



STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
LAND USE PLANNING COMMISSION

191 MAIN STREET  
EAST MILLINOCKET, ME 04430

AMANDA E. BEAL  
COMMISSIONER

JUDY C. EAST  
EXECUTIVE DIRECTOR

JANET T. MILLS  
GOVERNOR

## PERMIT

AMENDMENT F TO  
DEVELOPMENT PERMIT DP 4397  
By Special Exception

The staff of the Maine Land Use Planning Commission (hereafter, the Commission), after reviewing the application and supporting documents submitted by David P. Cyr for Amendment F to Development Permit DP 4397, finds the following facts:

1. Applicant: David P. Cyr  
PO Box 759  
Millinocket, ME 04462
2. Date of Completed Application: September 9, 2020
3. Location of Proposal: T1 R9 WELS, Piscataquis County  
Part of Lot #1 on Plan 01, Map PI010  
Formerly Katahdin Timberlands Lease Lot ML60 (64.8 acres)  
[Piscataquis County Registry of Deeds, Book 2421, Page 77] &  
Katahdin Forest Management Lease Lot KFM1053 (0.50 acres)  
[Piscataquis County Registry of Deeds Book, 2421, Page 149]
4. Zoning: General Development Subdistrict (D-GN)
5. Lot Size: 64.8 Acres + 0.50 acres (Owned)
6. Principal Building: Existing Store/Apartment (32 ft by 64 ft)  
Existing Addition (16 ft by 24 ft)
7. Accessory Structures: Existing Storage Building (10 ft by 32 ft)
8. Sewage Disposal: Combined Sewage Disposal System serving the Store and the Apartment.
9. Affected Waterbody: Millinocket Lake

The Commission has identified Millinocket Lake as a management class 7, resource class 1A, accessible, undeveloped lake with the following resource ratings: significant fisheries

resources, outstanding wildlife resources, significant scenic resources, significant shore character, significant cultural resources, significant physical resources.

Proposal:

10. The applicant proposes to construct an attached 30 ft by 29 ft single story garage to the existing store/apartment building. The proposed structure would be setback 190 feet from Millinocket Lake, 60 feet from the traveled portion of Black Cat Road, and 60 feet from the nearest property boundary line. The garage will be used for storage purposes.

Background Information:

11. The applicant's 64.8 acre lot was historically developed with a pre-Commission ski lodge that burned in 1974. The Commission issued Zoning Petition ZP 245 in May of 1983 to Robert S. Robinson, Jr. for the rezoning of a 75-acre parcel of land from a (D-RS) Residential Development Subdistrict and (M-GN) General Management Subdistrict to a (D-GN) General Development Subdistrict. The Commission issued Development Permit DP 3560 by Special Exception to Robert S. Robinson, Jr. in June of 1983, pursuant to Zoning Petition ZP 245, for reconstruction of the lodge and construction of 25 chalet cottages and various support facilities. The development authorized by Development Permit DP 3560 by Special Exception was never carried out.
12. Development Permit DP 4397, issued to the applicant in July of 1998, authorized the construction of a store/laundromat facility that also contains an apartment and the installation of two combined sewage disposal systems. The principal structure (store/Laundromat/apartment) was constructed, but the sewage disposal systems were not installed.
13. Amendment A to Development Permit DP 4397 was issued by Special Exception in April of 1999, authorizing construction of seven rental cabins on permanent foundations, installation of six combined sewage disposal systems to serve the seven cabins, construction of a well house, and relocation of a portion of the existing Black Cat Road. The authorized development and relocation of the road was never carried out. Amendment A to Development permit DP 4397 expired on April of 2001.
14. Amendment B to Development Permit DP 4397 was issued to the applicant in November of 2003 authorizing installation of a single combined sewage disposal system to serve the previously authorized and constructed store/apartment building. The applicant had postponed the proposal for a Laundromat and the seven rental cabins and six combined sewage disposal systems to serve the cabins. The authorized sewage disposal system was never installed. Amendment B to Development Permit DP 4397 expired on November of 2005.
15. Amendment C to Development Permit DP 4397 was issued to the applicant on November 5, 2008 authorizing construction of a 16 foot by 24 foot expansion onto the existing store for a combined wood/coal boiler room and storage area, a 12 foot by 26 foot well house/storage structure, and to install two combined sewage disposal systems. One will serve the existing 2-bedroom apartment. The other system will serve the store. The store would offer food

and beverages prepared onsite as a “paper service” and will provide seating for up to 22 patrons. Amendments A and B to Development Permit DP 4397 are superseded in their entirety by Amendment C to Development Permit DP 4397. The 12 foot by 16 foot well house/storage structure was never constructed. Amendment C to Development Permit DP 4397 expired on November 5, 2013.

