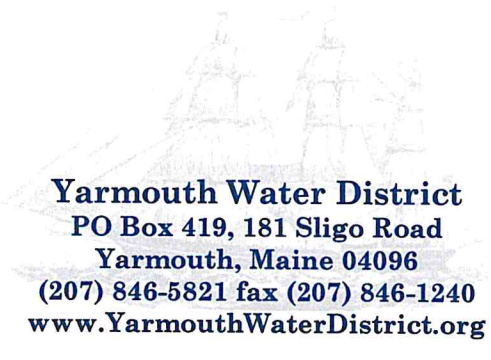


Eric Gagnon  
Superintendent



**Yarmouth Water District**  
**PO Box 419, 181 Sligo Road**  
**Yarmouth, Maine 04096**  
**(207) 846-5821 fax (207) 846-1240**  
**[www.YarmouthWaterDistrict.org](http://www.YarmouthWaterDistrict.org)**

Irving C. Felker, Jr.  
Chairman, Board of Trustees

September 26, 2022

Polly Sewall  
A.H. Grover, Inc.

Via Email: [polly@ahgrover.com](mailto:polly@ahgrover.com)

RE: Village Green Apartments

Dear Polly,

This letter is to inform you that the Yarmouth Water District has the capacity and can serve the above-referenced project and will provide service in accordance with Maine Public Utilities Commission and the Yarmouth Water District Terms and Conditions.

After reviewing the latest project documents and the Topographical Site Plan dated September 25, 2022, we have the following comments:

1. Individual domestic water services will be provided, at cost to the developer, from the existing watermain on Walnut Hill Road.
2. We strongly recommend that proper private utility easements be completed between all parties impacted for the water service to be installed from Walnut Hill to Lot 4 as it crosses multiple properties. Since this lot does not have frontage on an existing watermain, any further development and water service request will require a proper watermain extension along Village View Lane.
3. This project is located within the Ground Water Protection Overlay Zone within the Town of North Yarmouth; please understand that anything that is leached into the ground may eventually find its way into the Yarmouth Water District's wells. We have the following comments regarding ground water protection:
  - a. Though there is a storm water filtration system on site, we would ask the developer to consider avoiding using salts for winter maintenance and only use environmentally friendly deicing products.
  - b. We ask that any drips or leaks of any kind of hydraulic fluid, petroleum products, and antifreeze products be fixed immediately and properly disposed of to not impact the aquifer. We ask that this request be written into any association or lease agreements.
  - c. According to the note on the above referenced plan Fuji-Clean CEN systems will be used for advanced wastewater treatment. We applaud the use of nitrate reduction systems such as the one referenced on the plan. We ask that the maintenance agreement and semi-

- annual maintenance record requirements by the manufacturer be forwarded to the Town CEO and to the District to ensure these systems are working properly.
- d. We ask that annual effluent nitrate testing be completed on the advanced wastewater systems and results be forwarded to the Town CEO and to the District.

We look forward to working with you and reviewing this project as it progresses. Please do not hesitate to contact me with any questions or concerns.

Sincerely,



Eric Gagnon  
Superintendent

CC: Tim Herrick, Yarmouth Water District Assistant Superintendent



*Town of North Yarmouth, Maine  
Incorporated 1680  
North Yarmouth Fire Rescue*



**Gregory Payson**, Fire Rescue Chief  
Email: [firechief@northyarmouth.org](mailto:firechief@northyarmouth.org)  
Tel: 207-829-3025  
10 Village Square Road, North Yarmouth, Maine 04097

**Justin Deri**, Deputy Fire Rescue Chief  
Email: [Deputychief@northyarmouth.org](mailto:Deputychief@northyarmouth.org)  
Fax: 207-829-4893



AH Grover  
PO Box 307  
Cumberland, ME 04021  
Date: 09/26/2022  
Reference: Turn Around Village View Apartments

Mr. Grover  
This letter is to inform you that the turnaround as drawn in the most recent site plan layout meets the requirement as required by the Town Ordinance.

Thank You for working with me on this

Respectfully  
Chief Gregory A Payson  
*Gregory A Payson*



P.O. Box 307 • Cumberland, Maine 04021  
TEL. 829-3373 • FAX 829-5502

Sample Letters of Credit to be supplied Upon Final Acceptance of Project

*[Print on Bank Letterhead]*  
IRREVOCABLE LETTER OF CREDIT

*[insert date]*

Letter of Credit No. *[insert number]*

Town of North Yarmouth  
Town Planner  
*[insert address]*

To Whom it May Concern:

We, *[insert name of Bank]* (the "Bank"), hereby open our Irrevocable Letter of Credit in favor of the Town of North Yarmouth (the "Town") in the original amount of \$ *[insert amount of performance guarantee]* <sup>10000</sup> (herein called the "Stated Amount") for the account of *[insert name of Developer]* ("Developer").

We hereby irrevocably authorize you to draw on us in accordance with the terms and conditions hereinafter set forth by a sight draft in the aggregate amount not exceeding the Stated Amount. Partial drawings under the Letter of Credit are permitted.

Developer will notify the Town for inspections in compliance with the Town's required inspection schedule and obtain its approval in writing as it completes each line item for the construction and other improvements. The Stated Amount will be reduced as site work is completed and approved by the Town. The Town will notify the Developer and [Bank] in writing of each reduction.

Subject to the foregoing and the further provisions of this Letter of Credit, a demand for payment may be made by you upon presentation of your sight draft accompanied by your certificate in the form of Annex A hereto to the effect that Developer has failed to complete the required improvements for *[insert name of project]* approved by the Town on *[insert approval date]* prior to *[insert date for completion, which must be at least 30 days prior to expiration of letter of credit]*.

A sight draft under this Letter of Credit must bear on its face the clause:

"Drawn under Letter of Credit Number *[insert number]*"

The demand for payment hereunder shall not exceed the Stated Amount.

Demand for payment under this Letter of Credit may be made prior to expiration at any time

during the Bank's business hours at its office at [insert Bank address] on a day on which the Town and the Bank's office are open for the purpose of conducting commercial banking business (a "Business Day"). Any demand for payment and all other communications to the Bank relating to this Letter of Credit shall be in writing and addressed and presented to [insert name of Bank Office] at its office at [insert Bank address] and shall make specific reference to this Letter of Credit by number. If demand for payment is made by you hereunder before 4:00 P.M., prevailing time, on a Business Day, and provided that such demand for payment conforms to the terms and conditions hereof, payment shall be made to you of the amount demanded in immediately available funds not later than 10:00 A.M., prevailing time, on the next succeeding Business Day.

This Letter of Credit, including the attached Annex A, sets forth in full the terms of our undertaking, and this undertaking shall not in any way be amended or amplified by reference to any document, instrument, or agreement referred to herein (except the Uniform Customs defined below) or to which this Letter of Credit relates and, in any such reference, shall not be deemed to incorporate herein by reference any document, instrument or agreement.

This Letter of Credit is not transferable.

Except as otherwise expressly stated herein, this Letter of Credit is subject to the Uniform Customs and Practice for Documentary Credits (2017 Revision), International Chamber of Commerce Publication Number 600, and any subsequent revisions thereof approved by the International Chamber of Commerce (the "Uniform Customs"). As to matters not governed by the Uniform Customs and as to the obligations of the Bank upon presentation of a sight draft by the Town, this Letter of Credit shall be governed by and construed in accordance with the laws of the State of Maine.

This Letter of Credit shall expire on the Bank's close of business at its office at [insert Bank address] on the earlier to occur of:

- (a) 4:00 P.M., prevailing time, on [insert date at least 30 days after deadline for completion of improvements] or, if that date is not a Business Day, on the first Business Day after that date; or
- (b) the date on which we receive a certificate from the Town that no amounts are due.

Very truly yours, [insert name of Bank]

By: \_\_\_\_\_  
[insert name of Bank Officer signing letter]  
Title: [insert Bank Officer's title]

ANNEX A

(To Letter of Credit Number [insert number])

Certificate of the Town

[insert name of Bank]  
[insert Bank address]

Attention: [insert name of Bank Officer]

Re: Irrevocable Letter of Credit Number [insert number]

To Whom it May Concern:

The undersigned, being a duly authorized officer of the Town of North Yarmouth (the "Town"), hereby certifies to [insert name of Bank] as follows:

- A. The amount of \$ [insert total amount due] is due and payable to the Town because Developer has failed to complete the required improvements for [insert name of project] approved by the Town of North Yarmouth on [insert date of approval] prior to [insert date for completion, which must be at least 30 days prior to expiration of letter of credit].
- B. The undersigned is making demand for payment under the Letter of Credit identified above in the amount of \$ [insert total amount due].

IN WITNESS WHEREOF, the undersigned, a duly authorized officer of the Town of North Yarmouth, has executed and delivered this Certificate this \_\_\_\_ day of \_\_\_\_\_ 2022.

