

DEVELOPMENT PERMIT APPLICATION

For Construction or Reconstruction of Non-Hydropower Storage Dams

WHO NEEDS TO SUBMIT THIS APPLICATION?

Anyone proposing any major reconstruction of an existing non-hydropower dam or construction of a new non-hydropower dam, within the plantations, unorganized townships and certain towns which remain under the Maine Land Use Planning Commission ("LUPC" or "Commission") jurisdiction, must obtain a Development Permit.

WHERE CAN I GET HELP TO COMPLETE THIS APPLICATION?

Call the LUPC office that serves your area and ask to speak to or meet with one of our regional representatives (see below for office locations and contact information). Also, go to the LUPC website at www.maine.gov/dacf/lupc/ to browse through our rules and regulations, recent publications and newsletters, Commission meeting agendas, and other valuable information.

MAILING YOUR APPLICATION

Fill out the application form. Mail the entire application form and the required attachments (including the appropriate application fee and exhibits – see instructions) to the LUPC office that serves your area. (see the LUPC website at www.maine.gov/dacf/lupc/about/AgencyContactSheet.pdf)

***THIS FORM IS NOT A VALID PERMIT.
NO CONSTRUCTION ACTIVITIES MAY BEGIN PRIOR TO YOUR RECEIPT OF A PERMIT.
THE LUPC MAY REQUIRE ADDITIONAL INFORMATION NOT ENCOMPASSED IN THIS APPLICATION.***

 Before going through the time and expense of filing this application, it is strongly recommended that you schedule a meeting with the Commission's staff. Our staff can assist you with understanding the requirements of submitting an impoundment permit application proposal for the Commission's review. A pre-application meeting and/or site visit may also reveal potential issues unique to your proposal that will need to be addressed as part of your application. Call the LUPC office that serves your area to schedule an appointment.

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For office use:

Tracking No.

DP

Permit No.

Fee Received

Application for Development Permit

For Construction or Reconstruction of Non-Hydropower Storage Dams

PART I: APPLICANT/PROJECT LOCATION

1. Name of Applicant: _____

Mailing Address: _____

_____ ZIP Code _____

Telephone: _____ Email Address: _____

2. Is the applicant the owner of the property proposed for development? ____ Yes ____ No

Name, address, and telephone number of the owner, if different from the applicant:

Name of Owner: _____

Mailing Address: _____

_____ ZIP Code _____

Telephone: _____ Email Address: _____

I hereby declare that I have examined this application, including the accompanying exhibits, and to the best of my knowledge and belief, it is true, accurate, and complete. I understand and acknowledge that I am responsible for compliance with all limitations of any permit issued to me by the Maine Land Use Planning Commission.

Applicant Signature: _____ Date: _____

Applicant Signature: _____ Date: _____

Should you have any questions or need assistance in completing this Application for Development Permit for Construction or Reconstruction of Non-Hydropower Storage Dams, please contact the [LUPC office that serves your area](#).

3. Where is the property or project located?

Name of Township or Plantation: _____ County: _____

Name of Street or Road: _____

Name of Waterbody: _____

Tax Lot(s) _____ Plan _____ Map _____

PART II: DEVELOPMENT PROPOSAL

SITE CHARACTERISTICS/HISTORY

4. Has any development or site preparation taken place or any structure been constructed since September 23, 1971?

____ Yes ____ No

If YES, specify structures and give construction dates. _____

5. What is the size of the property? Use square feet if less than two (2) acres. _____ sq. ft./acres

How much road frontage does the property have? _____ feet

How much shoreline frontage does the property have? _____ feet

How much of the property would be developed? (Use square feet if less than 2 acres.) _____ sq. ft./acres

CONSTRUCTION

6. Type of project (check one): ____ reconstruction of existing dam ____ construction of new dam

____ other (specify) _____

7. For what purpose is the project intended to be used?

8. What are the dimensions of the proposed dam or storage facility?

Length: _____ feet Width: _____ feet Height: _____ feet

9. What is the distance the proposed dam or storage facility will be set back from:

Access Road: _____ feet Property Lines: _____ feet and _____ feet

10. Provide a detailed description of the proposed project and all proposed site development and construction activities. Provide detailed plans showing overhead and cross-sectional views of all temporary and permanent project related structures and any existing, new, or expanded impoundments. Specify construction materials. Include an explanation of the tools to be used and all work to be done below the normal high water mark. _____

