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

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

CERTIFICATION

COMMISSION DETERMINATION
IN THE MATTER OF

Maine Department of Environmental Protection
Request for Site Law Certification
Mark A. and Wesla Ranalli
SITE LAW CERTIFICATION SLC-10

Findings of Fact and Determination

The Maine Land Use Planning Commission (Commission), at a meeting of the Commission held on May 08, 2019, in Brewer, Maine, after reviewing the certification request and supporting documents submitted by Mark A. and Wesla Ranalli (Ranallis) for Site Law Certification SLC-10 and other related materials on file, pursuant to the Commission's Land Use Standards, finds the following facts:

1. **Requestors/Landowners:** Mark A. and Wesla Ranalli
   55 True North Lane
   Big Lake Township, Maine 04668

2. **Agency Contact:** Maine Department of Environmental Protection
   Attn: Shannon D. Smith, Environmental Specialist III
   106 Hogan Road, Suite 6
   Bangor, ME 04401

3. **Agent:** Deane L. Bradshaw, Professional Engineer
   95 Hinckley Point Road
   Dennysville, Maine 04628

4. **Complete for Processing Date:** February 28, 2019

5. **Location:** Big Lake Township, Washington County, Maine
   Maine Revenue Service Map WA033, Plan 04, Lot 17
   Washington County Registry of Deeds Book 2397, Page 311 & Book 2412, Page 123[1]

6. **Affected Subdistricts:** General Management Subdistrict (M-GN)
Great Pond Protection Subdistrict (P-GP)
Wetland Protection Subdistrict (P-WL1)

7. **Affected Waterbody:** Big Lake - The Commission has identified Big Lake as a management class 3, resource class 1A, accessible, developed lake with the following resource ratings: outstanding fisheries resources, outstanding wildlife resources, outstanding cultural resources.

ADMINISTRATIVE HISTORY AND EXISTING CONDITIONS

8. The Ranallis own a 130-acre[2] parcel of the land adjacent to Big Lake in Big Lake Township, Washington County, Maine. The lot is currently developed with a farmhouse (circa 1870), a barn (circa 1920), a mobile home, a shop, three storage sheds, a chicken coop, an approximately 18-foot by 1600-foot driveway (a.k.a. True North Lane), a man-made pond 0.35 acres in size, a 16-foot by 140-foot path to Big Lake, and a 20-foot by 175-foot clearing and a 20-foot by 40-foot clearing between 25 and 100 feet from the normal high water mark of Big Lake. The parcel has approximately 2,560 feet of water frontage on Big Lake, 50 feet of road frontage on Sand Beach Road, and 2,154.5 feet of road frontage on the West Street. Approximately 53 acres of the parcel consist of fields used for hay and crop production, 40 acres consist of forested area, and 28 acres consist of wetlands.

PROJECT SUMMARY

9. The Ranallis propose to develop a Level D – expanded access recreational lodging facility inside a geographic allowance area (Facility), also known as the Big Lake RV Park and Family Campground. The Facility would be located within M-GN and P-GP subdistricts, and adjacent to Big Lake and its associated P-WL1 subdistrict. The Facility would generally consist of the following:
   A. Fifty-one (51) 40-foot by 70-foot recreational vehicle (RV) campsites each with a gravel parking pad, a hardened turf area of gravel or porous pavers, secondary parking, a turf area, and utilities.
   B. Two comfort cabins of undetermined size.
   C. A 28-foot by 40-foot service building on permanent foundation that would include office space, restrooms, showers and laundry.
   D. A 36-foot by 60-foot office building with an 8-foot overhang on a permanent foundation that would include office space, recreation facilities, and a store.
   E. An inground pool of undetermined size.
   F. A 10-foot by 10-foot water-dependent storage building set back at least 25 feet from Big Lake with a temporary foundation, and screened by existing trees and shrubs.
   G. A seasonal floating docking structure.

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[1] The Ranallis submitted Washington County Registry of Deeds Book 2407, Page 187 (Site Location of Development Application Section 2 and 31); however, a deed review indicated that Washington County Registry of Deeds Book 2412, Page 123 supersedes that deed.

[2] The Site Location of Development Application lists the lot size as 121 acres (Form A, Page 1 and Section 12) and 120 acres (Section 1). The Commission used the deed acreage of 130 acres when reviewing dimensional requirements.

H. An approximately 18-foot by 700-foot main entrance roadway off the exiting driveway and multiple 14-foot wide or 18-foot wide internal campground roadways - size dependent upon whether they are one- or two-way.
I. A dump station, septic drain field and associated appurtenances.
J. A new water well.

10. The facility would otherwise be constructed and operated as proposed in the materials submitted to the Maine Department of Environmental Protection (MDEP) and the Commission.

AUTHORITY AND ADMINISTRATIVE PROCESS

11. Except for projects that are located in a planned subdistrict that was approved or accepted by the Commission for processing prior to September 1, 2012, a permit from the Commission is not required for a development of state or regional significance that may substantially affect the environment as defined in Title 38, section 482, subsection 2. A project meeting that definition is reviewed under Title 38, section 489-A-1. A person submitting a development proposal to the MDEP under Title 38, section 489-A-1 shall file a notice of the intent to develop and a map indicating the location of the proposed development with the Commission prior to or concurrently with submission of a development application to the MDEP. The MDEP must receive certification from the Commission that the proposed development is an allowed use within the subdistrict or subdistricts for which it is proposed and the proposed development meets any land use standard established by the Commission that is not considered in the department's review under Title 38, section 489-A-1, subsection 1 before issuing a permit. 12 M.R.S. § 685-B(1-A)(B-1).