Town of North Yarmouth

[insert name of Town official signing certificate]  
Title: [insert Town official's title]  
Duly Authorized



PO Box 307  
 Cumberland, ME 04021  
 Phone: (207) 829 - 3373  
 Fax: (207) 829 - 5502

<b>To:</b> Construction Aggregate Inc.	<b>Contact:</b> Ben Grover
<b>Address:</b> PO Box 307 Cumberland, ME 04021	<b>Phone:</b> <b>Fax:</b>
<b>Project Name:</b> Village Green Apartments Within Town ROW Impact	<b>Bid Number:</b>
<b>Project Location:</b> Route 115, North Yarmouth, ME	<b>Bid Date:</b> 9/26/2022


**Item Description**

Sidewalk Gravel, Paving & Curbing  
 1" Water Services To ROW  
 Street Trees

**Total Bid Price: \$18,000.00**

**Payment Terms:**

Net 30 days from date of invoice

<p><b>ACCEPTED:</b>          The above prices, specifications and conditions are satisfactory and are hereby accepted.</p> <p><b>Buyer:</b> _____</p> <p><b>Signature:</b> _____</p> <p><b>Date of Acceptance:</b> _____</p>	<p><b>CONFIRMED:</b>  <b>AH Grover</b></p> <p><b>Authorized Signature:</b> </p> <p><b>Estimator:</b> Mary P. Sewall P.E.          (207) 829-3373 polly@ahgrover.com</p>
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PO Box 307  
 Cumberland, ME 04021  
 Phone: (207) 829 - 3373  
 Fax: (207) 829 - 5502

<b>To:</b>	Construction Aggregate Inc.	<b>Contact:</b>	Ben Grover
<b>Address:</b>	PO Box 307 Cumberland, ME 04021	<b>Phone:</b>	
<b>Project Name:</b>	Village Green Apartments Onsite Infrastructure Estimate	<b>Bid Number:</b>	
<b>Project Location:</b>	Route 115, North Yarmouth, ME	<b>Bid Date:</b>	9/26/2022


**Item Description**


- Site Grubbing
- Driveway Gravels
- Stormdrainage
- Outlet Control Structure
- Soil Pond W/ Underdrain
- Sewer Services
- UGE/T/C
- Hot Mix Asphalt
- Loam, Seed & Mulch
- Erosion Control & Mob

**Total Bid Price: \$84,000.00**

**Payment Terms:**

Net 30 days from date of invoice

<p><b>ACCEPTED:</b>          The above prices, specifications and conditions are satisfactory and are hereby accepted.</p> <p><b>Buyer:</b> _____</p> <p><b>Signature:</b> _____</p> <p><b>Date of Acceptance:</b> _____</p>	<p><b>CONFIRMED:</b>  <b>AH Grover</b></p> <p><b>Authorized Signature:</b> </p> <p><b>Estimator:</b> Mary P. Sewall P.E.          (207) 829-3373 polly@ahgrover.com</p>
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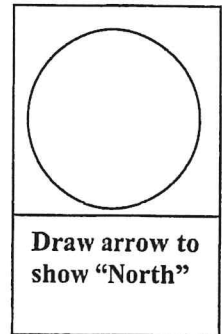
Date Received:	<b>APPLICATION FOR DRIVEWAY/ENTRANCE PERMIT</b> <b>MAINE DEPARTMENT OF TRANSPORTATION</b>		
Application No. _____	P.O. Box 358 Scarborough, ME 04070 Phone: (207)-885-7000 Fax: (207)-883-3806 E-mail: <a href="mailto:region1permits@maine.gov">region1permits@maine.gov</a>		
Application is hereby made to construct, change location, grade or use served by a driveway or entrance to property in accordance with Title 23 M.R.S.A. § 704 and §705.			
Section A Property Owner Information	1. Land Owner's Name: <u>Construction Aggregate, Inc.</u> Phone# <u>(207) 829-3373</u> 2. Land Owner's Mailing Address: <u>PO Box 307</u> <u>Cumberland</u> <u>ME 04021</u> <small>Address Town/City State Zip Code</small> 3. Applicant or Agent's Name: <u>Ben Grover</u> Phone # _____ 4. Applicant/Agent Mailing Address: <u>PO Box 307</u> <u>Cumberland</u> <u>ME 04021</u> <small>Address Town/City State Zip Code</small> 5. E-mail Address : <u>ben@ahgrover.com</u> Work <u>(207)829-3373</u> Cell <u>(207)233-6463</u>		
Section B Property Location Information	6. Directions to property: <u>464 Walnut Hill Rd (Rt 115), North Yarmouth</u> <u>Directly accross from the North Yarmouth Fire Staion</u> <hr/> 7. Route No. <u>Rt 115</u> Road Name: <u>Walnut Hill Rd</u> 8. <input type="radio"/> North <input type="radio"/> South <input type="radio"/> East <input checked="" type="radio"/> West – side of highway 9. City/Town: <u>North Yarmouth</u> County: <u>Cumberland</u> 10. Distance from nearest intersection: <u>600' North</u> Name of Intersection: <u>Rt 9</u> 11. Nearest Utility Pole #: <u>CMP 96</u> Attach Survey Data (if available) _____ 12. Map and Lot number <u>Map 7 Lot 34</u> Lot prior to May 25,2002? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> <b>A copy of tax map provided</b> <input checked="" type="checkbox"/> <b>Proposed Location of Driveway/Entrance staked and flagged by applicant.</b>		
Section C Driveway/ Entrance Information	13. Desired width of Driveway/Entrance: <u>20' + 2-10'R</u> Type of Surface: <u>Pavement</u> <small>(feet) (gravel, pavement, etc.)</small> 14. Will the development associated with this driveway/entrance have more than 10,000 square feet of impervious surface draining towards the highway? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> "Impervious surfaces" are the footprint of buildings, pavement, gravel, or other low-permeability or compacted surfaces, not including natural or man-made water bodies. 15. Does your property have an existing access? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no (If no go to line 18) 16. If this is an existing access and you are changing its use, please describe <u>It is an existing field entrance.</u> <u>The new use is for access to 3 of the 4 new individual Apartments Units.</u> Go to Section D. 17. If this is an existing access and you are physically modifying, please describe: <u>Excavated, gravelled and paved</u> Go to Section D. 18. Proposed Driveway/Entrance Purpose: <input type="radio"/> Single Family <input type="radio"/> Home Business <input type="radio"/> Commercial/Industrial <input checked="" type="radio"/> Subdivision or Development <input checked="" type="radio"/> Multi-family with 5 or less units <input type="radio"/> Multifamily with more than 5 units <input type="radio"/> Retail <input type="radio"/> Office <input type="radio"/> School <input type="radio"/> Business Park <input type="radio"/> Mall <input type="radio"/> Other (explain) # employees/day _____ #customer/day _____ Busiest time of day _____ # of Lots _____		
Section D Construction Information	19. Construction expected to begin on <u>November 2022</u> and be completed on <u>Sept 2023</u> <small>(date) (date)</small> 20. Person/Company constructing entrance <u>A.H Grover, Inc.</u> 21. Construction contacts name <u>Ben Grover</u> Phone <u>(207)233-6463</u>		

Site Sketch or attach Site Plan

See Attached

**THE OWNER HEREBY AGREES**

- 1) Provide, erect and maintain all necessary barricades, lights, warning signs and other devices to direct traffic safely while the work is in progress.
- 2) **At no time cause the highway to be closed to traffic.**
- 3) Where the drive/entrance is located within a curb, curb and gutter, and/or sidewalk section, completely remove the existing curb, curb and gutter, and/or sidewalk as may be required to create the drive/entrance and restore drainage. All driveways/entrances abutting sidewalk sections shall meet the requirements set forth in the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12132 et seq.
- 4) **Obtain, deliver to site and install any culverts and/or drainage structures necessary for drainage; the size, type and length of such culverts or structures shall be as specified in the permit pursuant to 23 M.R.S.A. § 705. All culverts and/or drainage structures shall be new.**
- 5) Complete construction of proposed driveway/entrance within twelve months of commencement of construction.
- 6) **COMPLY WITH ALL FEDERAL, STATE AND MUNICIPAL LAWS AND ORDINANCES.**
- 7) Not alter, without the express written consent of the MDOT, any culverts, drainage patterns or swales within MDOT right-of-way.
- 8) **File a copy of the approved driveway/entrance permit with the affected municipality or LURC, as appropriate, within 5 business days of receiving the MDOT approval.**
- 9) Shall construct and maintain the entrance side slopes to be no steeper than the adjacent roadway side slopes, but in no case to be steeper than 3 horizontal to 1 vertical, unless the side slope is behind existing roadway guardrail, in which case it shall be no steeper than 2 horizontal to 1 vertical.
- 10) **Notify the MeDOT (in writing) of a proposed change to use served by driveway/entrance when increase in traffic flow is expected to occur. This does not exempt the need for obtaining a Traffic Movement Permit (TMP) if trip generation meets or exceeds 100 passenger car equivalents (pce) during the peak hour of the day.**



**FURTHER CONDITION OF THE PERMIT:**

The owner shall assume the defense of, and pay all damages, fines, and penalties for which he/she shall become liable, and shall indemnify and safe harmless said Department, its representatives, agents and employees from liability, actions against all suite, claims, damages for wrongful death, personal injuries or property damage suffered by any person or association which results from the willful or negligent action or inaction of the owner/applicant/agent and in proceedings of every kind arising out of the construction and maintenance of said entrance(s), including snow removal. Nothing herein shall, nor is intended to, waive and defense, immunity or limitation of liability which may be available to the MDOT, their officers, agents or employees under the Maine Tort Claims Act or any other privileges and/or immunities provided by law.

