



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
45 RADAR ROAD
ASHLAND, MAINE 04732-3600

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

AMENDMENT A TO DEVELOPMENT PERMIT DP 4201

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Quebec, Inc. for Amendment A to Development Permit DP 4201, finds the following facts:

1. Applicant: Quebec, Inc.
1110 Rue Principale,
Pohenegamook, QC Canada GOL 1J0
2. Agent: Michael S. White
PO Box 24
Sinclair ME 04779
3. Date of Completed Application: May 13, 2016
4. Location of Proposal: Big Twenty Twp., Aroostook County
Lots #14, 15, 19, 20.11 and 20.4 on Plan 02
5. Zoning: (D-GN) General Development Subdistrict
(P-FP) Flood Prone Area Protection Subdistrict
(P-WL1) Wetland Protection Subdistrict
(P-SL1&2) Shoreland Protection Subdistrict

Zoning at the Project Site: (P-FP) Flood Prone Area Protection Subdistrict
6. Lot Size: Approximately 78.77 acres (owned)
7. Development: Existing Reclaimed Gravel Pit (14.1 acres)
Existing Active Gravel Pit (5.3 Acres)
Proposed Pit Expansion Area (10.6 Acres)

Background Information

8. The applicant's lot is in Estourt, located in the northwest corner of Big Twenty Twp., on the Frontier Road. The subject property has been developed with a gravel pit since 1948. The gravel pit has expanded over time. It is unknown how large the pit was in 1971.
9. On December 30th, 1993, Development Permit DP 4201 was issued to Construction F. Morin, Inc. granting after-the-fact approval for mineral extraction for road purposes on Lot 20.11. The operation was to take place only on Lot 20.11 and was authorized to be up to 25 acres in size with no more than 5 acres unclaimed at a time and with no more than 5 acres within 250 feet of the St. Francis River. The permit was, in part, aimed at resolving some violations identified on the site associated with the operation of a gravel pit that did not comply with the Commission's standards for mineral extraction, reference Enforcement Case EC 90-300. EC 90-300 was resolved by the issuance of DP 4201.
10. At the time that Development Permit DP 4201 was issued, the majority of the property was zoned as it is currently, almost entirely within a (P-FP) Flood Prone Protection Subdistrict. In addition to the P-FP, the area within 250 feet of the St. Francis River is also zoned P-SL1 Shoreland Protection Subdistrict and the area within 75 feet of Wildcat Brook is also zoned P-SL2 Shoreland Protection Subdistrict. Approximately 0.7 acres of Lot 20.11 is zoned (D-GN) General Development Subdistrict (erroneously noted as (M-GN) General Development Subdistrict in DP 4201). DP 4201 did not authorize any operations within the (D-GN) General Development Subdistrict, and, at the time, mineral extraction up to 5 acres for road purposes was allowed with a permit within the (P-SL) Shoreland Protection Subdistrict. None of the property was zoned (P-WL) Wetland Protection Subdistrict in 1993.
11. As part of the application for Development Permit DP 4201, the applicant submitted an Erosion Control and Site Stabilization Plan, which proposed, among other things, the construction of a gravel berm with armored overflow provisions as high as the 10 year flood potential of the St. Francis River and to stockpile topsoil on the site for future reclamation of areas of the pit such that no more than 5 acres would be open or active at any time. In addition, the applicant proposed to comply with the Standards for Mineral Extraction regarding the regrading of soil to a slope of 2 horizontal to 1 vertical, or flatter within 250 feet of any property lines or public roadways.
12. As part of their review comments for Development Permit DP 4201, the Maine Department of Inland Fisheries and Wildlife (MDIFW) recommended that the Erosion Control and Site Stabilization Plan should be strictly adhered to for protection of fisheries resources. They further recommended that the applicant plant a mixture of creeping red fescue, annual ryegrass, Dutch white clover, birdsfoot trefoil and hairy vetch. Also, shelterbelts and clump plantings of wildlife conifer/shrub plantings were to be planted throughout the impacted area. For the shelterbelts, MDIFW recommended that conifer trees be planted with an 8 foot by 8 foot spacing and that wildlife shrubs be planted with a 4 foot by 6 foot spacing. MDIFW also recommended that monitoring and maintenance of the plantings be continued until 80% of each reclaimed area was established.
13. Conditions of Development Permit DP 4201 required the following actions:
 - i. Condition 7: A gravel berm must be constructed between the gravel pit and the river. This berm must contain one or more armored overflows. The berm and armored overflows must be designed by a professional engineer, soil scientist or other

knowledgable professional. The berm must be constructed and maintained such that the berm is not damaged when overtopped by flood waters.