11. Construction Schedule/Project Life:

A. State the approximate date of start of construction: _____

B. State the approximate duration of construction activities (to the nearest whole month): _____

C. State the anticipated operational life of the project, in years: _____

12. IMPOUNDMENT CHARACTERISTICS

Characteristic	Existing	Proposed
normal maximum impounded water surface area		
normal maximum surface elevation, mean sea level		
maximum impounded gross storage capacity		
normal maximum outflow, cubic feet per second		
normal minimum outflow, cubic feet per second		

13. Are there, or will there be, regularly scheduled releases? ____ Yes ____ No

If YES, specify the schedule and anticipated ranges of volume per release. _____

SHORELANDS/WETLANDS ALTERATIONS

14. Will the project entail temporary or permanent shoreline or waterway alterations during construction? ____ Yes ____ No

If YES, specify: _____

15. Will the project entail dredging, excavation, or filling below the normal high water mark of the affected waterbody?

____ Yes ____ No

If YES, specify. Include proposed methods of disposal or utilization of dredging or excavation spoils.

16. Do you propose to alter any coastal or freshwater wetlands as defined under 38 M.R.S. § 464 et. seq. in any way?

____ Yes ____ No

If YES, attach as an Exhibit Supplement S-3: Wetland Alterations.

ACCESSORY STRUCTURES

17. Do you propose to construct any accessory structures? ____ Yes ____ No

If YES, specify: _____

If YES, complete the following table.

What are the dimensions of the proposed accessory structure(s)?

Structure	Length (feet)	Width (feet)	Height (feet)

18. What is the distance the proposed accessory structure(s) will be set back from:

Structure	Access Road (feet)	Waterbody (feet)	Property Lines (feet)

19. Do you propose to construct any signs? ____ Yes ____ No

If YES, what size? _____ feet by _____ feet by _____ feet high

20. Application Fee: Check one of the following:

☐ I have enclosed a check or money order for my application fee;

☐ I would like to pay my application fee online, please contact me with the necessary information.

! Submit answers to Questions 21 through 28 on separate 8½ x 11 inch sheets of paper.

21. OPERATION AND MAINTENANCE

Describe plans for ongoing operation and maintenance of the project, in as much detail as possible.

22. FINANCIAL CAPABILITY

- A. What is the estimated cost of the proposed development?
(Development costs include all costs of a proposed project, including without limitation, site preparation, building and road construction, installation of wastewater disposal systems, and monitoring and erosion control devices, but do not include the costs of acquiring the land.)
- B. Provide an itemized cost statement of the major categories of the project, including costs of activities designed to prevent or mitigate water quality impacts or other environmental impacts.
- C. Provide, on a separate sheet, a statement which details the proposed or existing financing mechanisms for the project.

Exhibit: Be sure to relate these responses to your responses and related exhibits for Supplement S-2: Requirements for Non-Residential Development.

23. TECHNICAL CAPABILITY

- A. Provide, on a separate sheet, a description of the applicant's prior experience and or appropriate training related to the nature of the project.
- B. Provide, on a separate sheet, a description of the qualifications of the personnel to be employed to install and/or operate and/or maintain the project.

PART III: USES AND RESOURCES LIKELY TO BE AFFECTED

24. WATER QUALITY

- A. What is the affected waterbody's classification pursuant to 38 MRSAS 464 et. seq.?
- B. What is the affected waterbody's classification pursuant to the Department of Conservation's 1982 Maine Rivers Study?
- C. Describe the existing water flow, quality (including but not limited to nutrients, conductivity, pH, dissolved solids, dissolved oxygen, total alkalinity, total hardness, temperature, and turbidity), and use characteristics of the surface waterbodies upstream and downstream of the project site affected by the project, and the methods used in making these determinations.
- D. Describe the anticipated and other potential effects of the project on surface water flow, quality, and use characteristics from the construction and operation of the project.
- E. Describe the proposed measures for protecting against and mitigating adverse effects on surface water flow, quality, and use characteristics from the construction and operation of the project.
- F. Describe the nature, methods, frequency, and location of monitoring the effects of the project on surface water flow, quality, and use characteristics from the before, during and after construction the project.