The submission of false or misleading statements on or with this application, or the omission of information necessary to prevent statements submitted herein or herewith from being misleading, is a crime punishable under Chapter 19 of the Maine Criminal Code, and any permit issued in reliance thereon will be considered null and void without notice or further action by the Department.

Date Filed: 9/19/22

Benjamin C. Anover  
Signature of Owner

Signature of Applicant

By signing and checking this box I hereby certify that I have been granted permission from the property owner to act in their behalf.



# Maine Department of Transportation

Janet T. Mills  
Governor

## Driveway/Entrance Permit

Bruce A. Van Note  
Commissioner

Permit Number: 31707 - Entrance ID: 1

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**OWNER**  
Name: **Construction Aggregate, Inc.**  
Address: **P.O. Box 307  
Cumberland, ME 04021**  
Telephone: **(207)829-3373**

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Date Printed: September 26, 2022

### LOCATION

Route: **0115X, Walnut Hill Road**  
Municipality: **North Yarmouth**  
County: **Cumberland**  
Tax Map: **7 Lot Number: 34**  
Culvert Size: **inches**  
Culvert Type: **N/R**  
Culvert Length: **feet**  
Date of Permit: **September 26, 2022**  
Approved Entrance Width: **20 feet**

In accordance with rules promulgated under 23 M.R.S.A., Chapter 13, Subchapter I, Section 704, the Maine Department of Transportation (MaineDOT) approves a permit and grants permission to perform the necessary grading to construct, in accordance with sketch or attached plan, a **Driveway** to to serve **3 single family units.** at a point **485 feet North** from **Route 9/ Memorial HWY**, subject to the Chapter 299 Highway Driveway and Entrance Rules, standard conditions and special conditions (if any) listed below.

### Conditions of Approval:

This Permittee acknowledges and agrees to comply with the Standard Conditions and Approval attached hereto and to any Specific Conditions of Approval shown here.

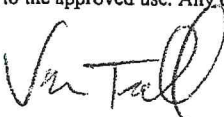
(G = GPS Location; W = Waiver; S = Special Condition)

G - THE ENTRANCE SHALL BE LOCATED AT GPS COORDINATES: 43.829184N, -70.249761W.

S - In the town of North Yarmouth on the northwesterly side of Route 115, the centerline being approximately 485 feet northwesterly of the centerline of Route 9 and approximately 16 feet southeasterly of utility pole 96.

S - No culvert is required at this time. If water drainage problems develop within two (2) years from the driveway / entrance installation, the property owner will be responsible for taking corrective action at their expense.

S - This access is limited to the approved use. Any change in the use of this access will require additional Permit approval.

Approved by:  Date: 9-26-22



**Planning Board Executive Session  
6:00 PM**

**Planning Board Agenda**

**August 9, 2022 – 7:00 PM**

**Wescustogo Hall & Community Center  
Business Meeting**

Planning Board will not take up new agenda items after 10:00 PM

- I. Executive Session Call to Order**
- II. Executive Session pursuant to Title 1 M.R.S. §405(6)(E) consultation with legal**
- III. Adjournment**

**I. Call to Order**

**II. Public Hearings**

- a. Deacon Hayes Commons – Final Application
- b. Land Use Ordinance Suggested Amendments

**III. Minutes Approval**

- a. April 12, 2022
- b. May 10, 2022
- c. June 16, 2022
- d. July 12, 2022

**IV. Old Business**

**V. New Business**

- a. Site Plan Review – Edge Energy 18 Mill Ridge Rd
- b. Site Plan Review – Learning Time Child Care
- c. Pre Meeting - Village Green Apt
- d. Finding of Facts – Lady Slipper Hill Major Subdivision – Lufkin Road

**VI. Any other Business**

- a. Review of Previous Year's Application(s)
- b. August 23<sup>rd</sup> Workshop Discuss

**VII. Adjournment**

**Mission Statement**

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The North Yarmouth Planning Board is a volunteer board composed of members of the North Yarmouth community. The Board is charged with reviewing applications for development within the town and making decisions by applying the Town of North Yarmouth Land Use Ordinance and applicable State of Maine Statutes.

In addition to application review, the Planning Board periodically reviews the [Land Use Ordinance](#) and recommends changes to support the [Comprehensive Plan](#) and foster sustainable development. The goal is to keep North Yarmouth a safe, peaceful, healthful, attractive, and economically successful community.

Applicants can expect efficient, fair, thoughtful, impartial decisions and respectful treatment by all members of the Board.



**Planning Board Agenda**  
**September 13, 2022 – 7:00 PM**  
**Wescustogo Hall & Community Center**  
**Business Meeting**

Planning Board will not take up new agenda items after 10:00 PM

**I. Call to Order**

**II. Minutes Approval**

- a. April 12, 2022
- b. May 10, 2022
- c. June 16, 2022
- d. July 12, 2022
- e. August 9, 2022

**III. Old Business**

- a. Deacon Hayes Commons Major Subdivision

**IV. New Business**

- a. Sketch Plan - Village Green Apt
- b. Subdivision Amendment – Perennial Crossing
- c. Minor Subdivision Application – Oxbow Pond
- d. Finding of Facts – Edge Energy 18 Mill Ridge Rd
- e. Finding of Facts – Learning Time Child Care

**V. Any other Business**

- a. Review of Previous Year's Application(s)
- b. September 27<sup>th</sup> Workshop Discuss

**VI. Adjournment**

**Mission Statement**

---

The North Yarmouth Planning Board is a volunteer board composed of members of the North Yarmouth community. The Board is charged with reviewing applications for development within the town and making decisions by applying the Town of North Yarmouth Land Use Ordinance and applicable State of Maine Statutes.

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Applicants can expect efficient, fair, thoughtful, impartial decisions and respectful treatment by all members of the Board.

---

MEMORANDUM

TO: North Yarmouth Planning Board

CC: Stephen Roberge P.E. SJR Engineering Inc.

From: Sam Peikes, Associate Planner, North Star Planning *SP*

RE: Village Green Estates Apartments Amended Subdivision Plan –  
Preapplication Meeting

Date: July 28, 2022

---

**Overview**

The applicant is proposing to develop Lot 23 of the previously approved Phase 2 Village Center Estates Subdivision. The amended subdivision will consist of four (4) single-family residential units with frontage along Walnut Hill Road and one (1) residential unit with frontage on Village View Lane. The project is located in the Village Center and Groundwater Overlay District at Tax Map 7 Lot 34-15. Each of the units will have separate driveways and will utilize underground electricity, cable communications, and telephone. Lot lines have been added for each unit to meet setback standards. The applicant should attach the original subdivision approval with the application.

The application will be discussed at the preapplication meeting August 9. Because this is a preapplication, the Board is not expected to take action on the project. Any missing application materials, questions, comments, or waiver requests should be discussed at the meeting. The findings of fact below are focused only on the new changes to the existing lot.

**Applicant:** Ben Grover, Construction Aggregate Inc.

**Owner:** same as the applicant

**Location:** 464 Walnut Hill Road

**Zoning:** Village Center and Groundwater Overlay

**Tax Map Number:** Tax May 7 Lot 34-15

**Existing Land Use:** subdivision

**Proposed Land Use:** amended subdivision

**Acreage:** 2.33 acres

**Waivers:** Any waiver requests should be discussed at the preapplication meeting.

**Site Walk:** A site walk for this project has not been scheduled.

**Public Hearing:** A public hearing for this project has not been scheduled.

**Completeness Review:** The Board does not need to vote on completeness at the meeting for this project.

---



## **Subdivision Review - Findings of Fact**

1. General Layout: Lots, Blocks, Utilities, Monuments, and Back Lots
  - The amended subdivision consists of four (4) lots.
  - Lot lines have been added for each unit to meet the setback standards.
  - Unit 4 is a back lot and will be served by a 50-foot right-of-way off Village View Lane.
  - Stone post monuments are located at the edge of the northern property boundary (see site plan).
  - All of the units will utilize underground electricity, cable, and telephone.
2. Erosion and Sedimentation Control
  - Minimal grading will occur for the new stormwater filter basin.
  - The project will meet erosion control best management practices for grading and construction purposes.
  - Erosion control measures will consist of silt fences, erosion control berms, hay mulch, and silt sacks. Erosion control details are shown on sheet 3 of the plan set.
3. Financial and Technical Capacity
  - The applicant will need to attach a letter of financial capacity from a bank or other financial institution certifying ability to carry out the project.
4. Floodplain Management
  - The development is not located within the 100-year flood plain.
5. Historic and Archaeological Sites
  - No historic or archaeological sites are located within the project area.
6. Sewage and Solid Waste Disposal

- All of the units will rely on public water supply and septic for wastewater disposal.
- Wastewater from the units will flow to a Fugi-Clean septic system which will discharge to a 25 by 15-foot septic disposal area located north of unit 4 (see topographic site plan).
- The applicant should confirm the amount of sewage disposal anticipated from the development.

#### 7. Soil Suitability

- The applicant should attach a wastewater disposal system application and soils report to show that soils are adequate to support the development.

