

# TOWN OF STARKS

## APPLICATION FOR A SHORLAND ZONE PERMIT

### General Information and Instructions

**The Shoreland Zoning Ordinance is administered by the Starks Code Enforcement Officer and the Starks Planning Board, depending on the type of project. Section 14 Table of Land Uses of the Starks Shoreland Zoning Ordinance indicates which entity is the permitting authority for different uses.**

**The Town of Starks Shoreland Zoning Ordinance and application form are available from the Town Office and at <https://www.starksme.com/ordinances-and-other-town-documents>**

Property tax maps and landowner information are at: <https://www.starksme.com/tax-maps-and-commitment-book>

#### First Steps:

1. Check with the Town Office at 207-696-8069 to obtain contact information for the Code Enforcement Officer or the Chair of the Starks Planning Board.
2. If the Planning Board is the permitting authority, ask the Chair to be placed on the Planning Board agenda (14 days in advance of the meeting; the Board meets first Wednesday of each month)
3. Thoroughly review the Shoreland Zoning Ordinance for the Town of Starks. All land use activities within the shoreland zone shall conform with the provisions, if applicable, as detailed in Section 15, A through U of the Shoreland Zoning Ordinance.

#### Notes:

1. All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
2. If requesting a permit from the Planning Board, submit 8 copies of this application and other associated written materials and maps or drawings.

**APPLICATION FOR A SHORLAND ZONING PERMIT**

Official Use: Date Received: 12/15/21 ; Fee Paid: \$50.00

The undersigned owner or authorized agent hereby applies for a permit in accordance with all statutes, laws, codes and ordinances for the State of Maine and the Town of Starks for the following use(s) to be issued based on the information contained within this application. The applicant hereby certifies that all information and attachments to this application are true and correct. The applicant also agrees to future inspections by the Code Enforcement Officer or Planning Board, as applicable, at reasonable hours.

Applicant's Name (Printed): BRADFORD C. LUKER

Applicant's Signature: *Bradford C. Luker* Date: 12/15/21

**GENERAL INFORMATION**

1. Applicant Name: BRADFORD C LUKER  
Address: 9 TAYLOR RD. INDUSTRY ME 04938  
Phone: 207-494-7443 Email: bradfordluker@yahoo.com

2. Property Owner Name: SAME  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

3. Contractor Name: NONE AT THIS TIME  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

DEP certification number if more than 1 cubic yard of soil is disturbed or displaced within the Shoreland Zone, (See 38 MRS Sec. 439-B): \_\_\_\_\_

4. Soil Scientist/Evaluator Name: KEN STRATTON  
Address: PO. BOX 375, WINTHROP, ME 04364  
Phone: 207-931-7418 Email: ken@fernfanlier.com

5. Location/Street Address of Property:  
Street Address: T.B.D SAWYERS MILLS RD  
Property Tax Map: Map #(s): R4 ; Lot #(s): 23.1  
Zoned Waterbody(ies): LEMON STREAM  
Zoning District: RESOURCE PROTECTION

6. Lot Information  
Total Lot Area: (shoreland zone and beyond): 8.9 ACRES 392,000 sq ft  
Public Road Name and Lot Frontage: SAWYERS MILLS RD. 956 ft  
Existing Use: RAW LAND  
Is any portion of the property within a 100-year floodplain?  No;  Yes (See Floodplain Map(s))  
Is this property part of a subdivision?  No;  Yes

7. Describe the Proposed Project: BUILD A CAMP 30x36

IF APPROVED, I WILL BRING IN MORE DETAILED DRAWINGS TO THE CEO BEFORE OBTAINING A BUILDING PERMIT

8. Construction Schedule: Start Date: UNSURE; Completion Date: \_\_\_\_\_

9. Type of Construction (check all that apply):

- New Residence
- Garage/Outbuilding
- Mobile Home
- Alteration/Addition to Existing Building
- Commercial/Industrial
- Recreational
- Repairs
- Pier/Dock/Warf
- Road/Driveway *or*
- Sign
- Other (describe) CAMP