12. On February 15, 2019, pursuant to *Rules of Practice,* 01-672 C.M.R. 4 (last revised October 18, 2013) (Ch. 4), sec. 4.11(4), the required Commission public notice was made by regular mail. One public comment of support was received by the Commission.

13. On January 31, 2019 and February 7, 2019, public notice required by the MDEP was given for the Site Location of Development application. On February 16, 2019, a MDEP public informational meeting was held. On February 28, 2019, the MDEP submitted to the Commission a Request for Certification for the Ranallis' Facility, reference MDEP Project Number L-27717-28-A-N. The MDEP provided to the Commission a copy of the Site Location of Development application including Section 31, which addresses the Commission's criteria for certification, and public comments that included specific concern related to vehicular circulation and access, noise buffering, lighting design and buffering, and impacts to surrounding uses and resources. Concerns raised in these public comments relate to the Commission standards are addressed by the Commission in findings of fact #16; #23; #24; and #28. The proposed Facility would be located within the unorganized area of Big Lake Township in Washington County, Maine. The Request for Certification asked that the Commission determine if the Facility is an allowed use within the subdistricts in which it is proposed and if the Facility meets the applicable land use standards that are not considered in the MDEP review.

14. On February 28, 2019, the Commission accepted the Request for Certification as complete for processing pursuant to Ch. 4, sec. 4.11(2).

15. On March 11, 2019, the MDEP accepted the Ranallis' Site Location of Development application as complete for processing.

ANALYSIS OF THE FACILITY AND APPURTENANCES AS ALLOWED USES

16. **Recreational Lodging Facility:**

A. When elements of a recreational lodging facility are located within multiple subdistricts, at least one of the subdistricts (the primary subdistrict) must allow the level of recreational lodging facility proposed as a whole. Each other subdistrict (secondary subdistrict(s)) may contain, singularly, only those elements of the facility that are allowed within that subdistrict. The Ranallis have demonstrated that they are proposing a Level D – expanded access recreational lodging facility inside a geographic allowance area within the M-GN subdistrict (the primary subdistrict), and a Level B recreational lodging facility within the P-GP subdistrict (a secondary subdistrict), see findings of fact #29, below.

B. Pursuant to *Land Use Districts and Standards*, 01-672 C.M.R. 10 (last revised September 20, 2018) (Ch. 10 or Chapter 10), sec. 10.22,A,3,d,(3),(c), a Level D – expanded access recreational lodging facility inside a geographic allowance area may be allowed within an M-GN subdistrict as a special exception, 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.

C. Pursuant to Ch. 10, sec. 10.23,E,3,d(2),(b), a Level B recreational lodging facility and related accessory structures, may be allowed within a P-GP subdistrict as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-A(10), 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 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.

D. <u>Special Exception Criteria</u>:

1) *Surrounding uses and resources:* In general, the surrounding uses include residential dwellings (seasonal and year-round), residential dwellings with home occupations, agriculture management, timber harvesting, and Big Lake. The majority of the nearby dwellings are located across the road from, and at least 800 feet from, the proposed Facility. Two residence are located along the Ranallis' southerly line and are approximately 275 feet and 550 feet from the nearest proposed RV campsite. Additionally, a hand-carry boat launch is located three-quarters of a mile by road from the proposal.

2) *Sufficient infrastructure and adequate protection of sensitive surrounding resources and uses from increased traffic and activity:* The Ranallis provided information related to Facility access from West Street, the *West Street Traffic Study*, and comments from the Washington County Territories' Unorganized Township Supervisor, see findings of fact #23, below. Among other items, the data presented outlined that West Street can accommodate RV traffic and walkers/bikers with a 20-foot travel lane and 4-foot gravel shoulders, that there is clear and extensive line-of-site at the Facility entrance for safely pulling out of and into the Facility, and that the 5 to 9 percent increase in daily traffic would be randomly distributed throughout each day and not be intrusive on existing uses. After reviewing the proposal, the Washington County Territories' Unorganized Township

Supervisor indicated that West Street would be able to handle the anticipated additional traffic load related to the Facility. Relative to boat access, it is expected that there would be only incidental use of the hand-carry launch from the proposal as users of the campground could utilize an existing hand-carry launch at the development site. Further, larger boats could utilize a trailered ramp with 20 rig parking spaces located approximately five miles by road from the proposal or a trailered ramp with 10 rig parking spaces located in Princeton.

3) *Incompatible use and resource buffering:*
   a) Noise: Aside from the construction phases where general machinery noise is expected, the Ranallis indicated that the proposal would generate low levels of daytime noise from unamplified human voices and vehicular traffic. The Ranallis anticipate these noises would be mitigated by the distance from the lake, roads, and neighboring property lines, and by the topography and the layout of the Facility. Additionally, during normal seasonal operational hours, overnight quiet hours would be enforced.
   b) Visibility: The Ranallis indicated that when fully developed, the Facility would not be visible from the main body of Big Lake but would be slightly visible from Jameson Cove. Additionally, the septic system mound would be visible along West Street as well as the uppermost portions of any RV parked in proposed RV campsites 1 and 2. The Facility would not be visible from public places other than Jameson Cove.
   c) Natural Resources:
      i. The Maine Department of Inland Fisheries and Wildlife indicated that there are no mapped Essential Habitats in the Facility area.
      ii. A site inspection on May 08, 2018, of the Facility area by a professional wetland scientist indicated that there are no vernal pools or significant vernal pools in or adjacent to the Facility area. One small wetland was identified.
      iii. The Maine Historic Preservation Commission (MHPC) reviewed the proposal and concluded there would be no historic properties (architectural or archaeological) affected by the proposed Facility, reference MHPC# 0210-18.
      iv. The Maine Natural Areas Program (MNAP) reviewed the proposal and searched the Natural Areas Program's Biological and Conservation Data System files for rare or unique botanical features in the vicinity of the proposed site and indicated that according to their current information there are no rare botanical features that would be disturbed within the project site.