#### 8. Recreation and Open Space Land Development

- The applicant should confirm if any of the land in the subdivision will be used for public open space and recreation.

#### 9. Water Supply

- The development will connect to a public water supply.
- An existing fire hydrant is located along Walnut Hill Road and is less than 500 feet from all of the units.
- The applicant will need to provide a written statement from the Yarmouth Water District regarding adequacy of water supply.

#### 10. Water Quality

- No adverse impact to water quality will result from the project.

#### 11. Subdivision Street Connectivity

- Vehicular access to units 1-3 will come the driveway off Walnut Hill Road. Vehicular access to unit 4 will come from the 50-foot right-of-way off Village View Lane.

- A 6-foot-wide sidewalk and 4-foot-wide walkways will encourage pedestrian access to and from the units.
- The applicant should include a letter from the Fire Chief regarding the adequacy of the turnaround for emergency vehicle access.

**Subdivision - Conclusions of Law:**

1. The proposed subdivision **will/will not** result in undue water or air pollution.
2. The proposed subdivision **will/will not** have sufficient water available for the reasonably foreseeable needs of the subdivision.
3. The proposed subdivision **will/will not** cause an unreasonable burden on an existing water supply.
4. The proposed subdivision **will/will not** cause unreasonable soil erosion or reduction in the capacity of the land to hold water.
5. The proposed subdivision **will/will not** cause unreasonable highway or public road congestion or unsafe conditions.
6. The proposed subdivision **will/will not** provide for adequate solid and sewage waste disposal.
7. The proposed subdivision **will/will not** cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage.
8. The proposed subdivision **will/will not** place unreasonable burden on the ability of the local governments to provide municipal or governmental services.
9. The proposed subdivision **will/will not** have an undue adverse effect on the scenic or natural beauty of the area.
10. The proposed subdivision **will/will not** be in conformance with a duly adopted subdivision regulation or ordinance.
11. The subdivider **will/will not** have adequate financial and technical capacity to meet the standards.
12. Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, the proposed subdivision **will/will not** adversely affect the quality of such body of water.
13. The 100-year flood boundary **is/is not** shown on the plan.
14. All freshwater wetlands **have/have not** been identified on maps submitted as part of the application.
15. All farmland within the proposed subdivision **has/has not** been identified on maps submitted as part of the application.

16. Any rivers, streams, or brooks within or abutting the proposed subdivision **have/have not** been identified on maps submitted as part of the application.
17. The proposed subdivision **will/will not** provide for adequate storm water management.
18. Any lots in the proposed subdivision with frontage on a river, stream, brook, or great pond **have/do not have** a lot depth to shore frontage ratio greater than 5 to 1.
19. The long-term cumulative effects of the proposed subdivision **will/will not** unreasonably increase the great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
20. If the subdivision crosses municipal boundaries, the proposed subdivision **will/will not** cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality.
21. Timber on the parcel **has/has not** been harvested in violation of liquidation harvesting statutes and rules.

Preapplication Submission Requirements	Included/Not Included	Notes
Sketch plan	see site plan	
Project narrative	see pg. 1 of application	
A copy of the U.S.G.S. topographic map	need	
A copy of the Cumberland County Soil Survey	need	
Copies of any available deeds	attached	
Final Plan	Included/Not Included	Notes
Application form		
Location map		
Proposed name of subdivision		
Right, title, interest		
Boundary survey		
Deed		
Deed restrictions		
Type of sewage disposal		
Type of water supply		
Written statement from a utility for public water supply		
Date, north arrow, scale		
Names and address of owner		
High intensity soil survey		
The number of acres within the proposed subdivision		
Location of rivers, streams, brooks, wetlands, vernal pools		
Contour lines		
Zoning district		
Location and size of existing and proposed sewer, water mains, culverts and drains		
Location, names and present widths of existing roads		
Electronic plans		
Location of any open space to be preserved		
All parcels of land proposed to be dedicate to public use		
Floodplain		
Hydrogeologic assessment		
Estimate peak hour traffic		
DOT Driveway Entrance permit		
Traffic impact analysis		
Stormwater management plan		
Erosion and sedimentation control plan		
Areas within or adjacent to the proposed subdivision which have been identified as conservation land, scenic views, or high moderate wildlife habitat		
Location and method of disposal for land		
Timber harvesting		
Building standards		



PREVIOUS DEP PERMIT  
JULY 2021

DEPARTMENT ORDER

IN THE MATTER OF

CONSTRUCTION AGGREGATE, INC.	) SITE LOCATION OF DEVELOPMENT ACT
North Yarmouth, Cumberland County	) NATURAL RESOURCES PROTECTION ACT
VILLAGE CENTER ESTATES	) FRESHWATER WETLAND ALTERATION
SUBDIVISION, PHASES I and II	)
*L-27980-L3-D-N (approval)	) WATER QUALITY CERTIFICATION
*L-27980-TB-E-N (approval)	) FINDINGS OF FACT AND ORDER
(* Corrected Order)	

Pursuant to the provisions of 38 M.R.S. §§ 481–489-E and §§ 480-A–480-JJ, Section 401 of the Federal Water Pollution Control Act (33 U. S. C. § 1341), and Chapters 310, 375, and 500 of Department rules, the Department of Environmental Protection has considered the application of CONSTRUCTION AGGREGATE, INC. with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History of Project: In Department Order #L-27980-NJ-A-N, dated October 24, 2018, the Department approved the stormwater management system for Phase I of Village Center Estates which consisted of a 14-lot residential subdivision, an open space lot that extends to the west side of the CMP transmission line corridor to frontage on Knights Pond, and the associated 3,200-linear foot access road (Village View Lane). The project included 5.25 acres of developed area, of which 2.49 acres was impervious area. Phase I of the project included 3,470 square feet of freshwater wetland impact. The site is located off Walnut Hill Road (Route 115) in the Town of North Yarmouth. Phase I has been constructed.

B. Summary: The applicant proposes to subdivide 42.5 acres into 26 lots which includes 22 single-family residential lots (Lots 1-21, & 24), a 0.99 acre lot (Lot 22) with a gravel parking area for six vehicles and the proposed gravel wetland for stormwater management, a 13.17 acre open space lot (Lot 25 which is labeled as a “no cut buffer” and has a proposed footpath), a 2.34 acre commercial lot (Lot 23) and a 0.23 acre open space lot (no lot number). No development on the commercial lot was proposed or reviewed as part of this Order; any proposed development on this lot requires a modification of this Order. The Site Law review also includes review of Phase I of the project; the original parcel size for both phases of the project was 107 acres. The proposed project includes an approximately 1,600-linear foot road with a sidewalk (Wildlife Lane), a 370-foot long road (Spillway Drive) and extensive site grading for the proposed developed portions of the proposed lots, including where the proposed subsurface wastewater disposal systems are to be located. The residential lots range in size from 0.54 acres to 4.08 acres. The project is shown on a set of plans, of which the

subdivision plan is titled “Construction Aggregate Inc., Village Center Estates, Phase II, North Yarmouth, Maine, Subdivision Plan,” prepared by Sevee & Maher Engineers, and dated October 2020, with a last revision date of February 2021. The Phase II project site is located on the south side of Village View Lane, which was constructed as part of Phase I.

The applicant is also seeking approval under the Natural Resources Protection Act to alter an additional 2,455 square feet of freshwater wetland; see Finding 16 for further discussion.

The Department accepted a Natural Resources Protection Act (NRPA) Permit by Rule Notification form (PBR #71336) on November 12, 2020, for activities adjacent to a protected natural resource, and outfall pipes associated with the proposed project that will be constructed in accordance with Chapter 305 Sections 2 and 7 of the Permit by Rule Standards. It is noted that no development was proposed on Lot 23 at this time, any proposed development on Lot 23 within 75 feet of the stream, will require an additional submittal of a Permit by Rule Notification form.

C. Current Use of Site: The Phase II area of the site is currently forested, with the most recent timber harvest having occurred circa 2017. There are wetlands on the east side of the site and a stream crossing the northeast corner of the site, near Walnut Hill Road.

2. FINANCIAL CAPACITY:

The total cost of the project is estimated to be \$965,000. The applicant submitted a letter from Norway Savings Bank, dated October 14, 2020, indicating that it looks forward to consideration of any financial needs of the construction of the Village Center Phase II project. Prior to the start of construction, the applicant must submit evidence that it has been granted a line of credit or a loan by a financial institution authorized to do business in this State or evidence of any other form of financial assurance consistent with Department Rules, Chapter 373, § 1, to the Bureau of Land Resources for review and approval.

The Department finds that the applicant has demonstrated adequate financial capacity to comply with Department standards provided that prior to the start of construction the applicant submits evidence of financial capacity to the Department with a condition compliance application for review and approval.

3. TECHNICAL ABILITY:

The applicant retained the services of Sevee & Maher Engineers for site design and permitting services. Mark Hampton was retained for soil survey, site evaluator services and wetland delineation. Wayne Wood was retained for professional land surveyor services.



The Department finds that the applicant has demonstrated adequate technical ability to comply with Department standards.