\*

10. Structure in Shoreland Zone (Attach Building Plans, Including Front and Side Elevations)

Dimensions: 30x36 Height: 24 FT Number of Stories: 2 Other \_\_\_\_\_

Total Square Footage of All Structures (in Shoreland Zone) on the property, including decks: ~1500

Elevation above 100-year flood: \_\_\_\_\_ Setback from Normal High-Water Mark: 8.5 FT

Setbacks: From Public Road: 67' From Side Lines: 84' From Rear Lot Lines: 85'

Type of Construction: STICK BUILT

Type Foundation: Full Basement: \_\_\_\_\_ Frost Wall: \_\_\_\_\_ Slab: \_\_\_\_\_ Other (Describe): UNCERTAIN

Estimated Cost of Project: \$45,000.00

11. Property in the Shoreland Zone (Attach Copy of Site Plan)

Lot Area in Shoreland Zone (Width x Depth = Square Feet): 313,600 sq ft (80% of 9 acres)

Percentage of Property in Shoreland Zone covered by Structures (e.g., Buildings, Roads, Driveways, Patios, Decks, other impervious areas) (Calculate: Square Footage of All Structures/Lot Area in Shoreland Zone x 100 = %): 2,040 sq ft

Frontage on Waterbody: 1459 FT

Soil Disturbed or Displaced:  Less than 10 Cubic Yards; \_\_\_\_\_ 10 Cubic Yards or More

12. Plumbing (Septic and Water) PRILIMINARY TEST DONE IN 3 LOCATIONS

Sewage Disposal: \_\_\_\_\_ Existing;  Proposed (Attach Copy of Approved Plumbing Permit) *or*

Water Supply: \_\_\_\_\_ Existing; \_\_\_\_\_ Private; \_\_\_\_\_ Public

\_\_\_\_\_ Proposed;  Private; \_\_\_\_\_ Public (Attached letter from public water supplier)

\*

13. Non-Conformance (i.e., Existing lot or structures do not meet standards of the Shoreland Ordinance)

Is this a non-conforming Lot?  No; \_\_\_\_\_ Yes

Are there any non-conforming Structures?  No; \_\_\_\_\_ Yes

If yes to any, explain situation: \_\_\_\_\_

14. Restrictions

Are there currently any covenants, deed restrictions, easements, or rights-of way on the property?

No; \_\_\_ Yes. If yes, attach documentation.

Are there any plans for covenants, deed restrictions, easements, or rights-of way on the property?

No; \_\_\_ Yes. If yes, provide details: \_\_\_\_\_

**15. Site Plan:** May be drawn on the attached grid or a separate sheet; drawn to scale not greater than 1 inch to 50 feet. Plan may be hand drawn by property owner or by a consultant. The Site Plan shall include:

1. Site plan title including property owner, address, and map/lot number
2. Name, registration and seal of land surveyor, architect, or engineer, if applicable
3. Scale and north arrow
4. Lot property lines, including their distance
5. Abutting water body(ies), including tributary streams and wetlands
6. Locations and dimensions of existing and proposed structures, including their distance to property lines and waterbody high water mark
7. Location of required building setbacks
8. Location of sewage disposal systems and water supplies
9. Locations of existing and proposed impervious areas, including all structures, driveways, parking areas, and roads
10. Areas to be cleared and of earth moving, or soil disturbing, or timber harvesting activity
11. Location of existing and proposed buffers, or proposed landscaping

**16. Soil Erosion Control Plan:** All activities which could result in unstabilized soil conditions, including filling, grading, excavation or other similar activities, must include a written narrative explaining soil erosion control measures necessary to stabilize the soils. The location of erosion control measures including silt fence, erosion control seed mix, hay bales, or other appropriate soil erosion control devices should be shown on the site plan or a separate plan.