- ii. Condition 8: Ground water monitoring wells must be installed and monitored in the pit floor. The floor of the pit must be at least five feet above the highest ground water level during any period of operation of the gravel pit.
 - iii. Condition 9: The permittee must follow the recommendations of the Maine Department of Inland Fisheries and Wildlife as outlined in Finding of Fact #11 above or equivalent measures approved by the Maine Department of Inland Fisheries and Wildlife.
14. Construction F. Morin, Inc., permittee of DP 4201 (a.k.a. F. Morin Construction, Inc.), owned Lots 15, 20.4 and 20.11 until October 2000 when it transferred the lots to Quebec, Inc. The transfer deed was recorded in Book 1230, Page 33 at the Northern Aroostook County Registry of Deeds in Fort Kent, Maine. Simon F. Morin was/is the president and sole officer of both companies.
 15. Lots 14 and 19 were owned by Canada Inc. until March of 2011, when they were transferred to Quebec, Inc. This transfer deed was recorded in Book 1714, Page 224 at the Northern Aroostook County Registry of Deeds in Fort Kent, Maine. Simon F. Morin was/is the president and sole officer of both companies.
 16. On June 24th, 2015, staff conducted a site visit and observed an approximately 5 acre active gravel extraction pit on portions of Lots 19 and 14. Further, staff observed a substantially stabilized approximately 13 acre inactive gravel extraction pit on portions of Lot 20.11. However, portions of this reclaimed pit and access road stray onto Lot 20.12, owned by Alexis Cote. No gravel berm with overflow or monitoring wells had been installed, and the reclaimed areas along the river and property lines had not been revegetated and resloped as required [Reference Enforcement Case EC 11-06].
 17. In April of 2016, the Commission ratified an Administrative Settlement Agreement, signed by Simon F. Morin, which required, among other things, that Quebec Inc. pay a civil penalty, obtain an after-the-fact permit, restore a 100 foot vegetative buffer strip along the St. Francis River, and restore an access way to Lot 20.12.

Existing Conditions and Proposal

18. According to the Survey by Michael Cyr of Northern Maine Surveyors, dated May 27, 2016, the existing pit is comprised of three sections: a 3.6 acre section, a 9.5 acre section, and a 6.3 acre section.
 - a. The 3.6 acre and 9.5 acre sections are both located on Lot 20.11 and are both no longer being actively mined. A small portion of the 9.5 acre section is also located on an abutting lot not currently owned by the Respondent.
 - b. The 6.3 acre section is an expansion onto Lots 14 and 19 without prior permit approval. Approximately 1 acre has been reclaimed and 5.3 acres remains as an active gravel pit.

19. The applicant now seeks after-the-fact approval for 6.3 acres of mineral extraction on Lot 14 and 19 and amendment approval to expand the existing active pit area another 10.6 acres or up to 30 acres in total size, with no more than 15 acres unreclaimed at any time. The gravel extraction would be for road purposes. All mineral extraction activities would be set back at least 250 feet from all roads and property lines and 452 feet from Wildcat Brook, as shown on Plan dated May 27, 2016 submitted with the application. The active pit operation and the proposed future expansion of the pit are to be conducted in compliance with the standards for mineral extraction under the provisions of Section 10.27,C of the Commission's Land Use Districts and Standards, as discussed under Finding of Fact #35 below. In order to ensure that the standards are met, the applicant has agreed to mark the 250 foot setback limits from roads and property lines as well as the 30 acre size limit boundary for the pit expansion towards Wildcat Brook with 4 inch by 4 inch witness posts, spaced 100 feet apart. The top of the backslope of the pit is to remain within these boundary limits.
20. *Technical and Financial Capacity.* The applicant has retained a Professional Land Surveyor and a consultant with substantial experience in gravel pit operations and state and local permit requirements. The applicant has been in the gravel extraction business for more than 30 years. The applicant has submitted an Revocable Letter of Credit for \$70,250. This amount is based on the costs to reclaim the acreage associated with the Settlement Agreement and the approximately 10 acres of new pit. The applicant will self-fund any miscellaneous costs.
21. *Vehicular Circulation, Access and Parking.* The development is accessed by an existing road off of Frontier Road that has been in place for decades. Trucks will be able to drive around the pit area and no parking is needed for this project. The overall length of the road would be approximately 550 feet with a 22 foot wide travel surface. The average grade is less than 5% and there are no culverts or water crossings.
22. *Scenic Character, Natural and Historic Features.* The applicant states that the project will have minimal impact on scenic character. The lot is relatively flat and the pit will sit down into a hole. The Maine Natural Areas Program has stated that according to their current information, there are no rare botanical features that will be disturbed within the project site. The Maine Historic Preservation Commission has not submitted any concerns and there are not any known historic features within the project area.
23. *Noise and Lighting.* During operation, the applicant states that there will be routine noise, including back up alarms, from the front end loader and the dump trucks within the pit and along the access road. Noise will be reduced within the pit by the banks of the pit itself. No lighting is proposed for this project. The pit would be more than 250 feet from any public roads and residences.
24. *Surface Water Quality.* The gravel pit is proposed to be internally drained and the applicant does not anticipate any impacts to the St. Francis River, Wildcat Brook, and other waterbodies and wetlands. In addition, the access road will be designed to shed runoff into the pit area. The Maine Department of Inland Fisheries and Wildlife have recommended that proper sedimentation and erosion control measures be in place, particularly for any areas not internally drained.