4. NOISE:

Noise from the routine operation of residential developments are exempt from regulation per Department Rules, Chapter 375, § 10(C)(5)(e). Noise from the routine operations on the proposed commercial lot (Lot 23) is regulated. The proposed use of Lot 23 is not known at this time. The commercial use of Lot 23 will be required to meet the Sound Level Limits in Department Rules Chapter 375, § 10(C) or the town's noise ordinance if the town's ordinance is more restrictive

Noise from the construction of developments between the hours of 7:00 a.m. to 7:00 p.m. or during daylight hours, whichever is longer, is not regulated pursuant to 38 M.R.S. § 484(3)(A). The applicant proposes to limit construction to the hours between at 7:00 a.m. and 7:00 p.m. or during daylight hours whichever is longer.

The Department finds that the applicant has made adequate provision for the control of excessive environmental noise from the proposed project provided that prior to construction of Lot 23, the applicant must submit an amendment application which describes how the use of Lot 23 will comply with Chapter 375, § 10(C).

5. SCENIC CHARACTER:

The abutting property to the north of the project parcel is forested. Along the east side of the parcel are residential lots with frontage on Route 115. The abutting property to the south of the project parcel is forested area. To the west of the project is a Central Maine Power transmission line and additional forested area on the west of the transmission line. The applicant has provided no cut visual buffers, no cut stormwater buffers and plantings to provide visual screening of the project along the eastern and southern property lines. The west and north sides of Phase II will be provided with visual screening by the forested areas to be retained on the open space lot (Lot 25).

Based on the project's location and design, the Department finds that the proposed project will not have an unreasonable adverse effect on the scenic character of the surrounding area.

6. WILDLIFE AND FISHERIES:

The Maine Department of Inland Fisheries and Wildlife (MDIFW) reviewed the proposed project. In its comments, MDIFW stated that it found no records of any Essential Habitats. Knights Pond, its associated wetland complex, and a 250-foot upland zone surrounding it (that extends to the northeast into the CMP transmission corridor) are mapped as Inland Waterfowl and Wading Bird Habitat, which is a Significant Wildlife Habitat as defined by the NRPA Chapter 335. No development is proposed in the Inland Waterfowl and Wading Bird Habitat associated with Knights Pond. MDIFW

recommended 100-foot-wide undisturbed vegetated buffers be maintained along streams and the wetlands associated with the streams. The stream runs through Lot 22 and 23. No development is proposed on Lot 23 at this time. The applicant proposes to construct a stormwater management sand filter within approximately 45 feet of the stream on Lot 22. The applicant stated that this limited intrusion into the stream buffer is required because this location is the low point of the site that receives gravity flow of stormwater which is required to be treated from the development on the northeast section of the site. The Department agrees that there is no other location for the sand filter and that because of its nature, it will have a minimal impact to the habitat within the stream.

The Department finds that the applicant has made adequate provision for the protection of wildlife and fisheries.

7. HISTORIC SITES AND UNUSUAL NATURAL AREAS:

The Maine Historic Preservation Commission reviewed the proposed project and stated that it will have no effect upon any structure or site of historic, architectural, or archaeological significance as defined by the National Historic Preservation Act of 1966.

The Maine Natural Areas Program database does not contain any records documenting the existence of rare or unique botanical features on the project site.

The Department finds that the proposed development will not have an adverse effect on the preservation of any historic sites or unusual natural areas either on or near the development site.

8. BUFFER STRIPS:

Stormwater buffers and no cut visual buffers have been provided along the east and southeast sides of the property. Lot 25, which is a 13.17-acre open space lot, will provide a forested buffer along the west and north side of the project.

The Department finds that the applicant has made adequate provision for buffer strips.

9. SOILS:

The applicant submitted a soil survey map and report based on the soils found at the project site. This report was prepared by a certified soils scientist and reviewed by staff from the Division of Environmental Assessment (DEA) of the Bureau of Water Quality (BWQ). DEA also reviewed a Blasting Plan submitted by the applicant and outlining the proposed procedures for removing ledge. If a rock crusher is being utilized on site, the applicant must ensure that the crusher is licensed by the Department's Bureau of Air Quality and is being operated in accordance with that license.

The Department finds that, based on this report and blasting plan, and DEA's review, the soils on the project site present no limitations to the proposed project that cannot be overcome through standard engineering practices.

10. STORMWATER MANAGEMENT:

The proposed Phase II of the project includes approximately 12.75 acres of developed area, of which 2.56 acres is impervious area. The total for both phases of the subdivision is 18.0 acres of developed area, of which 5.05 acres is impervious area. It lies within the watershed of Toddy Brook which is a tributary to the Royal River. The applicant submitted a stormwater management plan based on the Basic, General, and Flooding Standards contained in Chapter 500 Stormwater Management rules (06-096 C.M.R. Ch. 500, effective August 12, 2015) for the proposed residential lots and roads but not for the commercial lot. The proposed stormwater management system for Phase II consists of a gravel wetland, three underdrained soil filters, and two forested buffers including one level spreader.

A. Basic Standards:

(1) Erosion and Sedimentation Control: The applicant submitted an Erosion and Sedimentation Control Plan that is based on the performance standards contained in Appendix A of Chapter 500 and the Best Management Practices outlined in the Maine Erosion and Sediment Control BMPs, which were developed by the Department. This plan and plan sheets containing erosion control details were reviewed by and revised in response to the comments of the Cumberland County Soil and Water Conservation District (CCSWCD).

Erosion control details will be included on the final construction plans and the erosion control narrative will be included in the project specifications to be provided to the construction contractor. Given the size and nature of the project site, the applicant must retain the services of a third party inspector in accordance with the Special Condition for Third Party Inspection Program, which is attached to this Order. Prior the start of construction, the applicant must conduct a pre-construction meeting to discuss the construction schedule and the erosion and sediment control plan with the appropriate parties. This meeting must be attended by the applicant's representative, Department staff, the design engineer, the contractor, and the third-party inspector. Given the size and nature of the project site, the applicant must retain the services of a third party inspector in accordance with the Special Condition for Third Party Inspection Program, which is attached to this Order.

(2) Inspection and Maintenance: The applicant submitted a maintenance plan that addresses both short and long-term maintenance requirements. The maintenance plan is based on the standards contained in Appendix B of Chapter 500. This plan was reviewed by and revised in response to the comments of the CCSWCD. A homeowners' association will be established that will be responsible for the maintenance of the stormwater management system. A draft of the Declaration of Covenants and

Restrictions for the association was reviewed and found to meet Department requirements. Prior to the formation of the homeowners' association, the applicant will be responsible for all such maintenance.

Grit and sediment materials removed from stormwater structures and storm drain lines during maintenance activities must be disposed of in compliance with the Maine Solid Waste Management Rules.

(3) Housekeeping: The proposed project will comply with the performance standards outlined in Appendix C of Chapter 500.

Based on BLR's review of the erosion and sedimentation control plan and the maintenance plan, the Department finds that the proposed project meets the Basic Standards contained in Chapter 500, § 4(B) provided that the applicant retains a third party inspector and hold a preconstruction meeting as described above and disposes of grit and sediment removed from stormwater structures and storm drain lines in compliance with the Maine Solid Waste Management Rules.

B. General Standards:

The applicant's stormwater management plan includes general treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater, and mitigate potential thermal impacts. This mitigation is being achieved by using Best Management Practices (BMPs) that will treat runoff from 99% of the impervious area and 93% of the developed area. It is noted that no treatment of stormwater runoff has been provided for Lot 23; any proposed development on this lot requires review by the Department to determine if additional treatment to meet the General Standards is required.

The two forested, no disturbance stormwater buffers which extend across Lots 12, 13, 20, 21 and the 0.23-acre open space lot will be protected from alteration through the execution of a deed restriction. The applicant proposes to use the deed restriction language contained in Appendix G of Chapter 500.

Prior to the start of construction, the location of forested stormwater buffers must be permanently marked on the ground. The deed for each lot, including the open space lot, that contains any portion of the designated stormwater buffers must contain the stormwater buffer deed restrictions and have attached to it a plot plan for the lot, drawn to scale, that specifies the location of the buffer on the lot. The applicant shall execute and record all required deed restrictions, including the appropriate stormwater buffer deed restrictions, within 60 days of the date of this Order unless the deed restriction is to be placed on a subdivision lot. In that situation, the applicant shall execute and record the required deed restriction when the lot is sold or transferred. The applicant shall submit a copy of the recorded deed restriction, including the plot plan, to the BLR within 60 days of its recording.

The stormwater management system proposed by the applicant was reviewed by and revised in response to comments from CCSWCD. After a final review, the CCSWCD commented that the proposed stormwater management system is designed in accordance with the General Standards contained in Chapter 500, § 4(C).

Based on the stormwater system's design and CCSWCD's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the General Standards contained in Chapter 500, § 4(C) provided that prior to construction of Lot 23, the applicant must submit an amendment application which provides stormwater management plans and details of the BMPs to treat the stormwater runoff from the proposed developed area on Lot 23 to meet the General Standards.

C. Flooding Standard:

The applicant is proposing to utilize a stormwater management system based on estimates of pre- and post-development stormwater runoff flows obtained by using Hydrocad, a stormwater modeling software that utilizes the methodologies outlined in Technical Releases #55 and #20 from the U.S.D.A. Soil Conservation Service and detains stormwater from 24-hour storms of 2-, 10-, and 25-year frequency. The post-development peak flow from the site will not exceed the pre-development peak flow from the site and the peak flow of the receiving waters will not be increased as a result of stormwater runoff from the development site.