*I WILL USE SILT FENCE AND HAY BALES BEFORE ANY SOIL DISTURBANCE*

**Attachments** (Check those included):

\_\_\_ Permit Fee: Amount: \$50.00

Copy of the deed to the property, an option to purchase the property, a lease agreement, or other documentation to demonstrate right, title or interest in the property

\_\_\_ Copy of written agent authorization to apply, if applicable

Copy of Tax Map with the Parcel Identified on the Map

\_\_\_ Copy of valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, if applicable

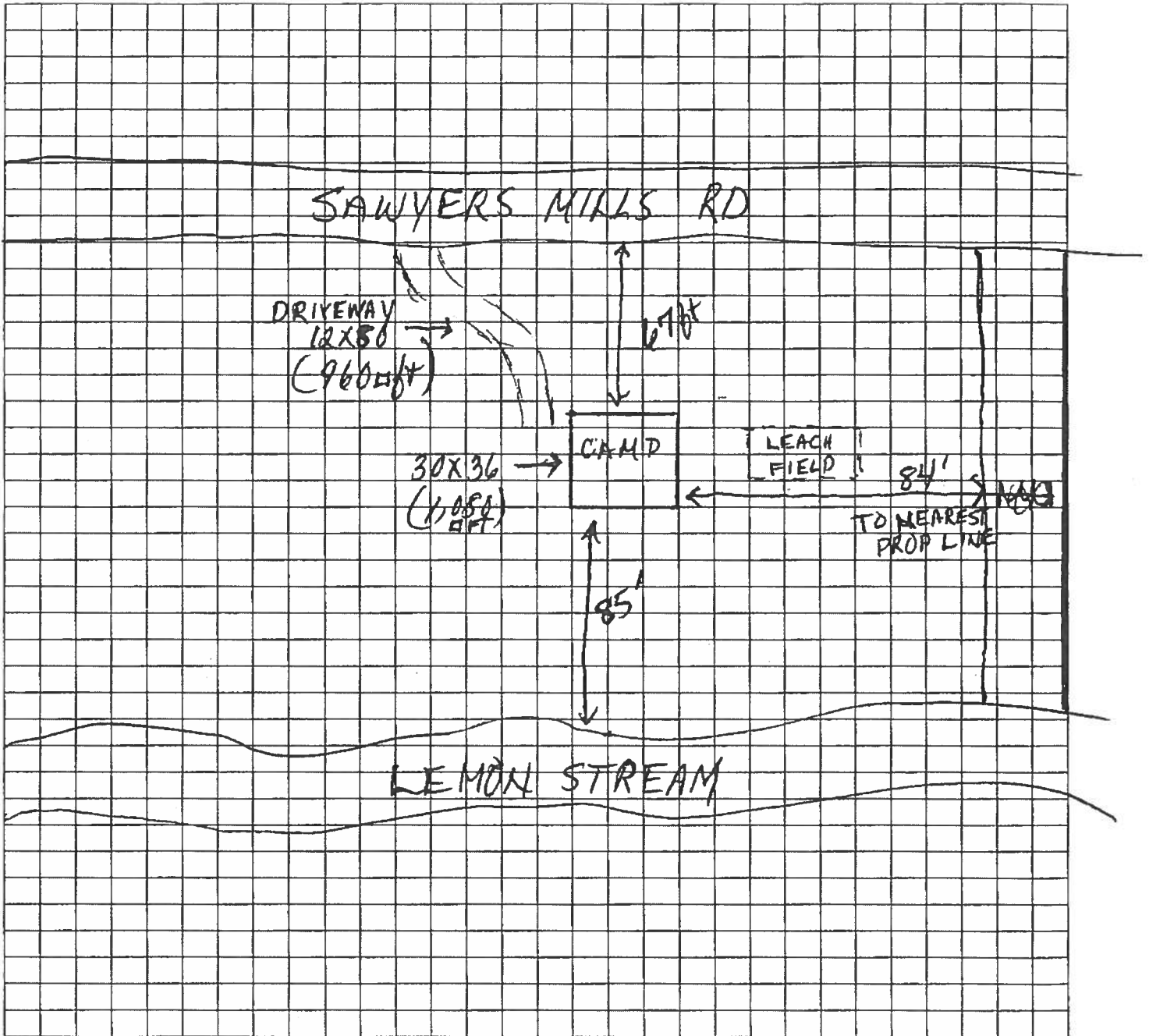
\_\_\_ Copies of any additional required permits (List below)