25. *Erosion and Sedimentation Control.* The primary erosion and sedimentation control measure for the existing and proposed expanded pit area would be continued maintenance of the pit so that it drains internally. The access road would also be designed and graded to include swale turnouts that directs stormwater into the pit. Two existing culverts east of the proposed pit area would be protected with stone check dams, hay bales and silt fence as needed. Existing fields between the pit and waterbodies would provide 400-500 feet of buffer.
26. *Groundwater Quality.* The applicant proposes to extract down to an elevation 2 feet above groundwater of 287.5 feet. The applicant states that they will provide adequate protection to groundwater and notes that the site is remote and most, if not all, of dwellings in this area are on town water and sewer, which reduces the risk of well contamination. In order to prevent interception of groundwater, the applicant proposes to install a groundwater monitoring test pit, comprised of an open ended 24 inch diameter by 4 foot concrete ring, and a granite monument marking the proposed elevation for the floor of the pit.
27. *Reclamation Process.* Reclamation of the pit would be done as excavation is completed. No more than 15 acres of the pit would be actively extracted and/or unreclaimed at any given time. The perimeter pit face would be graded to a 2 to 1 slope or flatter. Stockpiled topsoil would be placed over the reclaimed area and the area would then be seeded and mulched. The general timeline for this project to be completed is approximately 5-10 years based on past demand for gravel and the remaining acres available for extraction.
28. *Spill Prevention and Control.* The applicant states that no fuel or other petroleum products would be stored on site and no refueling would be done on site. A temporary 6 foot by 6 foot storage shed would be located on site for housing a spill kit for dealing with any fuel or old spills from vehicle or equipment breakdowns in the pit. Used pads and other clean up materials would routinely be disposed of off site by an environmental company.
29. *Air quality.* No rock crushers would be operated within the pit area. Calcium Chloride Flake would be applied within the access road for dust control.
30. *Activities in Flood Prone Areas (P-FP).* The applicant's lot is located entirely within a (P-FP) Flood Prone Areas Protection Subdistrict. The applicant does not propose any encroachments, including fill, construction or other development within the floodway. Gravel extraction will result in a lower overall elevation of the site, and therefore, will not increase the water surface elevation of the base flood more than one foot at any point within the township.

Review Comments

31. The Maine Department of Inland Fisheries & Wildlife (MDIFW) has reviewed the application and has submitted the following comments:

Wildlife Considerations

Minimal impacts to wildlife are expected as a result of this proposed expansion; however, we request that after photos be sent to our Department following the two year replanting period to document the successful tree growth agreed upon as part of the mitigation agreement.

Fisheries Considerations

MDIFW's biggest concern with regard to fisheries is preventing erosion from the site to either the St. Francis River or Wildcat Brook. While the distances to each water body are large, such a large site can have erosion issues that result in siltation over long distances. We recommend that appropriate erosion and sedimentation control measures incorporated into the project are properly installed and maintained, especially for any areas not internally draining, to prevent any impacts to resources.

32. The Maine Department of Environmental Protection (MDEP) has reviewed the application and comments that overall, they do not have any concerns regarding their plans to expand the pit and is in agreement with the proposed groundwater monitoring and spill prevention plans. Since the adjacent homeowners are on Town water and the pit is located several hundred feet from the stream, they do not expect any impacts from a 2 foot separation distance from the water table. They recommend that they monitored groundwater levels to maintain a 2-foot separation as proposed.
33. The Maine Natural Areas Program has reviewed the application and comments that it has no record of rare or unique botanical features in the vicinity of the project site.

Relevant Review Criteria

34. Pursuant to Section 10.23,C,3,c,(11) of the Commission's Land Use Districts and Standards, mineral extraction operations affecting an area between 5 and 30 acres in size provided the unreclaimed area is less than 15 acres, for road purposes, requires a permit within the (P-FP) Flood Prone Area Protection Subdistrict.
35. Section 10.27,C(2) of the Commission's Land Use Districts and Standards specifies the standards for mineral extraction activities, including the following:
 - A. A 75-foot wide vegetative buffer strip be retained between the ground area disturbed by the extraction activity and any flowing water draining less than 50 square miles;
 - B. No portion of any ground area disturbed by the extraction activity shall be closer than 250 feet from any public roadway, or 250 feet from any property line in the absence of the prior written agreement of the owner of such property;
 - C. A natural vegetative screen of not less than 50 feet in width shall be retained from any facility intended primarily for public use, excluding privately owned roads; and
 - D. If any mineral extraction operation located within 250 feet of any property line or public roadway or facility intended primarily for public use, excluding privately owned roads, is to be terminated or suspended for a period of one year or more, the site shall be rehabilitated by grading the soil to a slope of 2 horizontal to 1 vertical, or flatter.
36. Section 10.25,C of the Commission's Land Use Districts and Standards specifies the standards for technical and financial capacity, including the requirements to retain qualified consultants and have adequate financial resources to construct and complete the proposed improvements.