16. Amendment D (Minor Change Request) to Development Permit DP 4397 was issued to the applicant on December 7, 2012, authorizing a change in seating capacity for the store from 22 patrons to 32 patrons, utilization of a portion of the wood/coal boiler and storage area as an expanded kitchen area for the store, the installation of a revised combined sewage disposal system that would serve both the 2-bedroom apartment and the increased capacity for the store, and an updated parking plan.
17. A Certificate of Compliance was issued to the Applicant for Amendments C and D to Development Permit DP 4397 on October 14, 2015.
18. Amendment E to Development Permit DP 4397 was issued to the applicant on November 15, 2016, authorizing an 18 foot wide by 24 foot long gravel ramp on the 0.50 acre shorefront lot of his property for safe snowmobile access to the existing six foot wide snowmobile path.

#### Relevant Review Criteria

19. Under the provisions of Section 10.21,C,3,c of the Commission’s *Land Use Districts and Standards*, related accessory structures may be allowed within D-GN subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685- B, subject to the applicable requirements set forth in Sub-Chapter III.
20. Under the provisions of Section 10.21,C,3,d,(1),(c) of the Commission’s *Land Use Districts and Standards*, stores, commercial recreational uses not including recreational lodging facilities, and entertainment or eating establishments having a gross floor area of more than 2,500 square feet may be allowed within the D-GN Subdistrict as a special exception upon issuance of a permit pursuant to 12 M.R.S. § 685-B, and subject to the applicable requirements set forth in Sub-Chapter III, provided that 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; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan.
21. Under the provisions of Section 10.26,D,2 of the Commission’s *Land Use Districts and Standards*, the minimum setback for non-residential structures include: 150 feet from the nearest shoreline of a body of standing water 10 acres or greater in size such as Millinocket Lake, 30 feet from the traveled portion of roadways such as Black Cat Road, and 25 feet from property boundary lines.
22. The facts are otherwise as represented in Development Permit Application DP 4397, subsequent amendments, and supporting documents.

Based upon the above Findings, the staff concludes that:

1. In accordance with Section 10.21,C,3,c of the Commission's *Land Use Districts and Standards* the proposed attached garage is a use allowed with the D-GN Subdistrict.
2. In accordance with Section 10.21,C,3,d,(1),(c) of the Commission's *Land Use Districts and Standards* there is substantial evidence that the use can be buffered from those other uses within the subdistrict with which it is incompatible. The proposed garage is attached to an existing store/apartment that was permitted under the original Development Permit DP 4397 and expanded upon under Amendment C. The area that is zoned D-GN encompasses the applicant's property only, and there are no other uses within the subdistrict that are incompatible with this use. Residences located in the Residential Development (D-RS) Subdistrict on the opposite side of Black Cat Road are buffered by an existing forested buffer.
3. In accordance with Section 10.26,D,2 of the Commission's *Land Use Districts and Standards*, the minimum setbacks have been met by the proposed garage.
4. The proposal complies with the applicable requirements set forth in Sub-Chapter III of the Commission's *Land Use Districts and Standards*.
5. 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.