WILL SEE THE CEO FOR ALL PROPER PERMITS BEFORE ANY SOIL DISTURBANCE

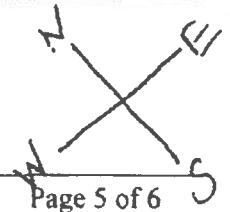
**Additional Information:** Attach any additional information that will demonstrate that the proposed project will satisfy the standards of the Shoreland Zoning Ordinance.

Site Plan

Property Owner: BRADFORD CLUKER AND CHANDA LUKER  
Address: TBD SAWYERS MILLS RD  
Map and Lot Number: R4/23.1



Scale: 1  $\square$  = 10'x10'



## Supplemental Application for a Special Exception

Pursuant to Starks Shoreland Zoning Ordinance Section 16(E)

**E. Special Exceptions.** In addition to the criteria specified in Section 16(D) of the Shoreland Zoning Ordinance, excepting structure setback requirements, the Planning Board may approve a permit for a single-family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met. Please address each of these criteria.

- (1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built. Explain: THERE IS A NARROW BUILDING ENVELOPE BETWEEN THE STREAM AND THE ROAD ON THIS LOT. THE PLACE CHOSEN IS THE MOST PRACTICAL AND WILL BE OUTSIDE THE 75' SETBACK FROM LEMOX STREAM
- (2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District. (The Resource Protection District was established in 1991) Attach copy of deed.

YES 1944

(3) All proposed buildings, sewage disposal systems and other improvements are:

- (a) Located on natural ground slopes of less than 20%;  yes;  no
- (b) Located outside the floodway of the 100-year flood-plain along rivers as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable Starks Floodplain Management Ordinance.  yes;  no

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year flood-plain.

- (4) The total footprint, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance. What will be the total footprint? 960 sq ft 1080 sq ft. cr \*
- (5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands. What will be the setback from the highwater mark? 85'

(6) Do you have any additional comments? I HAVE BEEN THE CODE ENFORCEMENT OFFICER AND PLUMBING INSPECTOR FOR THE TOWN OF MANCHESTER FOR 4 YRS. THE MOST IMPORTANT PART OF MY JOB IS PROTECTING COBBOSEE LAKE AND STREAM AND I TAKE PRIDE IN THAT. I WOULD NEVER DO ANYTHING TO JEOPARDIZE LEMOX STREAM. I GREW UP SWIMMING AND FISHING IN IT AND WILL TAKE ALL STEPS NECESSARY TO PROTECT IT ALSO.

\* corrections of patent error

WARRANTY DEED

Daniel J. Lamontagne and Jeanne M. Lamontagne of 111 East Bates Street, Auburn, Androscoggin County, Maine 04210, for consideration paid, grant to Chanda Luker and Bradford C. Luker, whose mailing address is 9 Taylor Road, Industry, ME 04938, with Warranty Covenants, as Joint Tenants the following described real estate:

See "Exhibit A" Attached

For grantors' source of title, reference may be had to a Warranty Deed from George B. Beliveau and Pat H. Beliveau to the grantors herein, dated September 11, 2019, recorded in the Somerset County Registry of Deeds, Book 5462, Page 162.

Any and all other rights, easements, privileges and appurtenance belonging to the granted estate are hereby conveyed.

This conveyance is made subject to the property taxes assessed against the premises, which said taxes are to be prorated between the parties hereto as of the date of delivery of this deed in accordance with 36 M.R.S.A., sec. 558.