37. Section 10.25,D of the Commission's Land Use Districts and Standards specifies the standards for vehicular circulation, access and parking, including access onto public roadways and standards for internal roadways.
38. Under the provisions of Section 10.25,E of the Commission's Land Use Districts and Standards, regarding scenic character:
 - a. The design of proposed development shall take into account the scenic character of the surrounding area. Structures shall be located, designed and landscaped to reasonably minimize their visual impact on the surrounding area, particularly when viewed from existing roadways or shorelines.
 - b. To the extent practicable, proposed structures and other visually intrusive development shall be placed in locations least likely to block or interrupt scenic views as seen from traveled ways, water bodies, or public property.
 - c. If a site includes a ridge elevated above surrounding areas, the design of the development shall preserve the natural character of the ridgeline.
39. Under the provisions of Section 10.25,F of the Commission's Land Use Districts and Standards, the maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any commercial, industrial and other non-residential development shall be 55 dB(A) 7:00 AM to 7:00 PM and 45 dB(A) from 7:00 PM to 7:00 AM in the P-FP subdistrict. Sound pressure levels shall be measured at all property boundary lines, at a height of at least 4 feet above the ground surface. The levels specified below may be exceeded by 10 dB(A) for a single period, no longer than 15 minutes per day. The following activities are exempt from these requirements: (1) Sounds emanating from construction-related activities conducted between 7:00 A.M. and 7:00 P.M.; (2) Sounds emanating from safety signals, warning devices, emergency pressure relief valves, and other emergency activities; and (3) Sounds emanating from traffic on roadways or other transportation facilities.
40. Under the provisions of Section 10.25,K of the Commission's Land Use Districts and Standards, regarding surface water quality: A development, or reasonably foreseeable consequences of a development, shall not directly discharge any water pollutants to a surface water body which cause the surface water body to fail to meet its state classification (38 M.R.S.A. §464 et seq.); which impart toxicity and cause a surface water body to be unsuitable for the existing and designated uses of the water body; or which otherwise would result in a violation of state or federal water quality laws. Appropriate best management practices of point and nonpoint sources of water pollutants shall be utilized, unless the Commission determines that alternative specifications will meet the needs of the activity and will cause no undue adverse impact to the surface water quality of the affected surface water body.
41. Section 10.25,M of the Commission's Land Use Districts and Standards specifies the standards for erosion and sedimentation control, including the requirement for an erosion and sedimentation control plan in accordance with Section 10.25,M,3 for development proposals that create an acre or more of disturbed areas; and inspections of the project in accordance with Section 10.25,M,4.

42. Under the provisions of Section 10.25,N of the Commission's Land Use Districts and Standards, regarding ground water quality, all subdivisions and commercial, industrial and other non-residential development:
 - A. Shall not pose an unreasonable risk that a discharge of pollutants to a groundwater aquifer will occur.
 - B. Shall not result in the groundwater quality becoming inferior to the physical, biological, chemical, and radiological levels for raw and untreated drinking water supply sources specified in the Maine State Drinking Water Regulations, pursuant to 22 M.R.S.A. §601. If the pre-development groundwater quality is inferior to the Maine State Drinking Water Regulations, the development shall not degrade the water quality any further.
43. Under the provisions of Section 10.25,O of the Commission's Land Use Districts and Standards, regarding air quality, all subdivisions and commercial, industrial and other non-residential development must comply with all State and Federal air quality laws and standards.
44. The facts are otherwise as represented in Development Permit DP Application 4201, Amendment Request A, and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The proposal complies with the Commission's standards for gravel extraction under the provisions of Section 10.27,C(2) of the Land Use Districts and Standards in that vegetative buffers and setbacks from St. Francis River, Wildcat Brook and Frontier Road would be maintained in accordance with that section, and the applicant's proposed reclamation plan complies with the sloping requirements for the upland area of the pit.
2. The proposal complies with the provisions of Section 10.25,C of the Commission's Land Use Districts and Standards regarding technical and financial capacity. The applicant has retained qualified professionals with significant experience in gravel extraction and land surveying. The applicant has signed a Letter of Credit demonstrating that he has the financial capacity to close out the project in accordance with the standards.
3. The proposal complies with the provisions of Section 10.25,D of the Commission's Land Use Districts and Standards regarding access in that the existing access has been in place for several decades and allows for safe entering and exiting from the Frontier Road and would be designed to meet the roadway standards.
4. The proposal complies with the provisions of Section 10.25,E of the Commission's Land Use Districts and Standards regarding scenic character, natural and historic features in that the location and elevation of the development will not alter the views in this area. There has been an existing gravel pit permitted in this area for decades and no natural and historic features are known to existing at this site.
5. The proposal complies with the provisions of Section 10.25,F of the Commission's Land Use Districts and Standards regarding noise in that the only sources of significant noise at

the site would be from trucks entering and exiting onto the roadway and the back up alarm on the trucks and front end loader.

6. The proposal complies with the provisions of Section 10.25,K of the Commission's Land Use Districts and Standards regarding surface water quality in that the existing and proposed development is at least 400 feet from the St. Francis River and Wildcat Brook and the applicant has proposed to design the pit to be internally drained.
7. The proposal complies with the provisions of Section 10.25,M of the Commission's Land Use Districts and Standards regarding erosion and sedimentation control in that the applicant's proposed erosion and sedimentation control plan and reclamation plan adequately addresses the requirements of Sections 10.25,M,3 and 4.
8. The proposal complies with the provisions of Section 10.25,N of the Commission's Land Use Districts and Standards regarding ground water quality in that it will not pose an unreasonable risk of polluting groundwater based upon the comments from the MDEP, and provided the applicant installs a monitoring test pit and elevation monument, does not refuel vehicles on site, and keeps a spill kit on site, as proposed.
9. The proposal complies with the provisions of Section 10.25,O of the Commission's Land Use Districts and Standards regarding air quality in that no rock crushing will occur in the pit and calcium chloride would be applied to the access road for dust control.
10. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

Therefore, the staff approves the application of Quebec, Inc. with the following conditions:

General

1. The Standard Conditions (ver. 4/04), a copy of which is attached.
2. The permitted mineral extraction activities must comply with the Commission's standards for mineral exploration and extraction, Section 10.27,C, a copy of which is attached.
3. No more than 15 acres shall remain open as the active pit area and/or as unreclaimed area at any given time.
4. Gravel extracted from the site must be used for road proposes only.
5. A minimum 250-foot wide vegetative buffer strip shall be maintained between the ground area disturbed by the permitted extraction activities and St. Francis River.
6. A minimum 75-foot wide vegetative buffer strip shall be maintained between the ground area disturbed by the permitted extraction activities and Wildcat Brook.
7. The boundaries of the permitted gravel pit expansion area (250 feet from public roads and property lines and the boundary of the expansion toward Wildcat Brook), shall be permanently marked with 4 inch by 4 inch posts spaced 100 feet apart and easily visible on the ground prior to expansion of the existing gravel pit footprint. The permittee shall notify

the Commission when the boundaries of the expansion area marked. Once in place, boundary markers, including blazed trees, shall not be removed or cut.