25. FISHERIES/WILDLIFE/BOTANICAL RESOURCES

- A. Describe qualitatively and quantitatively the existing fisheries, wildlife, and botanical resources of the project area and its vicinity, and the methods used in making these determinations.
- B. Describe the anticipated and other potential effects of the project on the existing fisheries, wildlife, and botanical resources of the project area and its vicinity.
- C. Describe the proposed measures for protecting against and mitigating adverse effects on the existing fisheries, wildlife, and botanical resources of the project area and its vicinity.
- D. Describe the nature, methods, frequency, and location of monitoring the effects of the project on the existing fisheries, wildlife, and botanical resources of the project area and its vicinity.

26. RECREATIONAL RESOURCES

- A. Describe the existing recreational resources of the project area and its vicinity, and the methods used in making these determinations.
- B. Describe the anticipated and other potential effects of the project on the existing and anticipated recreational resources of the project area and its vicinity.
- C. Describe the proposed measures for protecting against and mitigating adverse effects on the existing and anticipated recreational resources of the project area and its vicinity.
- D. Describe the nature, methods, frequency, and location of monitoring the effects of the project on the existing and anticipated recreational resources of the project area and its vicinity.

27. HISTORIC AND ARCHEOLOGICAL RESOURCES

Are there any pre-historic or historic archeological resources in the area likely to be affected by the project?

If YES, describe the pre-historic or historic archeological resources in the area likely to be affected by the project.

If NO, explain how this was determined. (The presence of pre-historic or historic archeological resources may require a Phase I or greater archeological survey.)

28. PUBLIC SAFETY AND BENEFIT

- A. Describe proposed measures to ensure public safety before, during, and after construction of the project.
- B. Describe in detail the anticipated public benefit(s) of the project, and any anticipated public disadvantage(s) of the project.

Note: The Maine Land Use Planning Commission may require, in certain instances, additional information not asked for in this application.

CHECKLIST OF REQUIRED FEES, EXHIBITS, AND SUPPLEMENTS

Please check off the following for the application fee, exhibits, and supplements. To determine which exhibits are required for your application, use the highlighted notes (1) contained in certain questions and the instructions in Required Fees, Exhibits and Supplements. Please check if the exhibit is required and if it has been provided, and note that the supplements may also require additional exhibits. Please check with Commission staff if you have any questions.

	Required*		Provided		Exhibit	*Required
	YES	NO	YES	NO		
✓	☐	☐	☐	☐	Application Fee	Required unless a waiver is granted by the LUPC Director in very specific and limited circumstances.
✓	☐	☐	☐	☐	Exhibit A – Location Map and Directions to Site	Required.
☐	☐	☐	☐	☐	Exhibit B – Deed, Lease or Sales Contract for landowner , any legal restrictions on the property and a Legal Agreement with Landowner(s) if applicant is not the landowner.....	Required, if not already on file with the Commission
✓	☐	☐	☐	☐	Exhibit C – Photographs.....	Required.
✓	☐	☐	☐	☐	Exhibit D – Site Plans	Required.
☐	☐	☐	☐	☐	Exhibit E – Certificate of Corporate Good Standing	Required, if the applicant is a corporation.
✓	☐	☐	☐	☐	Exhibit F – Drainage and Soil Stabilization Plan	Required.
✓	☐	☐	☐	☐	Exhibit G – Construction Plans.....	Required.
☐	☐	☐	☐	☐	Exhibit H – Blasting Plan	Required, if the project involves blasting.
✓	☐	☐	☐	☐	Supplement S-2 – Supplement for Non-Residential Development	Required.
☐	☐	☐	☐	☐	Supplement S-5 – Agent Authorization	Required, if the applicant wishes to authorize an agent to act on your behalf.

REQUIRED EXHIBITS

Please attach the exhibits listed below. If you do not fully understand an exhibit or believe that an exhibit is not applicable to your situation, please contact [LUPC office that serves your area](#) for guidance. Incomplete applications may be returned.

APPLICATION FEE (nonrefundable).

Base fee \$200 plus \$0.40 per square foot (footprint) structures (\$5,000.00 Maximum fee). After-the-fact permit fees are triple the application fee.