Witness our hands and seals this 4th day of November, 2021.

WITNESS:

Signature of witness: Janet York  
to be

Signatures of Daniel J. Lamontagne and Jeanne M. Lamontagne

STATE OF MAINE

Maine, ss

November 4, 2021

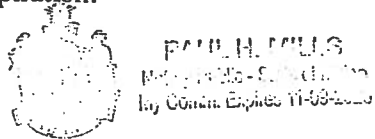
Then personally appeared the above-named Daniel J. Lamontagne and Jeanne M. Lamontagne and acknowledged the foregoing instrument to be their free act and deed.

Before me,

Signature of Notary Public/Attorney-at-Law

Notary Public/Attorney-at-Law  
Commission Expiration:

File No.: 2021-9044



## Exhibit A

A certain lot or parcel of land, with the buildings thereon, located in Starks, in the County of Somerset and State of Maine, bounded and described as follows:


Bounded on the North by the road leading westerly over Mt. Hunger to West Mills and Industry; on the East by land of J. G. Pord; on the South by land of Leon C. Ferrand; and on the West by land now or formerly of Frank Smith, and containing one hundred (100) acres, more or less.

ALSO, another certain lot or parcel of land situated in said Starks, bounded and described as follows:

A parcel of land containing forty-four (44) acres, more or less, formerly known as the Frank W. Smith homestead farm.

Beginning at a point on the southerly side of the Mt. Hunger Road at a point in the easterly side of the Starks- West Mills Road, and from thence running;

- (1) along the southerly side of said Mt Hunger Road a distance of four thousand three feet (4003') to a point marked by a blazed maple tree, and from thence running;
- (2) south six degrees west (S 6° W) a distance of one thousand two hundred fifty-eight feet (1258') along a wire fence marked by blazes to a point, and from thence running;
- (3) north eighty-eight degrees west (N 88° W) along a fence and stone wall a distance of one thousand four hundred nine feet (1409') to a point, and thence running;
- (4) south seventy-two degrees west (S 72° W) along a stone wall a distance of six hundred forty-two feet (642') to a point, and from thence running;
- (5) south six degrees west (S 6° W) along a stone wall and fence a distance of eight hundred sixty-two feet (862') to a point; and from thence running;
- (6) north eighty-one degrees west (N 81° W) along a stone wall and fence a distance of four hundred fifty-nine feet (459') a point in the Starks-West Mills Road, and from thence running;
- (7) along the easterly side of said Starks to West Mills Road a distance of two thousand eight hundred eighty feet (2880').

 ALSO another certain lot or parcel of land located on the west side of the Starks to West Mills Road, a distance of seven hundred forty-six feet (746') southerly from the intersection of the southerly side of the Mt. Hunger Road and the westerly side of the Starks-West Mills Road, said point being marked by a stake and stones, and from thence running;

- (1) southerly along the westerly side of the said Starks-West Mills Road a distance of one thousand, three hundred four feet (1304') to a point in a brook, and from thence running;



(2) westerly along said brook a distance of two hundred forty-six feet (246') to the Lemon Stream, and from thence running;

(3) northerly along the course of said Lemon Stream a distance of one thousand eight hundred nine feet (1809') to a point; and from thence running;

(4) north seventy degrees east (N 70° E) a distance of five hundred fifty-nine feet (559') along a blazed line to the point and place of beginning.



EXCEPTING AND RESERVING from the above conveyance that southerly portion of the above premises conveyed to Wladimir Rodin and Irmgard Rodin, as joint tenants, in a warranty deed of Ralph S. Norris and Jerome M. Duguay, dated April 16, 1974 and recorded in the Somerset County Registry of Deeds in Book 840, Page 179, being further described as follows:

To wit, a certain lot or parcel of land beginning on the westerly side of the Mount Hunger Road leading to West Mills and Industry at an iron stake driven into the ground on the easterly shore of the so-called Lemon Stream; thence northerly along above-mentioned Lemon Stream 250 feet, more or less, to a spotted tree; thence easterly 250 feet, more or less, to above-mentioned Mount Hunger Road; thence crossing Mount Hunger Road on same easterly course on spotted lines 1,500 additional feet from Mount Hunger Road along a spotted line to a spotted corner tree; thence northeasterly 600 feet, more or less, to a spotted tree and a stone wall; thence easterly along a stone wall and spotted line 1,500 feet, more or less, to the Mount Hunger Road first-mentioned; thence northerly along said road 100 feet, more or less, to a small creek; thence following said creek across to westerly side of said Mount Hunger Road and following course of said creek to easterly shore of Lemon Stream and iron pin and point of beginning.

Above out-conveyed property being 25 acres, more or less.

ALSO EXCEPTING AND RESERVING from the above conveyance a certain lot or parcel of land conveyed to Floyd K. Severn by deed of Ralph S. Norris, dated June 28, 1985 and recorded in the Somerset County Registry of Deeds in Book 1203, Page 337, bounded and described as follows, to wit: Beginning on the Easterly side of the Mount Hunger Road, so-called, at the Southerly corner of land owned by Wladimir and Irmgard Rodin. Thence Easterly along a spotted line 1,000 feet, more or less, to a stone wall; thence Southerly along said stone wall 862 feet, more or less, to another stone wall; thence Westerly 459 feet, more or less, to the first-mentioned Mount Hunger Road; thence

Northerly along said road 800 feet, more or less, to the Rodin property and the point of beginning.

Above out-conveyed property being 14 acres, more or less, and being the most southerly portion of the subject premises.

Meaning and intending to convey and hereby conveying all and the same premises conveyed to Jean M. Lamontagne and Daniel J. Lamontagne as joint tenants, by warranty deed of George P. Beliveau and Pat H. Beliveau, dated September 11, 2019 and recorded in the Somerset County Registry of Deeds in Book 5462, Page 162.

ALSO meaning and intending to convey and hereby conveying PART AND PART ONLY of the premises as shown on a plan entitled "Land of Lynn Chassie, Starks, Somerset County, Maine, Chain & Compass Survey", prepared by Irvin L. Cirks, dated September 12, 1973, and recorded in the Somerset County Registry of Deeds on December 14, 1973 at Plan Book 20, Page 40.

*Kenneth G. Stratton*

*Site Evaluator, Wetland Scientist*

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November 19, 2021

Brad Luker  
9 Taylor Road  
Industry, Maine 04938

Re: Preliminary Soil Investigation on Land in Starks.

**Purpose of Investigation:** To identify site conditions (soil and slope) suitable for development of a cabin site. Three sites to be examined on a 9-acre piece of land on the easterly side of Lemon Stream.

**Method of Investigation:** Sites had already been measured and marked to meet set-back requirements from Lemon Stream and from the access road (Sawyers Mills Road). A soil auger was used to identify soil conditions. Borings were made to a depth sufficient to determine suitability according to the plumbing code. The soils are classified as 1C by the plumbing code.

**Results of Investigation:** All 3 sites had soils and slopes which meet requirements for on-site septic disposal. The two northerly of the sites are limited by the amount of space available. But, the more southerly of the sites offers more room for a cabin and for a septic system. In addition, the slope of the land offers better drainage in the soil. I recommend the third, southerly site, for cabin development. Detailed plans can be prepared at a later time.

I understand that the town's flood plain maps show that the areas we checked are all within the flood zone. In my opinion, and based on experience with similar sites, I believe the maps are not correct. I saw no evidence in the soil nor in any of the vegetation to support the flood zone designation, except for the lowest areas along Lemon Stream, but not up on the seep and higher hillside.