CCSWCD commented that the proposed system is designed in accordance with the Flooding Standard contained in Chapter 500, § 4(F).

Based on the system's design and the CCSWCD's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the Flooding Standard contained in Chapter 500, § 4(F) for peak flow from the project site, and channel limits and runoff areas provided that prior to construction of Lot 23, the applicant must submit an amendment application which provides stormwater management plans, details, and the Hydrocad model of the BMPs to detain the stormwater runoff from the proposed developed area on Lot 23 to meet the Flooding Standards.

The Department further finds that the proposed project will meet the Chapter 500 standards for easements and covenants.

11. GROUNDWATER:

The project site is not located over a mapped sand and gravel aquifer. The proposed project does not propose any withdrawal from, or discharge to, the groundwater with the exception of subsurface wastewater disposal systems. A commercial lot, Lot 23, is proposed as part of this project and the use of this lot is unknown at this time. Section 15(B) of the Site Location of Development application requires that any developments that store or use any quantities of petroleum products, pesticides, herbicides, road salt,

solvents, acids, or other materials with the potential to contaminate the groundwater in any quantities of such material exceeding those required for normal household uses to provide a groundwater protection plan. If the owner or occupant of Lot 23 proposes to store or use any quantities of petroleum products, pesticides, herbicides, road salt, solvents, acids or other materials with the potential to contaminate the groundwater in any quantities of such material exceeding those required for normal household uses, then that owner or occupant shall submit a condition compliance application with a groundwater protection plan as described in Section 15(B) of the Site Location of Development Application to the Department for review and approval prior to storage of those materials.

The Department finds that the proposed project will not have an unreasonable adverse effect on ground water quality provided that any owner or occupant of Lot 23 that proposes use or store potential groundwater contaminants in greater than household quantities must submit a condition compliance application with a groundwater protection plan to the Department for review and approval prior to storage of those materials.

12. WATER SUPPLY:

Water is supplied to Phase I by individual, private wells. The wells have been located to be the minimum distance away from wastewater disposal systems as required by the Maine Subsurface Wastewater Disposal Rules.

When completed, Phase II of the project is anticipated to use approximately 9,900 gallons of water per day. Water will be supplied by the Yarmouth Water District. The applicant submitted an email from the Yarmouth Water District, dated June 21, 2021, stating that it will be capable of servicing this project.

The Department finds that the applicant has made adequate provision for securing and maintaining a sufficient and healthful water supply.

13. WASTEWATER DISPOSAL:

Phase I of the project used individual wastewater disposal systems on each lot which were reviewed and approved by the local authority. Wastewater for Phase II of the project will be disposed of by individual subsurface wastewater disposal systems on each lot. Suitable soils for a subsurface wastewater disposal system have been found on each lot. The design flows for each single-family dwelling will be a maximum of 360 gallons per day and the design for the proposed commercial lot is not anticipated to be more than 2,000 gallons per day. The applicant proposes to use a Fuji engineered wastewater pretreatment unit for each system to improve solids management and denitrification as required by the project's local approval. The applicant submitted the soil survey map and report discussed in Finding 9 and an analysis of potential impacts to off-site groundwater quality resulting from on-site wastewater disposal prepared by a certified geologist. This information was reviewed by, and revised in response to comments from, DEA. Each individual system must be designed to meet the requirements of the Maine State

Plumbing Code. The applicant proposes to extensively regrade most of the areas where the proposed houses and their associated subsurface wastewater disposal systems will be located. This includes cutting, by excavating and blasting for ledge removal, on some lots on the upgradient side of the proposed road and filling on the lots downgradient of the proposed road such that the soils reviewed for the proposed subsurface wastewater systems will be removed on some lots or will be buried on other the lots. The applicant has agreed to submit to the Department for review and approval any wastewater system that has changes in proposed design flow, in location or any proposal to remove a wastewater treatment system. The applicant must also submit the final Maine Department of Health and Human Services Subsurface Wastewater Disposal System Application (Form HHE-200) for Lots 2 through 18 and also Lots 23 and 24 to the Department for review and approval with a condition compliance application prior to the construction of the house and disposal system.

Any activity on Lot 23 that requires disposal of any wastewater other than normal sanitary wastewater, in the proposed disposal field will require review by the Department prior to use to determine whether or not additional licensing criteria under the Wastewater Discharge Program would apply. If Lot 23 will have design flows of more than 2,000 gallons of wastewater per day, then it must receive approval from the Department of Health and Human Services, Division of Environmental Health Subsurface Wastewater Unit (DHHS-DEH).

Based on DEA's comments, the Department finds that the proposed wastewater disposal systems will be built on suitable soil types and that Maine's Drinking Water Standard for nitrates will be met at the project's property lines provided that the applicant submit the HHE-200 form for Lots 2 through 18 and also Lot 24 to the Department for review and approval prior to the construction of the house and disposal system, that the applicant must submit information regarding any wastewater water other than normal sanitary wastewater generated on Lot 23 . to the Department for review and approval, and that if Lot 23 will have design flows of more than 2,000 gallons of wastewater per day then it must obtain approval from the Department of Health and Human Services, Division of Environmental Health Subsurface Wastewater Unit (DHHS-DEH).

14. SOLID WASTE:

When completed, the proposed project is anticipated to generate approximately 3.5 tons of municipal solid waste per year. All municipal solid wastes from the proposed project will be collected curbside by Pine Tree Waste which transports the material to the Pine Tree facility in Westbrook and then the waste is taken to Juniper Ridge Landfill in Old Town. This method of disposal is currently in substantial compliance with the Maine Solid Waste Management Rules.

The proposed project will generate approximately 500 cubic yards of stumps and other land clearing land clearing wood waste. All stumps and land clearing wood waste will be ground on site and used in erosion control mix for the project. Any excess erosion

control mix will be transported to other sites for use or sold. This method of disposal is in compliance with the Maine Solid Waste Management Rules.

The proposed project will generate approximately 1,760 cubic yards of construction debris. The construction debris generated will be hauled by Casella/Pine Tree Waste to the Casella Zero Sort facility in Lewiston for sorting. Non-recyclable material will be taken for disposal to the Juniper Ridge Landfill in Old Town, which is currently in substantial compliance with the Maine Solid Waste Management Rules.

Based on the above information, the Department finds that the applicant has made adequate provision for solid waste disposal.

15. FLOODING:

The applicant submitted a portion of the Federal Emergency Management Agency Flood Insurance Rate Map for the Town of North Yarmouth that shows that the proposed project is not located within the 100-year flood plain of any river or stream.

The Department finds that the proposed project is unlikely to cause or increase flooding or cause an unreasonable flood hazard to any structure.

16. WETLAND IMPACTS:

The applicant proposes to fill 2,455 square feet of forested wetlands to construct the end of Spillway Drive and to provide access to Lot 20. The applicant previously altered 3,470 square feet of forested wetland to construct the Phase I of the project. The cumulative wetland impacts for the two phases is 5,925 square feet.

The applicant has avoided and minimized wetland impacts by designing the lot and road layout to utilize the uplands and only impact wetlands to provide lot access. Some of the wetlands have been placed in no cut visual buffers, which will be deed restricted, to prevent future impacts to the wetlands.

The Department finds that the applicant has avoided and minimized wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project.

17. ALL OTHER:

All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-27980-NJ-A-N, and subsequent Orders.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S. §§ 480-A–480-JJ and Section 401 of the Federal Water Pollution Control Act:



- A. The proposed activity will not cause unreasonable erosion of soil or sediment.
- B. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S. §§ 481–489-E:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards provided that prior to the start of construction, the applicant submits evidence of financial capacity to the Bureau of Land Resources with a condition compliance application for review and approval.
- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities provided that prior to construction of Lot 23, the applicant submits an amendment application which describes how the development on Lot 23 will comply with Chapter 375 Section 10(C).
- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- D. The proposed development meets the standards for storm water management in 38 M.R.S. § 420-D and the standard for erosion and sedimentation control in 38 M.R.S. § 420-C provided that the applicant retains a third party inspector, holds a preconstruction meeting, disposes of grit and sediment removed from stormwater structures and storm drain lines in compliance with the Maine Solid Waste Management Rules, permanently marks the stormwater buffers, executes and records the stormwater buffer deed restrictions as described in Finding 10, and provided that prior to construction of Lot 23, the applicant submits an amendment application which provides stormwater management plans, details, and Hydrocad model of the BMPs to treat and detain the stormwater runoff from the proposed developed area on Lot 23 to meet the General and Flooding Standards.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur provided that any owner or occupant of Lot 23 that proposes use or store potential groundwater contaminants in greater than household quantities must submit a condition compliance application with a groundwater protection plan to the Department for review and approval prior to storage of those materials.
- F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities and solid waste disposal required for the development and the development will not have an unreasonable adverse effect on the existing or proposed

utilities in the municipality or area served by those services provided that prior to the construction of the houses and disposal systems, the applicant submits the HHE-200 forms for Lots 2 through 18 and also Lots 23 and 24 to the Department for review and approval, that the applicant submits information regarding any wastewater water other than normal sanitary wastewater generated on Lot 23 to the Department for review and approval, and that if Lot 23 will have design flows of more than 2,000 gallons of wastewater per day then it must obtain approval from the Department of Health and Human Services, Division of Environmental Health Subsurface Wastewater Unit (DHHS-DEH).