Unless otherwise indicated, all applications require an application fee; receipt of an application fee is required for a complete application. All application fees are nonrefundable, but can be paid utilizing one of the following methods:

1. Check or money order.
If you intend to pay the application fee by check or money order, please submit with your application a check or money order payable to "Treasurer, State of Maine" for the appropriate fee.
2. Digital/online Fee Payment.
Effective 1/1/2022 the LUPC will be accepting digital payments. If you intend to pay the application fee online, please indicate that point on your application (see item# 20). Our staff will identify the applicable permit fee, a tracking number, and provide a link to the online payment option.

However, please be advised, the following third-party surcharges apply to digital/online fee payments:

- For debit payments: \$0.25, regardless of the transaction amount
- For credit card payments: 3% of the transaction amount

These additional fees can be avoided if the application fee is paid by check or money order.

EXHIBIT A: LOCATION MAP AND DIRECTIONS TO SITE

Submit, as EXHIBIT A, a copy of a Land Use Guidance Map, a U.S.G.S. Topographic or equivalent map on which you have clearly marked the location of the project site. Mark the project site location with an X, then draw a circle around the X and then an arrow which points to your lot.

Land Use Guidance Maps are available for all towns, townships and plantations under Land Use Planning Commission jurisdiction. If you did not receive one of these maps with your application, copies are available, upon request, from the commission's office. There is no charge for these maps when associated with an application.

You must also provide specific directions to the proposed development site. These directions should be typed or printed on a separate 8 ½" by 11" sheet of paper and attached to the location map. The directions should provide enough detail so that someone from the Commission can locate the site.

EXHIBIT B: TITLE, RIGHT OR INTEREST

Provide each applicable document, label each applicable in the upper right hand corner of the first page of each document numbering each separately (e.g., Exhibit B1: Deed; Exhibit B2: Submerged Land Lease).

- **Deed, Lease or Sales Contract.** Unless already on file with the LUPC, submit complete, signed copies of all deeds or leases that demonstrate the applicant's title, right or interest in all of the land addressed in this application. A current binding option to purchase all necessary interest in the land, or a similar contractual agreement that establishes terms for future title and provides a description of the property are also acceptable. If you are submitting a contractual agreement, you must also submit complete, signed copies of all deeds or leases that demonstrate the current land owner's title, right or interest in all of the land addressed in this application. If you are submitting a lease that requires the lessor's approval, also submit written approval signed by the lessor.

 If you are leasing your property, read your lease carefully and contact the lessor before submitting this application to the LUPC. You may need to get written permission for your proposal from the lessor first.

- **Submerged Land.** Many activities below the natural low water line on lakes or ponds must be approved by the Maine Bureau of Parks and Lands (BPL). Contact BPL (207) 287-3061 to determine if your activity requires a submerged

lands approval www.maine.gov/dacf/parks/about/submerged_lands.shtml. If so, include the BPL approval with this application. If not, indicate by "n/a".

- **Flowed Land.** Activities conducted on flowed land must be approved by the owner of the flowed land, if the owner can be identified. If applicable, include a letter of permission from the owner with this application. If not applicable, indicated by "n/a".

 **Flowed land** is the area between the normal high water mark and the natural low water line for lakes where the water level is controlled by a dam. For general information on flowed land, contact BPL or your LUPC regional representative.

- Label your deed, lease, or other demonstration of title, right, or interest as **Exhibit B** in the upper right hand corner of the first page of each document.

EXHIBIT C: PHOTOGRAPHS OF THE PROJECT SITE

Attach, as EXHIBIT C, a series of recent photographs which show the project site as it presently exists. Such photographs must have been taken within the past two years and must include at least one each of the following:

- An aerial and/or panorama of the existing and/or proposed development site;
- A view of the existing and/or proposed development site from the access road;
- A view of the existing and/or proposed development site from any adjacent dwelling units;
- Upstream and downstream views of any waterbodies or wetlands on or abutting the proposed development site; and
- If there is any existing development, include photographs of that development including all existing structures, roads, driveways, parking areas, etc.

Photographs should be mounted on 8 1/2" by 11" paper, and each page clearly identified with the applicant's name and address. Each photograph should have a caption, which includes the date taken and be clearly identified (*i.e.*, north shoreline taken from the center of stream, upstream of proposed water crossing.) All photographs are considered part of the application and, as such, cannot be returned.