**Therefore, the staff approves the application of David P. Cyr with the following conditions:**

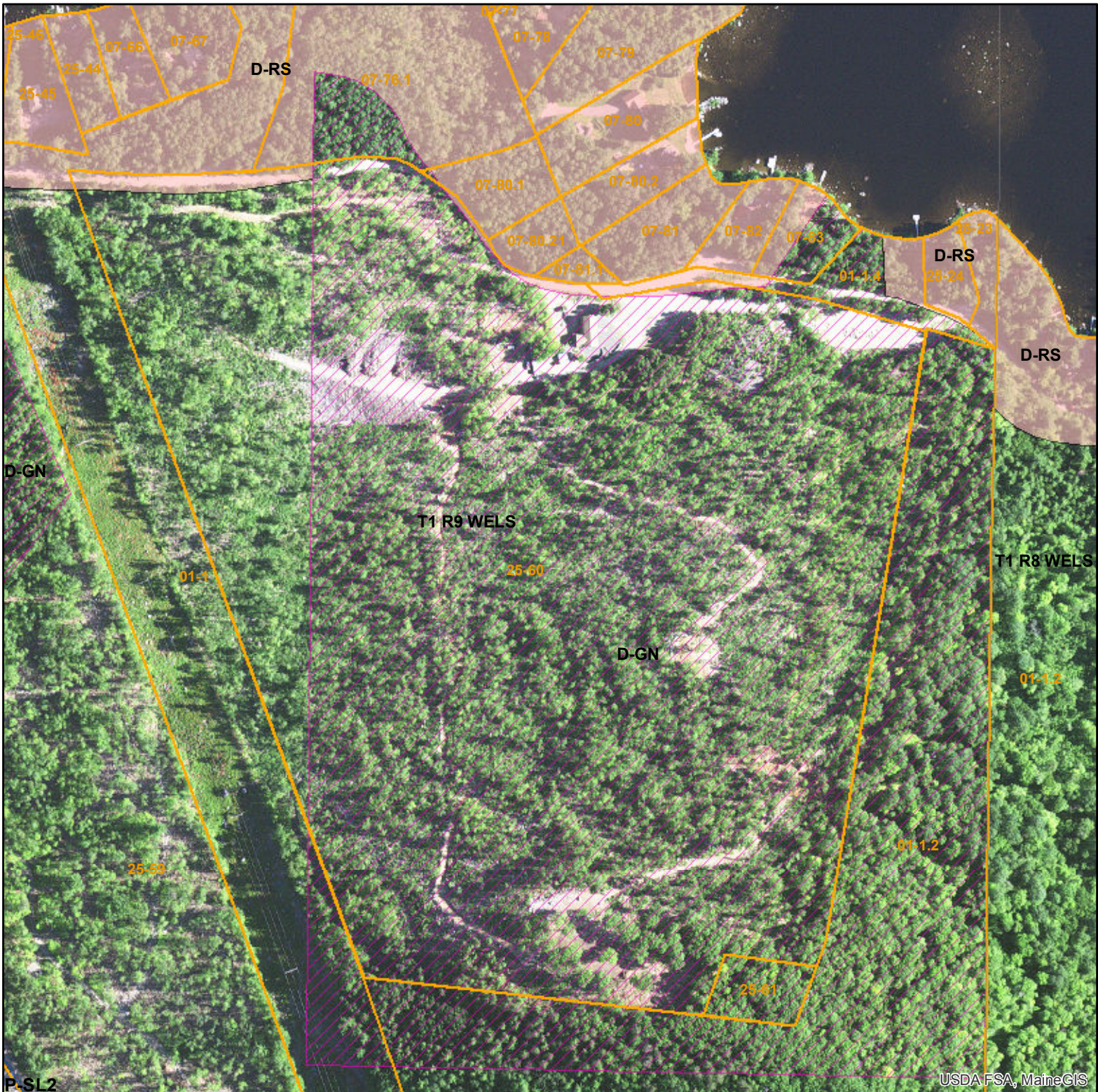
1. *At least one week prior to commencing the permitted activities*, the permittee or the designated agent must contact the Commission staff and notify them of the estimated date construction work will start. Notice may be provided in writing, in person, by email, or by calling. If you leave or send 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. The enclosed permit certificate must be posted in a visible location on your property immediately after receipt and during development of the site and construction of the structures and activities approved by this permit.
4. 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.
5. All authorized structures must be set back a minimum of 150 feet from the normal high water mark of Millinocket Lake, 30 feet from the traveled portion (edge) of Black Cat Road, and at least 25 feet from property boundary lines.
6. The authorized structure must be used for storage purposes only and must not be used for manufacturing or sales.

7. 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.
8. Once construction is complete, the permittee(s) 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.
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 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.
11. 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.
12. All conditions of Development Permit DP 4397 and subsequent amendments shall remain in effect except as altered by this amendment.

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 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 E. MILLINOCKET, MAINE, THIS 1<sup>ST</sup> DAY OF OCTOBER, 2020.

By:   
for Judy C. East, Executive Director

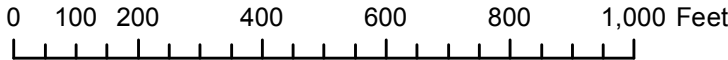


- Unorganized Townships
- D-GN: General
- D-RS: Residential
- P-SL2: Shoreland - 75'

### T1 R9 WELS, Piscataquis County Part of Map PI010, Plan 01, Lot 1 MRS Plan 25, Lot 60



September 30, 2020



USDA FSA, MaineGIS