- G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of CONSTRUCTION AGGREGATE, INC. to construct Phase II of Village Center Estates subdivision and to alter freshwater wetlands as described herein, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
4. The applicant shall include in all conveyances of subdivision lots deed restrictions making the conveyance subject to all terms and conditions of this Department permit and any applicable municipal approval. These terms and conditions may be incorporated by specific and prominent reference to the permit in the deed. All conveyances required by this approval to contain restrictions shall include in the restrictions the requirement that any subsequent conveyance shall specifically include the same restrictions.
5. The applicant shall give a copy of this permit, including the standard conditions, and a copy of the approved subdivision plan to each lot buyer at least 14 days prior to the date of closing on the sale or lease of the lot. The applicant also shall maintain a file containing signed and dated statements by lot buyers or lessees acknowledging that they have received and read their copy of this permit and the subdivision plan prior to the closing on their lot. The file shall also contain a copy of the signed and dated deed or lease containing the restrictive covenants required under this approval. The applicant shall make this file available for inspection upon request by the Department.

6. Prior to the start of construction, the applicant shall submit evidence of financial capacity to the BLR with a condition compliance application for review and approval.
7. Prior to construction of Lot 23, the applicant shall submit an amendment application to the Department which describes the development on Lot 23 will comply with Chapter 375, § 10(C).
8. The applicant shall execute and record all required deed restrictions, including the stormwater buffer deed restrictions, within 60 days of the date of this Order unless the deed restriction is to be placed on a subdivision lot. In that situation, the applicant shall execute and record the required deed restriction at the time of the sale or transfer of the lot. The applicant shall submit a copy of the recorded deed restriction, including the plot plan, to the BLR within 60 days of its recording.
9. *will mark out Fri 7/16/21*  
Prior to the start of construction, the location of forested stormwater buffers shall be permanently marked on the ground.
10. The applicant shall retain the services of a third-party inspector in accordance with the Special Condition for Third-Party Inspection Program, which is attached to this Order.
11. Prior the start of construction, the applicant shall conduct a pre-construction meeting. This meeting shall be attended by the applicant's representative, Department staff, the design engineer, the contractor, and the third-party inspector.
12. The applicant shall dispose of grit and sediment materials removed from stormwater structures and storm drain lines during maintenance activities in compliance with the Maine Solid Waste Management Rules.
13. Prior to construction of Lot 23, the applicant shall submit an amendment application to the Department which provides stormwater management plans, details, and Hydrocad model of the BMPs to treat and detain the stormwater runoff from the proposed developed area on Lot 23 to meet the General and Flooding Standards.
14. The owner or occupant of Lot 23 shall submit a condition compliance application with a groundwater protection plan to the Department for review and approval prior to the use or storage of potential groundwater contaminants in greater than household quantities.
15. Prior to the construction of the house and disposal system, the applicant shall submit the HHE-200 forms for Lots 2 through 18 and also Lots 23 and 24 to the Department for review and approval.
16. The applicant shall submit information regarding any wastewater water other than normal sanitary wastewater generated on Lot 23 to the Department for review and approval.
17. If Lot 23 will have wastewater design flows of more than 2,000 gallons per day then it shall obtain approval of the subsurface wastewater disposal system from the Department

of Health and Human Services, Division of Environmental Health Subsurface Wastewater Unit (DHHS-DEH).

18. All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-27980-NJ-A-N, and subsequent Orders, and are incorporated herein.

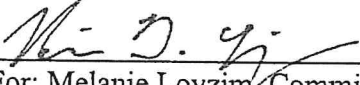
THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 2<sup>ND</sup> DAY OF JULY, 2021.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

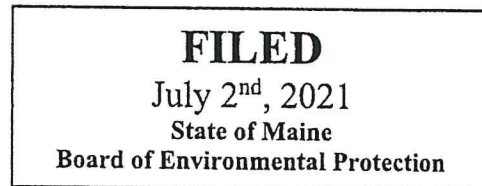
CORRECTING THE ORDER DATED 6/24/2021. The effective date and expiration date remain the same as in the original.

BY:

  
For: Melanie Loyzine, Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

CGW/\*L27980DNEN/ATS#87002/87003



**Department of Environmental Protection**  
**SITE LOCATION OF DEVELOPMENT (SITE)**  
**STANDARD CONDITIONS**

- A. Approval of Variations from Plans.** The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited without prior approval of the Board, and the applicant shall include deed restrictions to that effect.
- B. Compliance with All Applicable Laws.** The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. Compliance with All Terms and Conditions of Approval.** The applicant shall submit all reports and information requested by the Board or the Department demonstrating that the applicant has complied or will comply with all preconstruction terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
- D. Advertising.** Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
- E. Transfer of Development.** Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.
- F. Time frame for approvals.** If the construction or operation of the activity is not begun within four years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- G. Approval Included in Contract Bids.** A copy of this approval must be included in or attached to all contract bid specifications for the development.
- H. Approval Shown to Contractors.** Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.



## Natural Resources Protection Act (NRPA) Standard Conditions

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THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCES PROTECTION ACT, 38 M.R.S. § 480-A ET SEQ., UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

- A. Approval of Variations From Plans. The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. Compliance With All Applicable Laws. The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. Erosion Control. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. Compliance With Conditions. Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other the specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. Time frame for approvals. If construction or operation of the activity is not begun within four years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- F. No Construction Equipment Below High Water. No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- G. Permit Included In Contract Bids. A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- H. Permit Shown To Contractor. Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.

## STORMWATER STANDARD CONDITIONS

### STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL

**Standard conditions of approval.** Unless otherwise specifically stated in the approval, a department approval is subject to the following standard conditions pursuant to Chapter 500 Stormwater Management Law.

- (1) Approval of variations from plans. The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the permittee. Any variation from these plans, proposals, and supporting documents must be reviewed and approved by the department prior to implementation. Any variation undertaken without approval of the department is in violation of 38 M.R.S. §420-D(8) and is subject to penalties under 38 M.R.S. §349.
- (2) Compliance with all terms and conditions of approval. The applicant shall submit all reports and information requested by the department demonstrating that the applicant has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
- (3) Advertising. Advertising relating to matters included in this application may not refer to this approval unless it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
- (4) Transfer of project. Unless otherwise provided in this approval, the applicant may not sell, lease, assign, or otherwise transfer the project or any portion thereof without written approval by the department where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval may only be granted if the applicant or transferee demonstrates to the department that the transferee agrees to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant. Approval of a transfer of the permit must be applied for no later than two weeks after any transfer of property subject to the license.
- (5) Time frame for approvals. If the construction or operation of the activity is not begun within four years, this approval shall lapse and the applicant shall reapply to the department for a new approval. The applicant may not begin construction or operation of the project until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- (6) Certification. Contracts must specify that "all work is to comply with the conditions of the Stormwater Permit." Work done by a contractor or subcontractor pursuant to this approval may not begin before the contractor and any subcontractors have been shown a copy of this approval with the conditions by the permittee, and the permittee and each contractor and sub-contractor has certified, on a form provided by the department, that the approval and conditions have been received and read, and that the work will be carried out in accordance with the approval and conditions. Completed certification forms must be forwarded to the department.

(7) Maintenance. The components of the stormwater management system must be adequately maintained to ensure that the system operates as designed, and as approved by the Department. If maintenance responsibility is to be transferred from the permittee to another entity, a transfer request must be filed with the Department which includes the name and contact information for the person or entity responsible for this maintenance. The form must be signed by the responsible person or agent of the responsible entity.

(8) Recertification requirement. Within three months of the expiration of each five-year interval from the date of issuance of the permit, the permittee shall certify the following to the department.

(a) All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.

(b) All aspects of the stormwater control system are operating as approved, have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the system, or portions of the system, as necessary.

(c) The stormwater maintenance plan for the site is being implemented as approved by the Department, and the maintenance log is being maintained.

(d) All proprietary systems have been maintained according to the manufacturer's recommendations. Where required by the Department, the permittee shall execute a 5-year maintenance contract with a qualified professional for the coming 5-year interval. The maintenance contract must include provisions for routine inspections, cleaning and general maintenance.

(e) The Department may waive some or all of these recertification requirements on a case-by-case basis for permittees subject to the Department's Multi-Sector General Permit ("MSGP") and/or Maine Pollutant Discharge Elimination System ("MEPDES") programs where it is demonstrated that these programs are providing stormwater control that is at least as effective as required pursuant to this Chapter.

(9) Transfer of property subject to the license. If any portion of the property subject to the license containing areas of flow or areas that are flooded are transferred to a new property owner, restrictive covenants protecting these areas must be included in any deeds or leases, and recorded at the appropriate county registry of deeds. Also, in all transfers of such areas and areas containing parts of the stormwater management system, deed restrictions must be included making the property transfer subject to all applicable terms and conditions of the permit. These terms and conditions must be incorporated by specific and prominent reference to the permit in the deed. All transfers must include in the restrictions the requirement that any subsequent transfer must specifically include the same restrictions unless their removal or modification is approved by the Department. These restrictions must be written to be enforceable by the Department, and must reference the permit number.

