Enforcement Case EC 15-09. In part, the Agreement allowed the Applicants to keep Retaining Wall #1 and Retaining Wall #2 with conditions and required the Applicants to remove Woodshed #1, Woodshed #2, Woodshed #3, Generator Shed #1, Boat Storage Shed #1, and Canoe Rack #1 from the property within a specified timeframe.

PROPOSAL SUMMARY

18. In an effort to resolve the remaining outstanding violations on the lot, the Applicants request after-the-fact permit approval for the construction of the Electrical Utility Junction Shed, Fire Pump House #1 and Retaining Wall #3, and after-the-fact approval for the change of construction location of the Solar System Garage. The Applicants further request permit approval to construct Woodshed #4. Lastly, the Applicants restate that they will remove Woodshed #1, Woodshed #2, Woodshed #3, Generator Shed #1, Boat Storage Shed #1, and the Canoe Rack #1 from the property as conditioned in the ratified Agreement.

SUMMARY OF KEY STANDARDS

19. Under the provisions of Section 10.02, 168 of the Commission's *Land Use Districts and Standards* (Standards or *Ch. 10...*), "Recreational Lodging Facilities" are defined as: Site improvements, a building or group of buildings, or any part thereof, used, maintained, advertised or held out to the public as a place where sleeping accommodations are furnished to the public for commercial purposes. Recreational lodging facilities primarily cater to recreational users who engage in recreation activities that are primarily natural resource-based. The term includes, but is not limited to, commercial sporting camps, youth or group camps, back-country huts, rental cabins, outpost cabins, campgrounds, lodges, hotels, motels, inns, or any combination of these types of uses that exhibit characteristics of a unified approach, method or effect such as unified ownership, management or supervision, or common financing. To be included in a recreational lodging facility, rental units must be served by an on-site attendant while guests are present. Related development that is located more than one half mile, measured in a straight line, from the nearest structure providing guest services, such as dining, gathering places, retail shower house, dumping station, check-in office, and equipment rental shall be considered a separate facility, unless the owner chooses to consider them as one facility. Caretaker or attendant housing will not be used to establish the one half mile distance unless no other guest services are provided. If no guest services are provided then all development on the regulatory parcel shall be considered part of the same facility and may be part of a facility on an adjoining parcel. For the purposes of Land Use Planning Commission rules, recreational lodging facilities are divided into five levels: [Levels A through E]...

Level B Facilities have low impacts on existing resources within the development site and surrounding areas. Level B facilities are specifically designated by Section 10.27,Q,1.

Level C Facilities have moderate impacts on existing resources within the development site and surrounding areas. The standards for these facilities are designed to allow development while conserving the natural resource and recreation values of the development site and surrounding areas. Level C facilities are specifically designated by Section 10.27,Q,1. A Level C facility characterized by any of the factors in Section 10.27,Q,1, Table B is referred to as a "Level C – Expanded Access" facility.

Level B recreational lodging facilities may be allowed within P-GP subdistricts as special exceptions, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses and resources within this subdistrict with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan (*Ch. 10.23,E,3,d,(2),(b)*).

20. The applicable Level B recreational lodging facilities factors, for this proposal in the P-GP subdistrict, include the following (*Ch. 10.27,Q,1, Table A*):
 - A. on-site recreation activities, features, and/or services as defined in Ch. 10.02,167 that produce low noise, odor and are mostly screened;
 - B. may be served by public utilities and/or indoor plumbing;
 - C. up to 8,000 square feet of principal buildings;
 - D. up to 24,000 square feet of clearing footprint within 250 feet of Tea Pond;
 - E. up to 100 square feet of retail or not more than 5% of the floor area of the principal buildings, whichever is larger;
 - F. dining amenities, fuel sales, and recreation activities, features and /or services as defined in Ch. 10.02,167, which are available to guests only; and
 - G. overnight occupancy for up to 100 persons.
21. Level C – Expanded Access recreational lodging facilities may be allowed within D-GN subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III (*Ch. 10.21,C,3,c,(16),(c)*).
22. Level C – Expanded Access recreational lodging facilities inside the geographic allowance area may be allowed within M-GN subdistricts as special exceptions, either singly or in combination, provided the applicant shows by substantial evidence, that (a) the use can be buffered from those other uses within the subdistrict with which it is incompatible; (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan; (c) that there is sufficient infrastructure to accommodate the additional traffic and activity generated by the facility; and (d) that surrounding resources and uses that may be sensitive to such increased traffic and activity are adequately protected (*Ch. 10.22,A,3,d,(3),(b)*).
23. The applicable Level C – Expanded Access recreational lodging facilities factors, for this proposal in the D-GN and M-GN subdistricts, include the following (*Ch. 10.27,Q,1, Table A and B*):
 - A. on-site recreation activities, features, and/or services as defined in Ch. 10.02,167 that produce low noise, odor and are mostly screened;
 - B. may be served by public utilities and/or indoor plumbing;
 - C. up to 12,000 square feet of principal buildings;
 - D. up to 36,000 square feet of clearing footprint within 250 feet of Tea Pond;
 - E. up to 200 square feet of retail or not more than 10% of the floor area of the principal buildings, whichever is larger (*Expanded Access Adjustment*);
 - F. dining amenities, fuel sales, and recreation activities, features and /or services as defined in Ch. 10.02,167, which are available to guests and the public (*Expanded Access Adjustment*); and
 - G. overnight occupancy for up to 300 persons (*Expanded Access Adjustment*).