4) *Buffers:* The Ranallis indicate that the Facility would be set back approximately 800 feet from West Street, 650 feet from Big Lake, and 75 feet from the nearest property boundary line on the south side of the property, which has a 30-foot to 35-foot wooded buffer between the property line and the field. Two residential dwellings are located adjacent to this property line. One dwelling, the further of the two dwellings, would not be visually impacted due to the nature of the topography between the residence and the Facility. The second and nearest dwelling would be visible; however, the Ranallis propose to construct an 8-foot high by 150-foot long privacy fence located 25 feet from the property line and to allow vegetation to establish itself between the property line and fence to provide a buffer for this residence. To further buffer the Facility in reference to nearby residences, the Ranallis propose no pole style lighting in the Facility and have designed the outdoor space at the RV campsites (picnic tables, fire rings, etc.) so that all but one site is visually buffered from abutting properties. These buffers are anticipated to facilitate co-existence of the Facility with neighboring residential uses, particularly by limiting the effect of sound and lighting from the Facility on surrounding uses. If, after construction, the

Commission finds the actual noise and lighting impacts are not adequately buffered from neighboring residential uses, the Commission may require establishment and implementation of an enhanced buffer plan as provided in Condition #1.

E. Based on the evidence provided and Condition #1 of this certification document, the proposal meets the special exception criteria of Ch. 10 sec. 10.22,A,3,d,(3),(c) for a Level D – expanded access recreational lodging facility inside a geographic allowance area and the proposal meets the special exception criteria of Ch. 10, sec. 10.23,E,3,d(2),(b) for a Level B recreational lodging facility; therefore, the Facility is an allowed use in the affected subdistricts.

17. **Level C road project:** Pursuant to Ch. 10, sec. 10.22,A,3,c,(16), a Level C road project may be allowed within an M-GN subdistrict 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; therefore, the proposed Level C road project is an allowed use in the affected subdistrict.

18. **Signs:** Pursuant to Ch. 10, secs. 10.22,A,3,b,(15) and 10.22,A,3,c,(18), signs shall be allowed without a permit, and signs which are not in conformance with the standards of Ch. 10, sec. 10.27,J may be allowed upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, respectively, within an M-GN subdistrict, and subject to the applicable requirements set forth in Sub-Chapter III; therefore, the proposed signs are an allowed use in the affected subdistrict.

19. **Temporary docking structure:** Pursuant to Ch. 10, sec. 10.23,N,3,c,(3), temporary docking structures associated with recreational lodging facilities may be allowed within a P-WL subdistrict upon issuance of a permit from the Commission according to 12 M.R.S. § 685-B and subject to the applicable requirements set forth in Sub-Chapter III; therefore, the proposed temporary docking structure is an allowed use in the affected subdistrict.

20. **Water-dependent structure:** Pursuant to Ch. 10, sec. 10.23,E,3,c,(21), water-dependent structures for recreational lodging facilities in compliance with Ch. 10, sec. 10.27,Q,7, may be allowed within a P-GP subdistrict 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. The water dependent structure is proposed to be in compliance with Ch. 10, sec. 10.27,Q,7 (see findings of fact #26,D and #29,B, below); therefore, the proposed water-dependent structure is an allowed use in the affected subdistrict.

ANALYSIS OF COMPLIANCE WITH COMMISSION STANDARDS

The Commission's land use standards that are applicable to certifying compliance of the Facility, which are not considered in the MDEP's review under Title 38, section 489-A-1, subsection 1, are evaluated in findings of fact #21 through #31, below.

21. **Title, right or interest:**
    A. Review Criteria: Ch. 4, sec. 4.11(1)(e)(i).
    B. Proposal: The Ranallis elected to simultaneously apply to the MDEP for a Site Location of Development permit for the Facility and to the Land Use Planning Commission for certification of the Facility. The MDEP application was accepted as complete for processing on March 11, 2019.

C. Conclusion: Provided the MDEP finds in their review of the proposal that the Ranallis have sufficient title, right or interest, the Commission concludes that the Ranallis have administrative standing to request certification of the Facility.

22. **Subdivision and lot creation:**
   A. Review Criteria: 12 M.R.S. § 682(2-A), 12 M.R.S. § 685-B(1)(B), Ch. 10, sec. 10.24,F (quoting 12 M.R.S. § 685-B(4)(F)), and Ch. 10, sec. 10.25,Q,1.
   B. Proposal: The Ranallis' deed submission, and evaluation of the 20-year deed land division history registered in the Washington County Registry of Deeds, established that no land divisions requiring a subdivision permit from the Commission have occurred for the Facility parcel during the preceding 20 years.
   C. Conclusion: Based on evidence provided, the proposal meets the subdivision and lot creation requirements of 12 M.R.S. § 682(2-A), 12 M.R.S. § 685-B(1)(B), Ch. 10, sec. 10.24,F (quoting 12 M.R.S. § 685-B(4)(F)), and Ch. 10, sec. 10.25,Q,1 in that there have been no land divisions of the Facility parcel requiring subdivision approval from the Commission in the preceding 20 years.