EXHIBIT D: SITE PLANS

Submit, as EXHIBIT D, two or more site plans prepared by a Professional Engineer, licensed Land Surveyor, or other qualified professional, drawn to scale, which show the proposed development site as it presently exists. Both the pre-development (Exhibit D-1) and the post-development site plans (Exhibit D-2) must be drawn to the same scale, and that scale clearly indicated on each plan.

Pre-development plans must include all property boundary lines (or that area identified on the property map as designated for development) and should include all features as they exist before proposed development begins. Plans must also include dimensions to show the size of existing features and their distance from property lines, waterbodies and roads. Such features should include, but are not limited to:

1. locations of all existing structures; (indicate any structures you plan to remove)
2. locations of all existing wells and sewage disposal facilities;
3. locations of all existing roads, driveways, parking areas, etc.;
4. locations of any existing utility facilities;
5. locations of all water bodies and wet areas, including intermittent streams;
6. locations of all wooded areas, open fields, steep slopes; and
7. names of all abutting property owners.

If the applicant owns a large parcel of land, and only a portion of that parcel is to be developed, a separate site plan should be submitted which provides all boundary lines of your entire parcel and clearly identifies the location and boundaries of the proposed development site, including all areas within 250 feet of proposed development, in relation to property boundary lines. Under such circumstances, pre- development site plans need only include the development site and all areas within 250 feet of the proposed development as shown on this site plan.

Using cross hatching, a contrasting color, or a shading technique, show on this plan, to scale, the development that you are proposing and include setbacks from all roads, waterbodies, and property boundary lines, and the dimensions of all structures.

EXHIBIT E: CORPORATE GOOD STANDING

If the owner of the proposed development is a corporation, submit, as EXHIBIT E, a certification of corporate good standing from the Secretary of State, State of Maine. Certification of good standing can be requested at: <https://icrs.informe.org/nei-sos-icrs/ICRS?MainPage=x> or by contacting the Bureau's Reporting and Information Section at (207) 624-7752.

EXHIBIT F: DRAINAGE AND SOIL STABILIZATION PLAN

A drainage and soil stabilization plan for all soils disturbed above the normal high water mark of the affected waterbody. This plan must contain all proposed soil stabilization measures, including but not limited to, riprapping, sodding, and revegetating provisions; culvert size; and a description of any other soil stabilization measures proposed (ditches, water bars, etc.).

EXHIBIT G: CONSTRUCTION PLANS

Submit as EXHIBIT G a site plan or series of site plans, drawn to scale, which show all project structures, in both overhead and cross-section or side views, including all temporary and permanent project-related structures, and any new, existing, or expanded impoundments. These plans must be prepared by a Professional Engineer or other qualified professional, should be drawn to a scale to sufficiently show all details, and must be of reproducible quality.

NOTE: The Land Use Planning Commission may, in certain instances, require additional information not specifically asked for in this application. Such instances may include, but are not limited to, large scale development proposals and development proposals along Management Class 4 and 5 lakes.

If you are proposing a large scale development, or development along a Management Class 4 or 5 lake, please contact the Land Use Planning Commission staff to determine what additional information may be required to complete your Development Permit Application.

EXHIBIT H: BLASTING PLAN

If explosive devices will be used as part of the project, you must submit, as EXHIBIT M, a blasting plan that meets the requirements under 38 M.R.S.A. Subsection 490-Z. This may include a pre-blast survey and will require that certain data be recorded for each blast.

SUPPLEMENT S-2: REQUIREMENTS FOR NON-RESIDENTIAL DEVELOPMENT

You must submit this supplement with this LUPC permit application. A pre-application conference with LUPC is strongly encouraged for first-time or large-scale non-residential development proposals. Contact the [LUPC office that serves your area](#) to make an appointment for a pre-application meeting or to obtain a copy of this supplement.

SUPPLEMENT S-5: AGENT AUTHORIZATION.

In applying for this permit you wish to authorize an agent to act on your behalf in this permit process, please provide a completed S-5 supplement form for each agent. Contact the [LUPC office that serves your area](#) for additional information and to obtain a copy of this supplement or go to www.maine.gov/dacf/lupc/application_forms/index.shtml.