24. The dimensional requirements of the Commission's Standards applicable to this recreational lodging facility include:
- A. a minimum lot size of 40,000 square feet (*Ch. 10.26,A,2*);
 - B. a minimum shoreline frontage of 300 feet (*Ch. 10.26,B,2*);
 - C. a minimum road frontage of 200 feet (*Ch. 10.26,C,1,b*);
 - D. minimum setbacks for those structures constructed solely for the housing of guests (*Ch. 10.26,D,1*):
 - 1) 100 feet from a body of standing water 10 acres or greater in size;
 - 2) 75 feet from the nearest shoreline of a flowing water draining less than 50 square miles and wetlands designated as P-WL1 subdistricts;
 - 3) 50 feet from the traveled portion of the nearest roadway; and
 - 4) 15 feet from other property boundary lines.
 - E. minimum setbacks for structures and parking areas (*other than those structures constructed solely for the housing of guests*) (*Ch. 10.26,D,2*):
 - 1) 150 feet from a body of standing water 10 acres or greater in size;
 - 2) 100 feet from the nearest shoreline of a flowing water draining less than 50 square miles and wetlands designated as P-WL1 subdistricts;
 - 3) 75 feet from the traveled portion of the nearest roadway; and
 - 4) 25 feet from other property boundary lines.
 - F. a maximum lot coverage of 30% (*Ch. 10.26,E,1*);
 - G. a maximum height restriction for all structures within 100 feet of the normal high water mark of Tea Pond of 25 feet (*Ch. 10.11,C,1,b*);
 - H. a maximum height restriction for all structure between 100 feet and 500 feet of the normal high water mark of Tea Pond of 30 feet (*Ch. 10.26,F,2*); and
 - I. an exception may be made to the shoreline, road, and/or property line setback requirements for structures where the Commission finds that such structures must be located near to the shoreline, road, or property line due to the nature of their use. Structures which must be located near to the shoreline include structures which require direct access to the water as an operational necessity...(*Ch. 10.26.G,5*);

SUMMARY OF PROPOSAL INFORMATION

25. Site Description and Structures: The subject property is approximately 42.25[±] acres and has multiple subdistricts including: General Development (D-GN), General Management (M-GN), Great Pond Protection (P-GP), Wetland Protection (P-WL) and Shoreland Protection (P-SL). The lands surrounding the property are actively administered as forest management lands. The property has approximately 1,181 feet of water frontage following the shoreline of Tea Pond and is bisected by an unnamed minor flowing water and a 60 foot right-of-way/easement (a.k.a. Tea Pond Road). The lot is developed as described above in Finding of Facts #6 and the Administrative History (Finding of Facts #8 through #17). Of the legally existing structures: Cabin #7 is located in the P-GP subdistrict; Cabin #7 Outhouse, Cabin #7 Woodshed, Cabin #8, Cabin #9, Cabin #9 Outhouse, Cabin #9 Woodshed, the Electrical Utility Junction Shed, and the Solar System Garage are located in the M-GN subdistrict. All other structures are located in the D-GN subdistrict.