23. **Vehicular circulation, access and parking, and roadway design:**
   Pursuant to Ch. 10, sec. 10.24,B (quoting 12 M.R.S. § 685-B(4)(B)), the Commission may not approve an application unless adequate provision has been made for loading, parking and circulation of land, air and water traffic in, on and from the site, and for assurance that the proposal will not cause congestion or unsafe conditions with respect to existing or proposed transportation arteries or methods.
   A. Vehicular circulation and access:
      1) *Review criteria:* Pursuant to Ch. 10, sec. 10.25,D,1, provision shall be made for vehicular access to and within the project premises in such a manner as to avoid traffic congestion and safeguard against hazards to traffic and pedestrians along existing roadways and within the project area. Development shall be located and designed so that the roadways and intersections in the vicinity of the development will be able to safely and efficiently handle the traffic attributable to the development in its fully operational stage. Pursuant to Ch. 10, sec. 10.25,D,2, the applicable standards for access management onto West Street include that: the proposal comply with all applicable Maine Department of Transportation safety standards; the number and width of entrances and exits onto any roadway be limited to that necessary for safe entering and exiting; access be designed such that vehicles may exit the premises without backing onto any public roadway or shoulder; and access between the roadway and the property intersect the roadway at an angle as near to 90 degrees as site conditions allow, and have a curb radius of between 10 feet and 15 feet, with a preferred radius of 10 feet. Pursuant to Ch. 10, sec. 10.25,D,2,e, the Commission may require a traffic impact study of roadways and intersections in the vicinity of the proposed project site if the proposed development has the potential of generating significant amounts of traffic or if traffic safety or capacity deficiencies exist in the vicinity of the project site.
      2) *Proposal:*
         a) Access to the Facility would be via a new, approximately 18-foot by 700-foot main entrance roadway off the Ranallis' existing driveway (a.k.a. True North Lane). True North Lane intersects perpendicular with West Street, a two-lane paved public road with a 20-foot traveled way and 4-foot gravel shoulders. Vehicles would enter and exit True North Lane without backing onto West Street; line-of-site at the intersection of True North Lane and West Street is 1,270 feet westerly and 5,000 feet easterly.

b) The Ranallis provided a traffic impact study for the Facility, which indicated that the seasonal operation of the Facility would increase the volume of traffic between 5 percent and 9 percent, randomly distributed throughout each day. Additionally, after reviewing the *West Street Traffic Study*, traffic volume calculations and the Maine Department of Transportation traffic volume measurements from 2015, the Washington County Territories' Unorganized Township Supervisor indicated that West Street would be able to handle the anticipated additional traffic load related to the Facility.

3) *Conclusion*: Based on the evidence provided, vehicular circulation and access as proposed will meet the applicable provisions of Ch. 10, sec. 10.24,B (quoting 12 M.R.S. § 685-B(4)(B)) and Ch. 10, secs. 10.25,D,1 and 2.

B. Parking layout and design:
1) *Review criteria:* Ch. 10, sec. 10.25,D,3.
2) *Proposal:* No on-street parking is proposed. Two Facility-wide parking areas/turn-outs would be located adjacent to the office/recreation building (approximately 50 feet by 100 feet in size) and the service building (approximately 20 feet by 80 feet in size). Additionally, each of the 51 RV campsites would have parking for an RV, a hauling vehicle, and a towed vehicle.
3) *Conclusion*: Based on the evidence provided, parking layout and design as proposed will meet the applicable provisions of Ch. 10, sec. 10.24,B (quoting 12 M.R.S. § 685-B(4)(B)) and Ch. 10, sec. 10.25,D,3.

C. Roadway design:
1) *Review criteria:* Ch. 10, secs. 10.25,D,4 and 10.27,D,1.
2) *Proposal:* The Ranallis propose a Level C road project for the proposed Facility that includes an 18-foot by 700-foot main entrance roadway and 14-foot wide or 18-foot wide internal campground roadways, depending upon whether they are one- or two-way. Both the main entrance and the internal campground roadways would meet the characterization of roadways appropriate for low-intensity commercial or industrial projects surrounded by a relatively sparse development pattern and for residential subdivisions with fewer than 15 lots surrounded by a relatively sparse development pattern (Class 2 Roadways).
3) *Conclusion:* Based on the evidence provided, the roadway designs as proposed will meet the applicable provisions of Ch. 10, sec. 10.24,B (quoting 12 M.R.S. § 685-B(4)(B)), Ch. 10, sec. 10.25,D,4 and Ch. 10, sec. 10.27,D,1.

24. **Lighting:**
A. Review criteria: Ch. 10, sec. 10.25,F,2.
B. Proposal: All exterior lighting is proposed to be designed, located, installed, and directed to illuminate primarily the target area with the goal of keeping lighting to a minimum to preserve the night sky while providing necessary lighting for safety and convenience. The exterior lighting would be motion activated where suitable to minimized unnecessary lighting, and would be either low wattage light emitting diode (LED), full cut-off, or recessed under building overhangs.
C. Conclusion: Based on the evidence provided, the permanent lighting as proposed will meet the applicable provisions of Ch. 10, sec. 10.25,F,2; see also findings of fact #28 for lighted, on-premises entrance sign provisions.

25. **Activities in flood prone areas:**
A. Review criteria: Ch. 10, sec. 10.25,T.

B. Proposal: According the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) Panel 23029C0665E, effective date 7/18/2017, the proposal would be located within an area of minimal flood hazard, reference the National Flood Insurance Act of 1968 P.L. 90-48, as amended. Additionally, in Section 19 of the MDEP's Site Location of Development Permit Application, the Ranallis indicated that the proposed development would be located 20 vertical feet above the normal water elevation of Big Lake, which is controlled by a dam and spillway located at Grand Falls.