8. The applicant must submit a survey plan completed by a professional land surveyor annually to the Commission by December 31 of each year. The plan must show the location and size of the active gravel pit relative to waterbodies, roads and property boundary lines and the elevation of the floor of the pit.

Erosion, Sedimentation and Drainage Control

9. The permittee shall implement its erosion and sedimentation control plan as proposed in the application.
10. The pit shall be operated and managed so that it drains internally. All access roads shall be designed such that they drain into the pit.
11. All major erosion and sedimentation control structures, such as ditches, culverts, sediment traps, settling basins, and silt fences, must be installed prior to soil disturbance. Once implemented or put in place, erosion control devices and measures shall be maintained to ensure proper functioning.
12. Should any erosion or sedimentation occur outside of the permitted gravel pit foot print, the permittee shall contact the Land Use Planning Commission immediately, notifying it of the problem and describing all proposed corrective measures.
13. The permittee shall reclaim all extracted areas as proposed in the application.

Groundwater Monitoring

14. The permittee shall install a groundwater monitoring test pit consisting of a dug well and open-ended 24 inch diameter by 4 foot concrete ring. In addition, the applicant must install a granite monument marking the approved elevation (287.5 feet) of the floor of the existing pit. The test pit and monument must be designed and located as shown in the plans submitted on July 14, 2016, see attached.
15. The floor of the pit must maintain a separation of at least 2 feet above the seasonal groundwater table.

Equipment Refueling & Maintenance

16. No oil, fuel or chemical storage is allowed at the site. Fueling of mobile equipment shall occur off-site.
17. Normal maintenance and repair of mobile equipment including, but not limited to, the changing of coolants, hoses, lubricants, petroleum products and other chemicals shall be performed off site.
18. No batching plants or rock crushers are allowed at the site. Portable rock screens may be utilized. If motorized stationary equipment is utilized on site, an impervious pad or drip

pan, of sufficient volume to contain the maximum capacity of fluids contained within the motor and fuel tank, must be placed under the motor and fuel tank of the equipment.

19. Spill response kits must be labeled and kept on site as proposed by the permittee. The Maine Department of Environmental Protection 24-hour spill response number must be posted at the site. Should an oil or chemical spill occur, the permittee shall immediately notify the Maine Department of Environmental Protection at their 24-hour spill response number, and the Maine Land Use Planning Commission.

Transfer of Permitted Gravel Pit & Expansion Area

20. The permittee shall provide any potential buyers with a copy of this permit including its conditions of approval. Any future owners of the pit and expansion area must notify the Commission of their acquisition of the subject property within 30 days of the transfer, and must abide by the conditions of this permit.
21. Once the permitted extraction activities and reclamation are completed, the permitted shall submit a self-certification form, notifying the Commission that all conditions of approval of this permit have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of this permit.
22. All conditions of Development Permit DP 4201 are superseded by the conditions of this amendment.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittee complies with all of these conditions. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT ASHLAND, MAINE, THIS 25th DAY OF JULY, 2016.

By: 
for Nicholas Livesay, Executive Director



Parcel Reference List

- R1: Now or Formerly Rolande Trudel et als.
Tax Map AR-78 Plan 2 of 2 Tax Lot 13
- R2: Now or Formerly Alcide Gagnon
See Book 333 Page 446, Book 322 Page 278, Tax Lot 15, 16 & 18
- R3: Now or Formerly Rejean Morneau
See Book 814 Page 342, Tax Lot 20.2 & 20.3, Subject to Rights of Way
- R4: Now or Formerly The State of Maine
Book 381 Page 758 & Book 214 Page 369, Tax Lot 23 & 24, with Right of Way
- R5: Now or Formerly Alexis F. Cote
Book 1481 Page 188, Tax Lot 25, with Right of Way
- R6: Now or Formerly Acadian-Son, LLC
Book 1528 Page 273, Tax Lot 21, with Right of Way

Notes

- 1) Refer to "Plan Montrant L'etat des Lieux sur la propriete de Rejean Morneau" by Pelletier & Labrie (Arpentiers - Geometres) Dated November 23, 1992
- 2) Best Control for Existing Gravel Pit Right of Way - Calcium Chloride Piles
- 3) Mining Area Summary:
Area Reclaimed = 14.1 Acres
Active Gravel Pit Area = 5.3 Acres
Pit Expansion Area = 10.6 Acres
Total = 30 Acres



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Shed location, will be approx. 6'x6' with hooking door. Storage for spill kit supplies