26. After-the-Fact Request: The Applicants request after-the-fact permit amendment approval for the construction of the Electrical Utility Junction Shed, Fire Pump House #1 and Retaining Wall #3, and for the change of construction location of the Solar System Garage. The Electrical Utility Junction Shed is set back 10 feet from the traveled portion of Tea Pond Road. The Fire Pump House #1 is set back 2 feet from the normal high water mark of Tea Pond. The Applicants indicate that both structures must be located in their current locations due to the nature of their use and as an operational necessity. Retaining Wall #3 is set back at least 150 feet from Tea Pond, 100 feet from the normal high water mark of the unnamed minor flowing water, 100 feet from any P-WL1 wetland associated with the minor flowing water, 75 feet from the traveled portion (edge) of Tea Pond Road, and 25 feet from other property boundary lines. The Solar System Garage is set back at least 150 feet from Tea Pond, 100 feet from the normal high water mark of the unnamed minor flowing water, 100 feet from any P-WL1 wetland associated with the minor flowing water, and 25 feet from other property boundary lines.
27. Construction of Woodshed #4: The Applicants also request permit amendment approval to construct a 16 foot by 40 foot Woodshed #4. The woodshed would be set back at least 150 feet from Tea Pond, 100 feet from the normal high water mark of the unnamed minor flowing water, 100 feet from any P-WL1 wetland associated with the minor flowing water, 75 feet from the traveled portion (edge) of Tea Pond Road, and 25 feet from other property boundary lines. The structure would be located within the M-GN subdistrict.
28. Removal of Structures: The Applicants restate that they propose to remove the 8 foot by 32 foot Woodshed #1, the 5 foot by 25 foot Woodshed #2, the 16 foot by 40 foot Woodshed #3, the 8 foot by 10 foot Generator Shed #1, the 6 foot by 8 foot Boat Storage Shed #1, and the Canoe Rack #1 from the lot as conditioned in the ratified Agreement.
29. Recreational Lodging Facility Factors: The Applicants submitted Supplement S-6, which provides information relevant to the categorization of recreational lodging facilities. In that supplement, the Applicants indicate:
- A. Existing and Proposed Development in the D-GN and M-GN subdistricts:
- i. *On-site recreation activities, features, and/or services*. The Applicants run a commercial sporting camp which provides activities such as horseshoes, fishing, kayaking, boating, and boat rental (to both guests and the public).
 - ii. *Utilities*. Utilities are present onsite.
 - iii. *Floor area of principal buildings*. The floor area of all principal buildings in these subdistricts is 6,697 square feet.
 - iv. *Clearing footprint within 250 feet of water bodies*. 29,400 square feet.
 - v. *Retail Space*. None.
 - vi. *Dining amenities*. On-site kitchen/dining area and housekeeping cabins for guest use only.
 - vii. *Fuel sales*. None.
 - viii. *Overnight occupancy*. Up to twenty-six (26) guests occupancy.

- B. Existing and Proposed Development in the P-GP subdistrict:
- i. *Utilities.* Utilities are present onsite.
 - ii. *Floor area of principal buildings.* The floor area of all principal buildings in this subdistrict is 780 square feet.
 - iii. *Retail Space.* None.
 - iv. *Dining amenities.* On-site housekeeping cabin for guest use only.
 - v. *Fuel sales.* None.
 - vi. *Overnight occupancy.* Up to eight (8) guests occupancy.

30. The facts are otherwise as represented in Development Permit application DP 4066, subsequent amendments, and supporting documents, and Enforcement Case EC 15-09 and supporting documents.

ANALYSIS AND CONCLUSIONS

Based upon the above FINDINGS and the following ANALYSIS, the Commission CONCLUDES that:

1. The existing Electrical Utility Junction Shed and Fire Pump House #1 meet the applicable requirements of the Commission's Standards including, but not limited to, Ch. 10.26,G,5.
2. The proposed after-the-fact construction of Retaining Wall #3, the proposed after-the-fact change of construction location of the Solar System Garage and the proposed Woodshed #4 meet the applicable requirements of the Commission's Standards.
3. The facility meets the definition of a Recreational Lodging Facility under Section 10.02, 168 of the Commission's Standards because the site and facility will:
 - A. be used, maintained, advertised or held out to the public as a place where sleeping accommodations are furnished to the public for commercial purposes;
 - B. primarily cater to recreational users who engage in recreation activities that are primarily natural resource-based;
 - C. include or be similar to commercial sporting camps, youth or group camps, back-country huts, rental cabins, outpost cabins, campgrounds, lodges, hotels, motels, inns, or any combination of these types of uses that exhibit characteristics of a unified approach, method or effect such as unified ownership, management or supervision, or common financing; and
 - D. be served by an on-site attendant while guests are present.
4. When elements of a recreational lodging facility are located in multiple subdistricts, at least one of the subdistricts must allow the level of recreational lodging facility proposed as a whole, and each subdistrict may contain, singularly, only those elements of the facility that are allowed within that subdistrict.

Based on the existing and proposed activities, and Section 10.27,Q,1, Table A and B, the factors that determine this facility's level as a whole are located within the D-GN and M-GN subdistricts.