(10) Severability. The invalidity or unenforceability of any provision, or part thereof, of this permit shall not affect the remainder of the provision or any other provisions. This permit shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.



Special Condition  
for  
Third Party Inspection Program

DEPLW078-B2001

November 2008

## THIRD-PARTY INSPECTION PROGRAM

### 1.0 THE PURPOSE OF THE THIRD-PARTY INSPECTION

As a condition of this permit, the Maine Department of Environmental Protection (MDEP) requires the permit applicant to retain the services of a third-party inspector to monitor compliance with MDEP permit conditions during construction. The objectives of this condition are as follows:

- 1) to ensure that all construction and stabilization activities comply with the permit conditions and the MDEP-approved drawings and specifications,
- 2) to ensure that field decisions regarding erosion control implementation, stormwater system installation, and natural resource protection are based on sound engineering and environmental considerations, and
- 3) to ensure communication between the contractor and MDEP regarding any changes to the development's erosion control plan, stormwater management plan, or final stabilization plan.

This document establishes the inspection program and outlines the responsibilities of the permit applicant, the MDEP, and the inspector.

### 2.0 SELECTING THE INSPECTOR

At least 30 days prior to starting any construction activity on the site, the applicant will submit the names of at least two inspector candidates to the MDEP. Each candidate must meet the minimum qualifications listed under section 3.0. The candidates may not be employees, partners, or contracted consultants involved with the permitting of the project or otherwise employed by the same company or agency except that the MDEP may accept subcontractors who worked for the project's primary consultant on some aspect of the project such as, but not limited to, completing wetland delineations, identifying significant wildlife habitats, or conducting geotechnical investigations, but who were not directly employed by the applicant, as Third Party inspectors on a case by case basis. The MDEP will have 15 days from receiving the names to select one of the candidates as the inspector or to reject both candidates. If the MDEP rejects both candidates, then the MDEP shall state the particular reasons for the rejections. In this case, the applicant may either dispute the rejection to the Director of the Bureau of Land Resources or start the selection process over by nominating two, new candidates.

### 3.0 THE INSPECTOR'S QUALIFICATIONS

Each inspector candidate nominated by the applicant shall have the following minimum qualifications:

- 1) a degree in an environmental science or civil engineering, or other demonstrated expertise,
- 2) a practical knowledge of erosion control practices and stormwater hydrology,
- 3) experience in management or supervision on large construction projects,
- 4) the ability to understand and articulate permit conditions to contractors concerning erosion control or stormwater management,
- 5) the ability to clearly document activities being inspected,
- 6) appropriate facilities and, if necessary, support staff to carry out the duties and responsibilities set forth in section 6.0 in a timely manner, and
- 7) no ownership or financial interest in the development other than that created by being retained as the third-party inspector.

#### 4.0 INITIATING THE INSPECTOR'S SERVICES

The applicant will not formally and finally engage for service any inspector under this permit condition prior to MDEP approval or waiver by omission under section 2.0. No clearing, grubbing, grading, filling, stockpiling, or other construction activity will take place on the development site until the applicant retains the MDEP-approved inspector for service.

#### 5.0 TERMINATING THE INSPECTOR'S SERVICES

The applicant will not terminate the services of the MDEP-approved inspector at any time between commencing construction and completing final site stabilization without first getting written approval to do so from the MDEP.

#### 6.0 THE INSPECTOR'S DUTIES AND RESPONSIBILITIES

The inspector's work shall consist of the duties and responsibilities outlined below.

- 1) Prior to construction, the inspector will become thoroughly familiar with the terms and conditions of the state-issued site permit, natural resources protection permit, or both.
- 2) Prior to construction, the inspector will become thoroughly familiar with the proposed construction schedule, including the timing for installing and removing erosion controls, the timing for constructing and stabilizing any basins or ponds, and the deadlines for completing stabilization of disturbed soils.
- 3) Prior to construction, the inspector will become thoroughly familiar with the project plans and specifications, including those for building detention basins, those for installing the erosion control measures to be used on the site, and those for temporarily or permanently stabilizing disturbed soils in a timely manner.
- 4) During construction, the inspector will monitor the contractor's installation and maintenance of the erosion control measures called for in the state permit(s) and any additional measures the inspector believes are necessary to prevent sediment discharge to off-site properties or natural resources. This direction will be based on the approved erosion control plan, field conditions at the time of construction, and the natural resources potentially impacted by construction activities.
- 5) During construction, the inspector will monitor the contractor's construction of the stormwater system, including the construction and stabilization of ditches, culverts, detention basins, water quality treatment measures, and storm sewers.
- 6) During construction, the inspector will monitor the contractor's installation of any stream or wetland crossings.
- 7) During construction, the inspector will monitor the contractor's final stabilization of the project site.
- 8) During construction, the inspector will keep logs recording any rain storms at the site, the contractor's activities on the site, discussions with the contractor(s), and possible violations of the permit conditions.
- 9) During construction, the inspector will inspect the project site at least once a week and before and after any significant rain event. The inspector will photograph all protected natural resources both before and after construction and will photograph all areas under construction. All photographs will be identified with, at a minimum the date the photo was taken, the location and the name of the individual taking the photograph.  
*Note: the frequency of these inspections as contained in this condition may be varied to best address particular project needs.*
- 10) During construction, the inspector will prepare and submit weekly (or other frequency) inspection reports to the MDEP.

- 11) During construction, the inspector will notify the designated person at the MDEP immediately of any sediment-laden discharges to a protected natural resource or other significant issues such as the improper construction of a stormwater control structure or the use of construction plans not approved by the MDEP.

## 7.0 INSPECTION REPORTS

The inspector will submit weekly written reports (*or at another designated frequency*), including photographs of areas that are under construction, on a form provided by the Department to the designated person at the MDEP. Each report will be due at the MDEP by the Friday (*or other designated day*) following the inspection week (Monday through Sunday).

The weekly report will summarize construction activities and events on the site for the previous week as outlined below.

- 1) The report will state the name of the development, its permit number(s), and the start and end dates for the inspection week (Monday through Sunday).
- 2) The report will state the date(s) and time(s) when the inspector was on the site making inspections.
- 3) The report will state the date(s) and approximate duration(s) of any rainfall events on the site for the week.
- 4) The report will identify and describe any erosion problems that resulted in sediment leaving the property or sediment being discharged into a wetland, brook, stream, river, lake, or public storm sewer system. The report will describe the contractor's actions to repair any damage to other properties or natural resources, actions to eliminate the erosion source, and actions to prevent future sediment discharges from the area.
- 5) The report will list the buildings, roads, parking lots, detention basins, stream crossings or other features open to construction for the week, including those features or areas actively worked and those left unworked (dormant).
- 6) For each area open to construction, the report will list the date of initial soil disturbance for the area.
- 7) For each area open to construction, the report will note which areas were actively worked that week and which were left dormant for the week. For those areas actively worked, the report will briefly state the work performed in the area that week and the progress toward final stabilization of the area – e.g. “grubbing in progress,” “grubbing complete,” “rough grading in progress,” “rough grading complete,” “finish grading in progress,” “finish grading complete,” “permanent seeding completed,” “area fully stable and temporary erosion controls removed,” etc.
- 8) For each area open to construction, the report will list the erosion and sedimentation control measures installed, maintained, or removed during the week.
- 9) For each erosion control measure in-place, the report will note the condition of the measure and any maintenance performed to bring it to standard.

**Third Party Inspection Form**

**This report is prepared by a Third Party Inspector to meet the requirements of the Third Party Inspector Condition attached as a Special Condition to the Department Order that was issued for the project identified below. The information in this report/form is not intended to serve as a determination of whether the project is in compliance with the Department permit or other applicable Department laws and rules. Only Department staff may make that determination.**

TO: <i>PM, Maine DEP (@maine.gov)</i>	FROM:
PROJECT NAME/ LOCATION:	DEP #:
DATE OF INSPECTION:	DATE OF REPORT:
WEATHER:	CONDITIONS:

**SITE CHARACTERISTICS:**

# ACRES OPEN:	# ACRES ACTIVE:	# ACRES INACTIVE:
LOCATION OF OPEN LAND:	LOCATION OF ACTIVE LAND:	LOCATION OF INACTIVE LAND:
OPEN SINCE:	OPEN SINCE:	OPEN SINCE:

**PROGRESS OF WORK:**

INSPECTION OF:	Satisfactory	Minor Deviation (corrective action required)	Unsatisfactory (include photos)
STORMWATER CONTROL (VEGETATIVE & STRUCTURAL BMP'S)			
EROSION & SEDIMENTATION CONTROL (TEMPORARY & PERMANENT BMP'S)			
OTHER: (PERMIT CONDITIONS, ENGINEERING DESIGN, ETC.)			

COMMENTS/CORRECTIVE ACTIONS TAKEN (attach additional sheets as necessary):

Photos (must be labeled with date, photographer and location):

Cc:		
<i>Original and all copies were sent by email only.</i>		