Approx. location for granite monument

Monitoring Test Pit Location

*** Map Legend ***

- 3/8" Iron Pin & Cap Set By N.M.S.
- 1" Iron Pipe & Cap Set By N.M.S. (2007)
- Iron Pipe Found by N.M.S.
- Existing Centerline Gravel Pit Road
- Centerline Trail ±
- Int'l Boundary - Centerline St. Francis River ±
- Centerline Wildcat Brook ±
- Normal High Water Mark ±
- Survey Tie Line
- Edge Woods / Brush ±
- 250' Serback Line ±
- "Reclaimed Area" Perimeter ±
- Top of Berm to be Constructed at 693 Feet
- Proposed Locking Gate

Refer to Tax Map AR-78 Plan 2 of 2 Tax Lots 14, 19 & 20.11 For General Reference

Boundary Survey

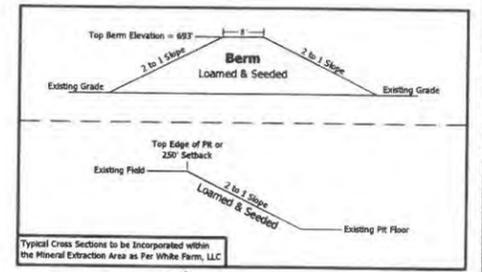
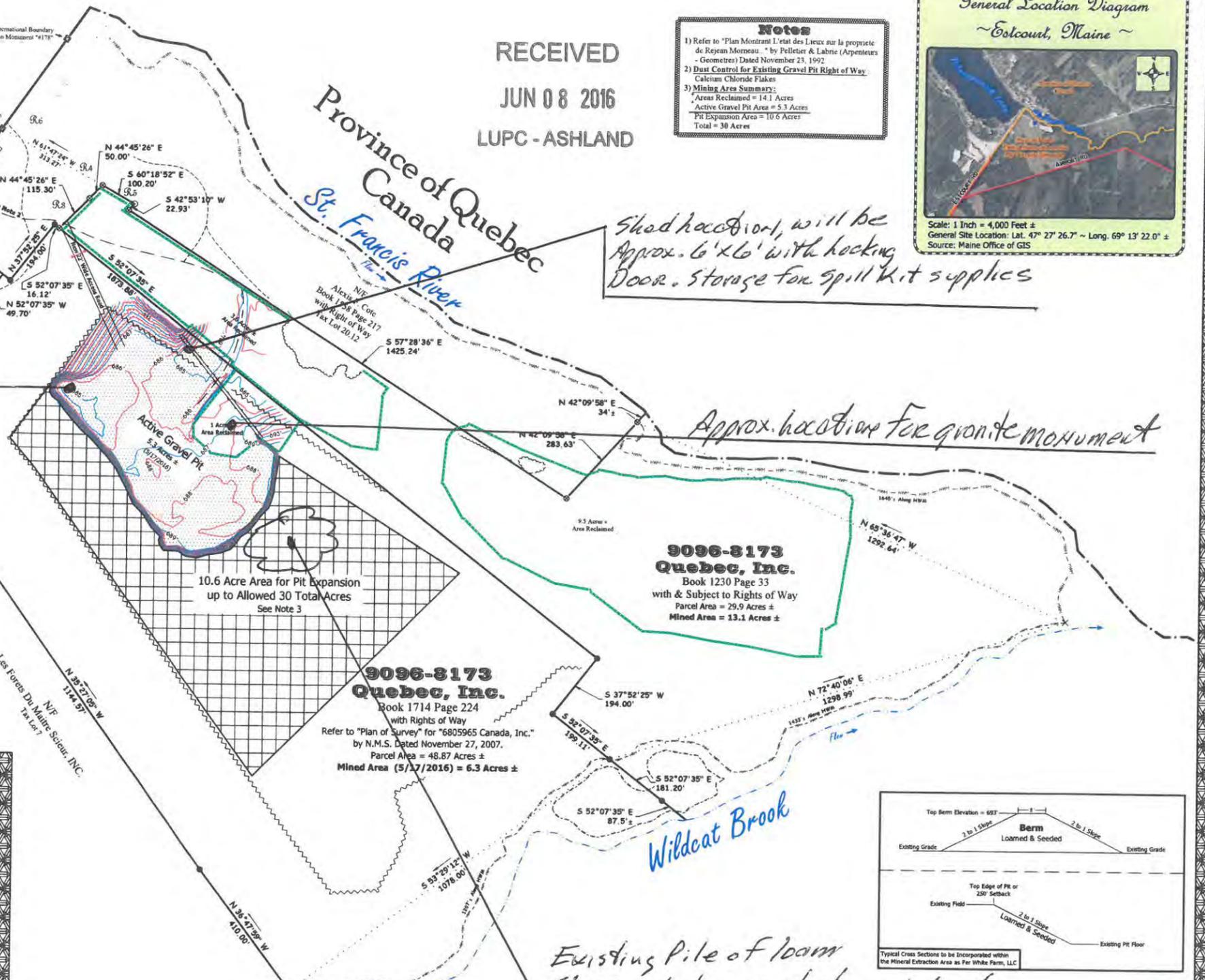
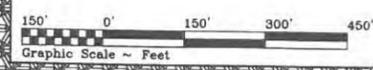
PREPARED FOR
9096-8173 Quebec, Inc.