Utilizing these factors, the Commission concludes that this facility as a whole constitutes a Level C – Expanded Access Recreational Lodging Facility within a Geographic Allowance Area. Level C –

Expanded Access Recreational Lodging Facilities are a use allowed by permit in the D-GN subdistrict and by special exception in the M-GN subdistrict within a Geographic Allowance Area.

Further, Cabin #7 is located within a P-GP subdistrict. Utilizing only those factors that determine a facility's level which are within the P-GP subdistrict, the Commission concludes that singularly the uses associated with Cabin #7 would meet a Level B Recreational Lodging Facility. Level B Recreational Lodging Facilities are a use allowed by special exception with the P-GP subdistrict.

Based on the above, the Commission concludes that at least two subdistricts (D-GN and M-GN within a Geographic Allowance Area) allow for the level of recreational lodging facility proposed in its entirety (Level C – Expanded Access within a Geographic Allowance Area) and that those components of the facility which are located within the P-GP subdistrict singularly meet the components of a Level B facility.

5. Further, the lands surrounding the recreational lodging facility are actively administered as forest management lands. The size of the parcel has historically buffered the facility from forest operations and has allowed the facility to operate without interfering with management of the forest lands. Additionally, Tea Pond Road bisects the facility's 42.25[±] acre property, however, the facility has been in active operation since before 1971 and the access has been shown to be sufficient to accommodate the current traffic and activity generated by the facility. The Applicants are not proposing to increase traffic to the facility.

Based on the above, the Commission concludes that the facility is buffered from those other uses within the subdistrict with which it may be incompatible; that the facility has sufficient infrastructure to accommodate the current traffic and activity generated by the facility; and that historic use has shown that the surrounding sensitive resources and uses are adequately protected. Therefore, the existing and proposed structures and uses meet the special exception criteria of the M-GN and P-GP subdistricts.

6. Because the Applicants are not proposing to develop the facility to the full extent of a Level C – Expanded Access Recreational Lodging Facility, the Commission has not evaluated the potential impacts of an increase in use beyond what exists on the lot currently and what is proposed herein, including the after-the-fact structures and proposed Woodshed #4. Based on its evaluation, and provided the Applicants comply with Condition #1, the Commission concludes that the existing and proposed development and the existing use of the facility meets all applicable criteria.
7. If carried out in compliance with the Conditions below, the proposal and activities will meet the Criteria for Approval, section 685-B(4) of the Commission's Statutes, 12 M.R.S.

Therefore, the staff APPROVES the amendment request of Tea Pond Camps, Inc. as proposed with the following CONDITIONS:


1. Notwithstanding the overnight occupancy limit outlined under Finding of Facts #29,A,viii and #29, B,vi, and stated in section Ch. 10.27,Q,1, Table A and B of the Standards, the overnight occupancy limit of this facility shall be no more than 50 persons until such time as the property owner request an increase and supplies supporting information that such a change will meet the criteria for the

subdistrict designation in effect at the time. The Commission incorporates this condition not because it finds that an overnight occupancy of greater than 50 would not satisfy the Commission's Standards, but rather because the Commission has not considered the potential impact of overnight occupancy greater than 50.

2. The 8 foot by 32 foot Woodshed #1, the 5 foot by 25 foot Woodshed #2, the 16 foot by 40 foot Woodshed #3, the 8 foot by 10 foot Generator Shed #1, the 6 foot by 8 foot Boat Storage Shed #1, and the Canoe Rack #1 must be removed from the lot and all solid waste and other debris disposed of in a proper manner, in compliance with applicable state and federal solid waste laws and rules.
3. Woodshed #4 must be set back at least 150 feet from Tea Pond, 100 feet from the normal high water mark of the unnamed minor flowing water, 100 feet from any P-WL1 wetland associated with the minor flowing water, 75 feet from the traveled portion (edge) of Tea Pond Road, and 25 feet from other property boundary lines.
4. 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.
5. The permittees shall secure and comply with all other applicable licenses, permits, authorizations and monitoring requirements of all federal, state and local agencies including, but not limited to, the Maine Department of Health and Human Service's Division of Environmental Health's, Subsurface Wastewater Unit and Health Inspection Program.
6. 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.
7. Nothing in this permit shall be construed to release the permittees from any liability or responsibility arising from any violation, including Enforcement Case EC 15-09, or to be considered a waiver of the authority of the Commission or the state to fully pursue or prosecute such violations.

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 permittees comply 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 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.

DONE AND DATED AT BANGOR, MAINE, THIS 28TH DAY OF APRIL, 2015.

By: 
for Nicholas D. Livesay, Executive Director