C. Conclusion: Based on evidence provided, the development as proposed will meet the provisions of Ch. 10, sec. 10.25,T in that is located within an area of minimal flood hazard.

26. **Dimensional requirements:**

A. Minimum lot size:

1) *Review criteria:* Pursuant to Ch. 10, sec. 10.26,A, the minimum lot size for residential uses is 40,000 square feet per dwelling unit and the minimum lot size for commercial uses involving one or more buildings is 40,000 square feet.

2) *Proposal:* In Section 1 of the MDEP's Site Location of Development Permit Application, the Ranallis indicated that the lot is currently developed with two single-family dwelling units. The proposed Facility, which would include one or more buildings, would be considered a single commercial use. According to Washington County Registry of Deeds Book 2397, Page 311 and Book 2412, Page 123, the lot is approximately 130 acres.

3) *Conclusion:* Based on evidence provided, the development as proposed will meet the minimum lot size provisions of Ch. 10, sec. 10.26,A.

B. Minimum shoreline frontage:

1) *Review criteria:* Pursuant to Ch. 10, sec. 10.26,B,2, the minimum shoreline frontage for lots fronting on a body of standing water 10 acres or greater in size, as measured in a straight line between the points of intersection of side lot lines with the normal high water mark of the shoreline, is 200 feet per dwelling unit and 300 feet for commercial uses involving one or more buildings.

2) *Proposal:* According to current mapping, the Ranallis' lot has over 2,650 feet of shoreline frontage on Big Lake.

3) *Conclusion:* Based on evidence provided, the development as proposed will meet the minimum shoreline frontage provision of Ch. 10, sec. 10.26,B,2.

C. Minimum road frontage:

1) *Review criteria:* Pursuant to Ch. 10, sec. 10.26,C, the minimum road frontage, as measured along the traveled portion of the road between the points of intersection of side lot lines with the traveled portion of the road, is 100 feet per dwelling unit and 200 feet for commercial uses involving one or more buildings. In the case of a lot which border more than one road, the road frontage requirement must be met on at least one road bordered by the lot.

2) *Proposal:* According to Washington County Registry of Deeds Book 2397, Page 311 and Book 2412, Page 123, the lot has 50 feet of road frontage on the Public Landing Road (a.k.a. Corduroy Road, Old County Road, and Sand Beach Road) and 2,154.5 feet of road frontage on the County Road (a.k.a. New County Road and West Street).

3) *Conclusion:* Based on evidence provided, the development as proposed will meet the minimum road frontage provisions of Ch. 10, sec. 10.26,C.

D. Minimum setbacks:

1) *Review criteria:*

a) Pursuant to Ch. 10, sec. 10.26,D,1, the applicable minimum setbacks for those structures within a recreational lodging facility constructed solely for the housing of

guests include 75 feet from the nearest shoreline of a body of standing water less than 10 acres in size such as the man-made pond, 75 feet from the upland edge of non-forested wetlands located in P-WL1 subdistricts, 100 feet from the nearest shoreline of a body of standing water 10 acres or greater in size such as Big Lake, 50 feet from the traveled portion of all roadways, and 15 feet from side and rear property boundary lines.

b) Pursuant to Ch. 10, sec. 10.26,D,2, the applicable minimum setback for commercial uses and all other structures within a recreational lodging facility, including, but not limited to, a main lodge, dining area, workshop, and parking area include 100 feet from the nearest shoreline of a body of standing water less than 10 acres in size such as the man-made pond, 100 feet from the upland edge of non-forested wetlands located in P-WL1 subdistricts, 150 feet from the nearest shoreline of a body of standing water 10 acres or greater in size such as Big Lake, 75 feet from the traveled portion of all roadways, and 25 feet from side and rear property boundary lines.

c) Pursuant to Ch. 10, sec. 10.26,D,4, campsites shall be set back such that the area designed for camping, including cleared or graded areas, fire rings, tables, and related construction, is at least 75 feet from shorelines, 75 feet from the upland edge of non-forested wetlands located in P-WL1 subdistricts, 50 feet from roads, and 25 feet from property lines. Notwithstanding the above, the area designed for camping must be set back at least 10 feet from roads internal to a campground, and campsite parking areas may be located adjacent to such roads.

d) Pursuant to Ch. 10, sec. 10.26,G,17, the Commission may apply the dimensional requirements and standards for recreational lodging facilities in accordance with Ch. 10, sec. 10.27,Q. Pursuant to Ch. 10, sec. 10.27,Q,7,d, water-dependent structure for recreational lodging facilities must be located not less than 25 feet from the normal high water mark of any waterbody or watercourse.

2) *Proposal:* Among other items, the Ranallis propose a 51-campsite RV campground, two comfort cabins of undetermined size, a 36-foot by 60-foot office/recreation building, a 28-foot by 40-foot service building, an inground swimming pool, and a 10-foot by 10-foot water-dependent storage building. The RV campsites are designed so that the areas for camping are set back at least 10 feet from the internal campground roads and at least 75 feet from shorelines, 75 feet from the upland edge of non-forested wetlands located in P-WL1 subdistricts, 50 feet from other roads, and 25 feet from property lines. Further, the Ranallis propose to locate the water-dependent storage building at least 25 feet from the normal high water mark of any waterbody or watercourse. Lastly, the Ranallis propose to set all other recreational lodging facility structures with the appropriate setbacks, depending upon whether they are intended solely for the housing of guests or not.