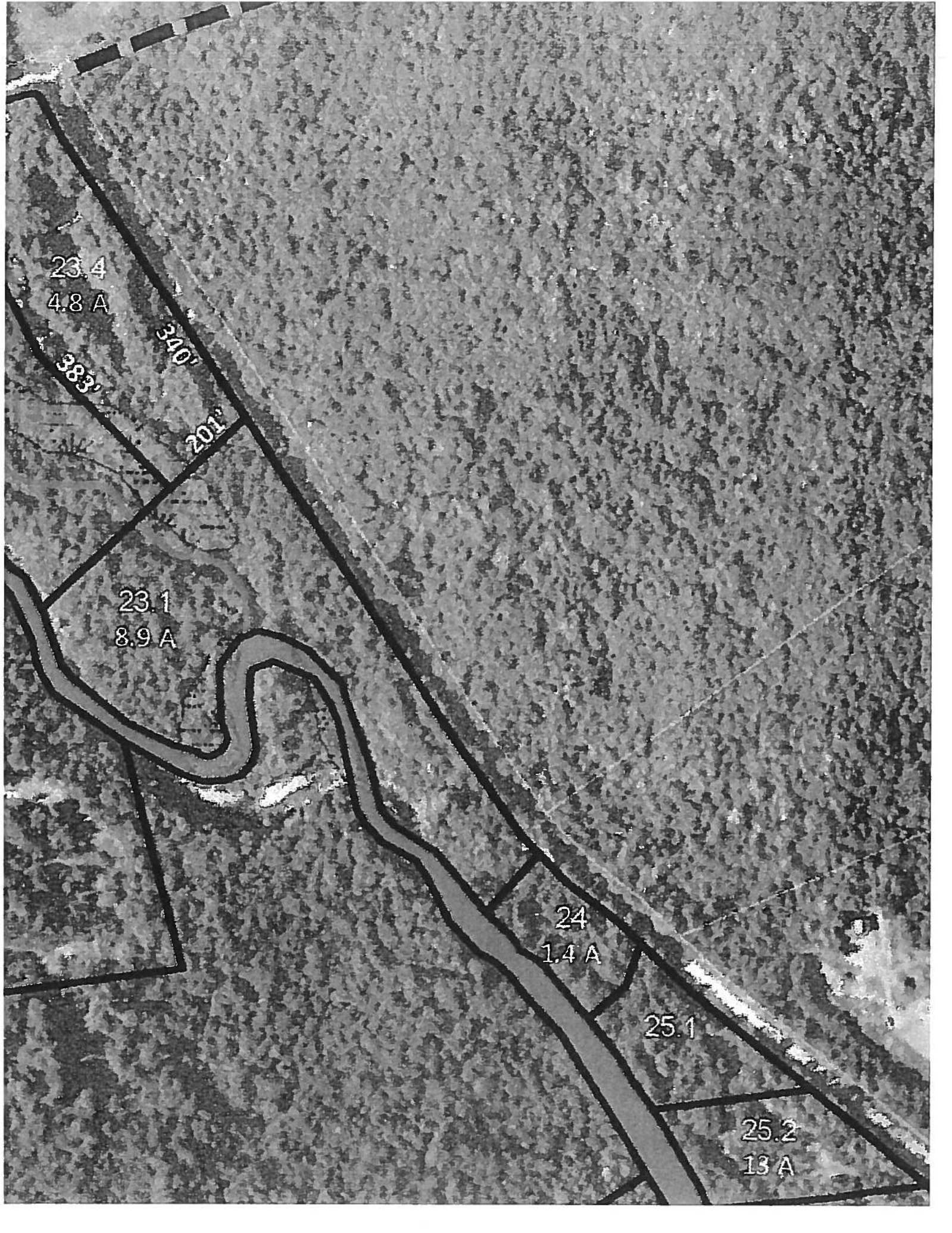
Respectfully,



Kenneth G. Stratton, LSE 157  
Site Evaluator



P.O. Box 375, Winthrop, Maine 04364 Tel: 207-931-7418 E-mail: kstratton69@gmail.com



23.4  
4.8 A

383'

340'

201'

23.1  
8.9 A

24  
1.4 A

25.1

25.2  
13 A