Mailing Address: 1110 Principale, Pohenegamook, Quebec, Canada G0L 1J0

Showing Location, Definition and Monumentation of the Premises
Deeded in Book 1230 Page 33 & Book 1714 Page 224 of the
Northern Aroostook Registry of Deeds. Also Showing Proposed Expansion
of Existing Mineral Extraction Area with 1 Foot Contours of Current Area.
Being Part of Big Twenty Township in T-20 R-11 & R-12, W.E.L.S.,
Estcourt, Aroostook County, Maine
Scale: 1 Inch = 150 Feet Date: May 27, 2016

State of Maine
Aroostook SS. Registry of Deeds
Northern District

RECEIVED _____
AT _____ M _____ AND _____
RECORDED IN FILE NO. _____
ATTEST _____
REGISTRAR



Existing pile of loam shipping to be seeded & mulched

From The Office Of Northern Maine Surveyors
Michael P. Cyr ~ State of Maine ~ Professional Land Surveyor ~ No. 1255
165 Gagnon Road, Madawaska, Maine 04756 ~ Tel. & Fax: (207) 728-6028 ~ Email: MikeCyrNMS@gmail.com

For Review

Michael P. Cyr
P.L.S. #1255
Professional Land Surveyor

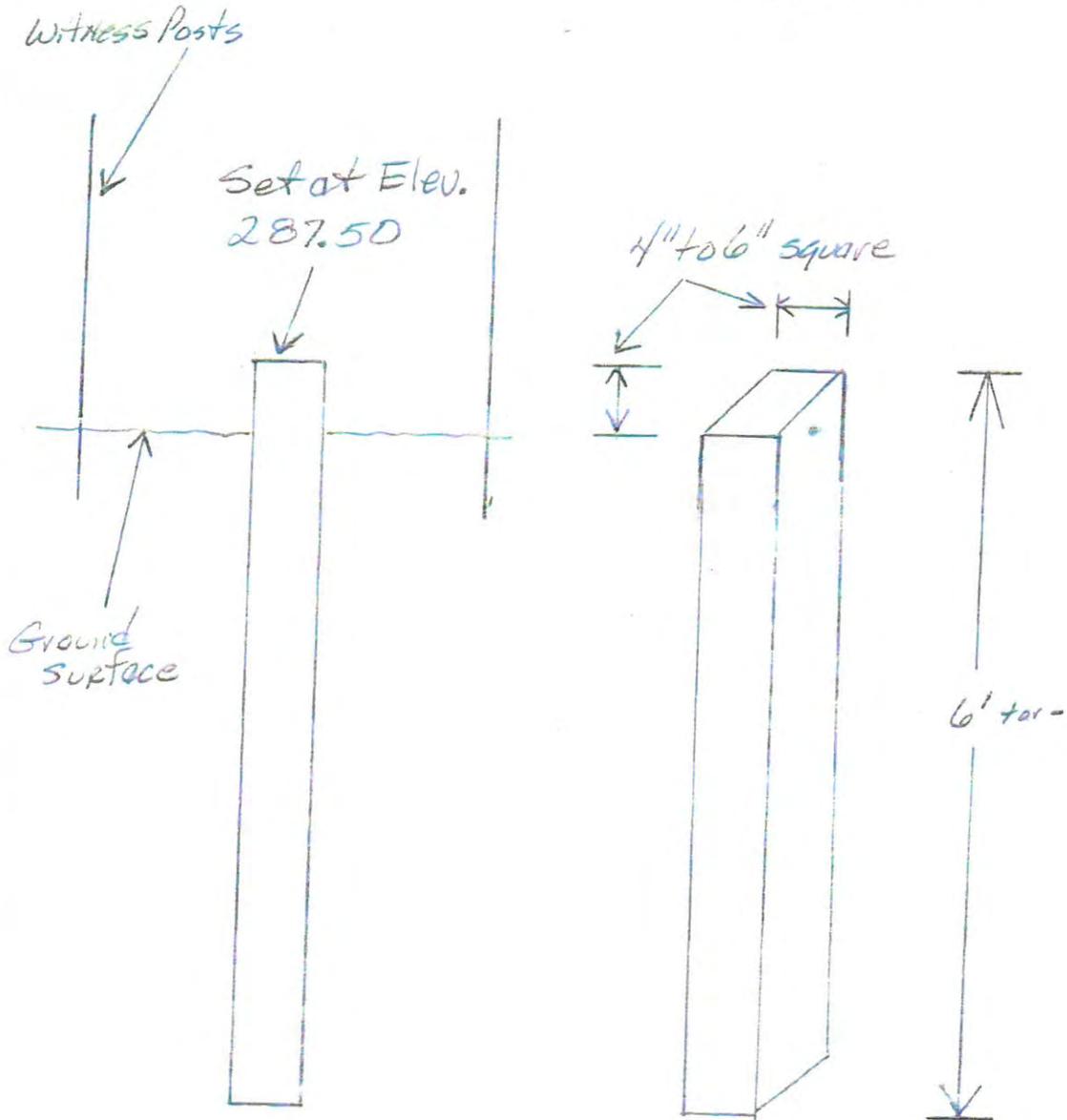
Quebec, Inc. 9096-8173 Estcourt Pit

Granite Elevation Marker for controlling
Pit Floor Elevation

RECEIVED

JUL 14 2016

LUPC - ASHLAND



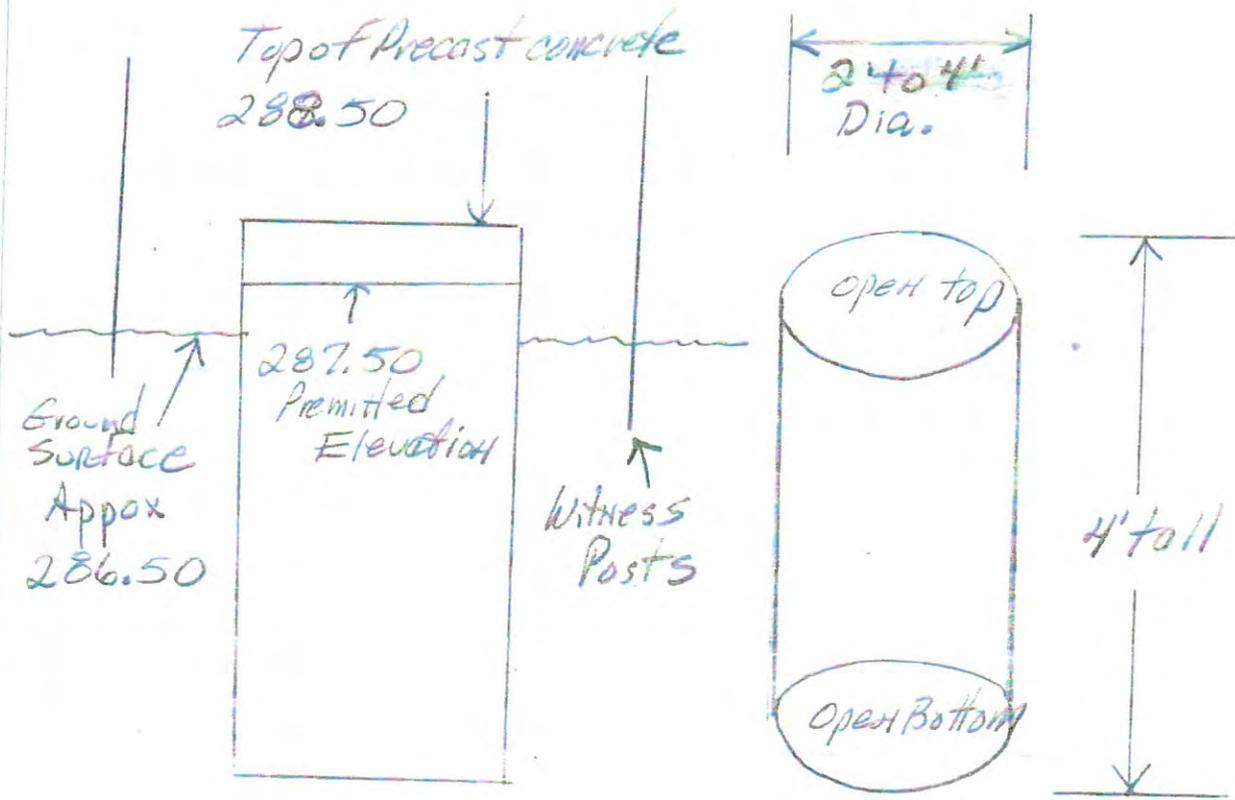
Not to scale

Quebec Inc. 9096-8173 Excavated Pit

Precast concrete ring used for ground water elevation monitoring.

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Excavate hole into pit Floor set to grades shown. This will allow of quick measurement of water elevation. Always measure up or down from top of ring to est. water elevation. Record date and elevation and file.





STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

STANDARD CONDITIONS OF APPROVAL
FOR ALL DEVELOPMENT PERMITS

1. The permit certificate must be posted in a visible location on your property during development of the site and construction of all structures approved by this permit.
2. This permit is dependent upon and limited to the proposal as set forth in the application and supporting documents, except as modified by the Commission in granting this permit. Any variation therefrom is subject to the prior review and approval of the Maine Land Use Planning Commission. Any variation from the application or the conditions of approval undertaken without approval of the Commission constitutes a violation of Land Use Planning Commission law.