3) *Conclusion:* Based on evidence provided, the development as proposed will meet the applicable minimum setbacks provisions of Ch. 10, sec. 10.26,D and Ch. 10, sec. 10.27,Q,7,d.

E. Maximum lot coverage:

1) *Review criteria:* Pursuant to Ch. 10, sec. 10.26,E, the maximum lot coverage for all uses involving one or more buildings is 30 percent, including all impervious surfaces, which includes but is not limited to, buildings, driveways, sidewalks, and parking lots.

2) *Proposal:* According to Washington County Registry of Deeds Book 2397, Page 311 and Book 2412, Page 123, the lot is 130-acres in sized. The lot currently has approximately 0.87 acres of impervious surfaces, including the driveway from West Street and the existing buildings. The Ranallis estimate that the proposal would have 3.7 acres of impervious surface. Lot coverage would be approximately 3.5 percent.

3) *Conclusion:* Based on evidence provided, the development as proposed will meet the maximum lot coverage provisions of Ch. 10, sec. 10.26,E.

F. Maximum structure height:

1) *Review criteria:* Pursuant to Ch. 10, sec. 10.11,C,1,b, the maximum height of all structures within 100 feet of the normal high water mark of a waterbody greater than 10 acres in size is 25 feet. Pursuant to Ch. 10, sec. 10.26,F, the maximum height for a structure located between 100 and 500 feet of the normal high water mark of a waterbody greater than 10 acres in size is 30 feet and the maximum height for a commercial structure located greater than 500 feet from the normal high water mark of a waterbody greater than 10 acres in size is 100 feet.
2) *Proposal:* The proposed water-dependent storage shed would be located between 25 and 100 feet from the normal high water mark of Big Lake and would be less than 25 feet high. No structures are proposed to be located between 100 and 500 feet of the normal high water mark of Big Lake. All other proposed structure would be at least 500 feet from the normal high water mark of Big Lake and less than 100 feet high.
3) *Conclusion:* Based on evidence provided, the development as proposed will meet the maximum height provision of Ch. 10, sec. 10.11,C,1,b and Ch. 10, sec. 10.26,F.

27. **Vegetation clearing:**

A. Review criteria: Pursuant to Ch. 10 sec. 10.27,B, a vegetative buffer strip must be retained within: 50 feet of the right-of-way of any public roadway; 75 feet of the normal high water mark of any body of standing water less than 10 acres in size; and 100 feet of the normal high water mark of a body of standing water 10 acres or greater in size. Within these buffer strips there must be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown and a well-distributed stand of trees with a defined rating score must be maintained. Additionally, a 6-foot path to the water is allowed, provided it has at least one bend to divert channelized runoff. Pursuant to Ch. 10, sec. 10.27,B,4, cleared openings legally in existence as of June 7, 1990 may be maintained, but shall not be enlarged except as permitted under Ch 10.

B. Proposal: The majority of the proposed development would be located 650 feet from Big Lake and 800 feet from West Street within an open field used for growing hay and crops. An existing man-made body of standing water less than 10 acres in size is also located within the proposed development area. The water-dependent storage shed and a temporary floating dock system would be within 250 feet of Big Lake located both within a pre-exiting road/pathway to the water and an existing clearing adjacent to Big Lake. These cleared openings were legally existing prior to June 7, 1990. The Ranallis propose no further vegetation clearing.

C. Conclusion: Based on evidence provided, the vegetation clearing will meet the vegetation clearing provisions of Ch. 10 sec. 10.27,B,4.

28. **Signs:**

A. Review criteria: Pursuant to Ch. 10 sec. 10.27,J, signs in conformance with the requirements of Ch. 10, sec. 10.27,J,1 and 2 do not require a permit.

B. Proposal: The Ranallis propose one, 4-foot by 8-foot on-premises entrance sign with cut-off lighting that would illuminate only the sign and would shield the light to effectively prevent beams or rays of light from being directed at any portion of the main traveled way of West Street. Additionally, the Ranallis propose to use directional signs, instruction signs, or signs which identify rest rooms, trails, and campsites. All signs are proposed to conform with the size requirements outlined in Ch. 10, sec. 10.27,J.

C. Conclusion: Based on evidence provided, the development's signage will meet the provisions of Ch. 10 sec. 10.27,J, 1 and 2.

29. **Recreational lodging facilities:**
   A. Review criteria: Ch. 10, sec. 10.02 and Ch. 10, sec. 10.27,Q.
   B. Proposal:
      1) The Facility would be a campground with an onsite attendant located inside a geographic allowance area and within M-GN and P-GP subdistricts.
      2) *Proposed development in the M-GN subdistrict (primary subdistrict):*
         a) On-site recreation activities, features, and/or services: playground, horseshoes, badminton, swimming, and camping. According to the definition related to this factor, these activities would produce low odor, some noise, and would be mostly screened from Big Lake, West Street and those residences along West Street, and would be partially screened from two residences east of the Facility and Sunshine Lane, a private road.
         b) Utilities: Utilities would be present on site.
         c) Principal building floor area: Floor area of all principal buildings would be less than 8,000 square feet.
         d) Retail: 500 square feet.
         e) Dining amenities: Not available at the Facility.
         f) Fuel sales: Not available at the Facility.
         g) On-site recreation activities, features, and/or services: Available to guests.
         h) Overnight occupancy: Four hundred (400) persons.
      3) *Proposed development in the P-GP subdistrict (secondary subdistrict):*
         a) On-site recreation activities, features, and/or services: picnicking, nature viewing, canoeing, kayaking, and boating available to guests.
         b) One, 10-foot by 10-foot water-dependent storage shed for water-related equipment on a temporary foundation set back at least 25 feet from the normal high water mark of Big Lake and screened by existing trees and shrubs.
         c) Total existing clearing within 100 feet of Big Lake: Approximately 6,000 square feet
         d) Total existing clearing within 250 feet of Big Lake: Approximately 14,600 square feet
   C. Conclusion: Based on the evidence provided, in reference to the recreational lodging facility factors of the proposal, the Commission determines that:
      1) The proposed development within the M-GN subdistrict (the primary subdistrict) would constitute a Level D expanded access recreational lodging facility inside a geographic allowance area. Pivotal to this determination were the factors related to some on-site noise and overnight occupancy;
      2) The proposed development within the P-GP subdistrict (a secondary subdistrict) would constitute a Level B recreational lodging facility. Pivotal to this determination was the factor related to footprint of clearing within 250 feet of Big Lake;
      3) The M-GN subdistrict allows for the level of recreational lodging facility proposed as a whole; and
      4) The recreational lodging facility will meet the provisions of Ch. 10, sec. 10.02 and Ch. 10, sec. 10.27,Q.

30. **Public health, safety and general welfare:**
   A. Review criteria: Pursuant to Ch. 10, sec. 10.24 (quoting 12 M.R.S. § 685-B(4)), the burden is upon the applicant to demonstrate by substantial evidence that the public's health, safety and general welfare will be adequately protected.

B. Proposal: Public services for the Facility would be provided by: the Washington County Sheriff's Office and the Maine State Police for police services; Indian Township Fire & Rescue, contracted through the Washington County Territories, for fire protections and accident/injury response; and the Washington County Emergency Medical Services Authority, contracted through the Washington County Territories, for ambulance and rescue services. Letters of service were received from the Washington County Territories, the Washington County Sherriff's Office, and the Indian Township Fire & Rescue.

C. Conclusion: Many of the standards considered by MDEP in its permit review and many of the standards considered by the Commission in is certification review and discussed above are intended to ensure adequate protection of the public's health, safety and general welfare. Additionally, public services will be provided to the Facility. Based on evidence provided, the development will meet the provisions of Ch. 10, sec. 10.24 (quoting 12 M.R.S. § 685-B(4)).

31. **General criteria for approval for applications:** Pursuant to Ch. 10, sec. 10.24,E (quoting 12 M.R.S. § 685-B(4)(E)), the Commission may not approve an application, unless, among other items, the proposal is otherwise in conformance with Chapter 10 and the regulations, standards and plans adopted pursuant thereto. Above, the Commission reviewed the proposal in reference to any land use standard established by the Commission that are not considered in the MDEP's review under Title 38, section 489-A-1, subsection 1. In conducting its certification review, the Commission additionally interpreted and applied the statutory provisions, regulations and standards considering the Commission's *Comprehensive Land Use Plan*. Based on the evidence provided, the proposal satisfies the conformity requirement of Ch. 10, sec. 10.24,E (quoting 12 M.R.S. § 685-B(4)(E)).

FINAL CERTIFICATION OF ALLOWED USES AND COMPLIANCE WITH THE COMMISSION'S STANDARDS

Based on the findings of fact, analysis, and conclusions set forth above, the Commission concludes that, with respect to the proposed Facility and associated appurtenances, Mark A. and Wesla Ranalli have met the burden of demonstrating that the Facility and associated appurtenances are allowed uses in the subdistricts in which they are proposed and that those uses will conform with the applicable regulatory and statutory requirements, and plans adopted pursuant to 12 M.R.S. Chapter 206-A, and meets the Commission's Land Use Standards applicable to the Facility that are not considered in the Maine Department of Environmental Protection review.

Therefore, the Commission CERTIFIES to the Maine Department of Environmental Protection that Site Law Certification SLC-10, submitted by Mark A. and Wesla Ranalli for a Level D – expanded access recreational lodging facility inside a geographic allowance area by special exception, as proposed, is an allowed use in the subdistricts in which it is proposed and complies with the applicable provisions of the Commission's Land Use Standards, subject to the findings of fact and conclusions contained herein, and the following conditions:

CONDITIONS

1. **Special exception buffering:** Upon a finding by the Commission that the actual noise and lighting impacts of the Facility, as constructed, are not adequately buffered from neighboring residential uses, the Commission may require the Permittees to establish and implement an

enhanced buffer plan sufficient to ensure the Facility is adequately buffered from other uses. Any such plan must be approved by the Commission prior to implementation.

2. **Title, right or interest:** The Maine Department of Environmental Protection finds in its Site Location of Development permitting decision that the Ranallis possesses sufficient title, right or interest to develop the Facility.

3. **Vehicular circulation, access and parking, and roadway design:** All Facility traffic, access, roadways, and parking areas shall be constructed in accordance with the design standards in Ch. 10, secs. 10.25,D and 10.27,D,1.

4. **Lighting:** All Facility permanent exterior lighting not specifically exempted by Commission's regulations shall meet the standards of Ch. 10, sec. 10.25,F,2. All non-essential lighting shall be turned off when not in use.

5. **Dimensional requirements:** All Facility structures, both temporary and permanent, shall be designed and located in accordance with Ch. 10, sec. 10.26 and Ch. 10, sec. 10.27,Q,7.

6. **Signs:** All Facility signs shall meet the provisions of Ch. 10, sec. 10.27,J.

7. **Vegetation clearing:** Existing vegetation clearing may be maintained except along the southerly property boundary line where vegetation shall be allowed to establish and grow naturally between the proposed fence and the property line. All other existing cleared areas may be maintained provided it is in accordance with Ch. 10, sec. 10.27,B, Ch. 10, sec. 10.27,Q, and any applicable MDEP standards or permit conditions.

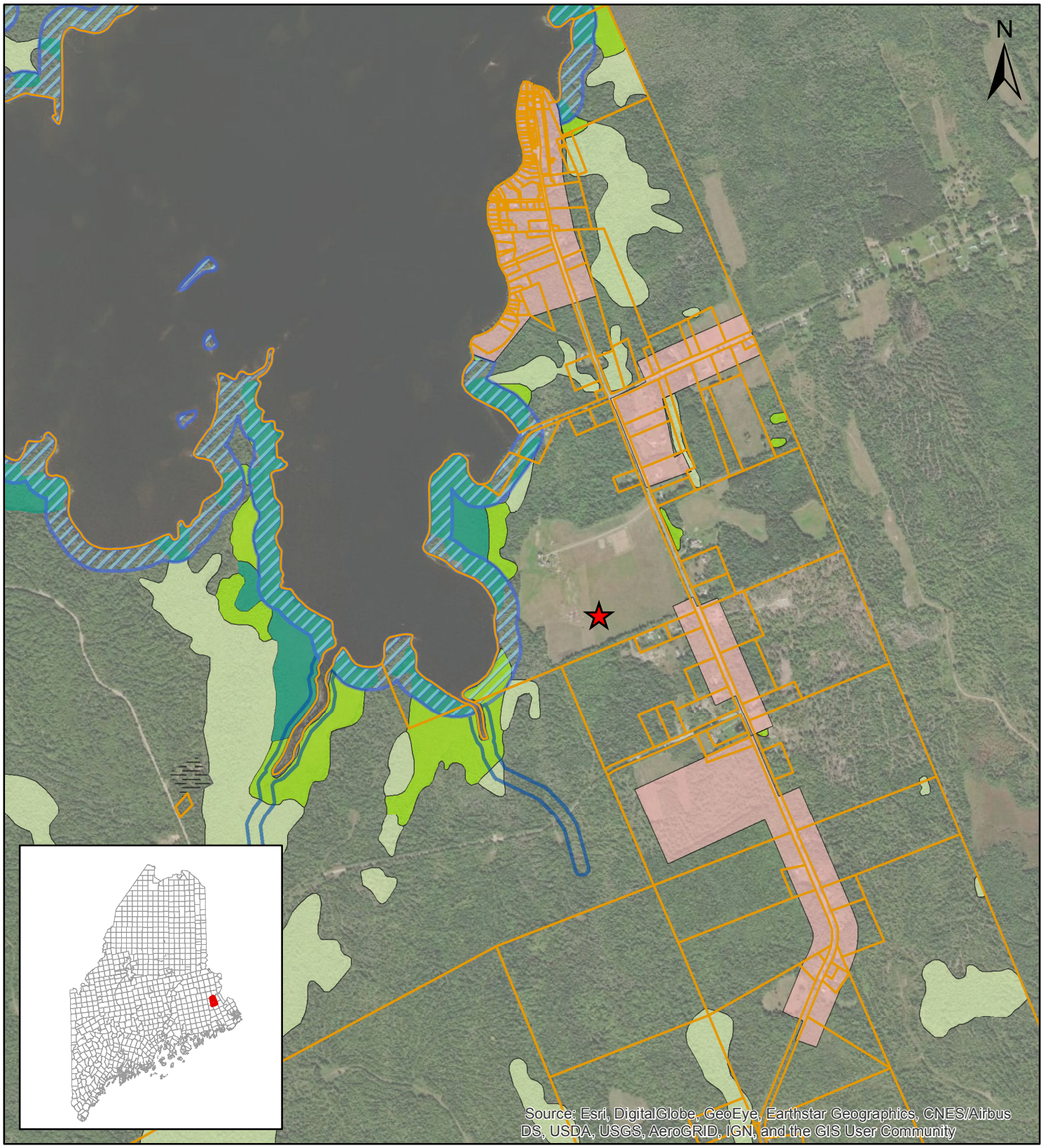
8. **Recreational lodging facilities:** The recreational lodging facility shall be operated as a Level D expanded access recreational lodging facility or lower, and shall be maintained as such in compliance with Ch. 10, sec. 10.02 and Ch. 10, sec. 10.27,Q.

7. The Facility is otherwise constructed and operated as proposed in the materials submitted to the Commission.

This approval of a request for certification, issued to the Department of Environmental Protection, is not a final agency action. Pursuant to 5 M.R.S.A. §§ 11001 *et seq.*, a person aggrieved by a MDEP Site Location of Development permit decision containing this certification determination may appeal the MDEP's final agency action to Superior Court. As part of such an appeal, a person aggrieved may seek judicial review of the components of the MDEP's final agency action, including the Commission's certification determination that is incorporated into the MDEP's permitting decision.

DONE AND DATED AT BANGOR, MAINE, THIS 8TH DAY OF MAY, 2019.

By: _____
Nicholas D. Livesay, Executive Director



Big Lake Township, Washington County, Maine
MRS Map WA033 Plan 04, Lot17

- Unorganized Townships
- D-CI: Commercial Industrial
- D-RS: Residential
- P-GP: Great Pond
- P-SL2: Shoreland - 75'
- P-WL1: Wetlands of Special Significance
- P-WL2: Scrub-shrub Wetlands
- P-WL3: Forested Wetlands

0 650 1,300 2,600 3,900 Feet