3. Construction activities authorized in this permit must be substantially started within two (2) years of the effective date of this permit and substantially completed within five (5) years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
4. The recipient of this permit ("permittee") shall secure and comply with all applicable licenses, permits, and authorizations of all federal, state and local agencies including, but not limited to, natural resources protection and air and water pollution control regulations and the Subsurface Wastewater Disposal Rules of the Maine Department of Environmental Protection and the Maine Department of Human Services.
5. Setbacks of all structures, including accessory structures, from waterbodies, roads and property boundary lines must be as specified in conditions of the permit approval.
6. In the event the permittee should sell or lease this property, the buyer or lessee shall be provided a copy of the approved permit and advised of the conditions of approval. The new owner or lessee must contact the Land Use Planning Commission to have the permit transferred into his/her name and to reflect any changes proposed from the original application and permit approval.
7. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.
8. The permittee shall not advertise Land Use Planning Commission approval without first obtaining Commission approval for such advertising. Any such advertising shall refer to this permit only if it also notes that the permit is subject to conditions of approval.
9. Once construction is complete, the permittee shall notify the Commission that all requirements and conditions of approval have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of the application and the conditions of approval. Following notification of completion, the Commission's staff may arrange and conduct a compliance inspection.

Administrative Policy Revised 04/04

C. MINERAL EXPLORATION AND EXTRACTION

Mineral exploration and extraction activities not in conformance with the standards of this section may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of this section, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

The following requirements for mineral exploration and extraction activities shall apply in all subdistricts except as otherwise hereinafter provided:

1. **Mineral Exploration.** The following requirements shall apply to mineral exploration activities:
 - a. All excavations, including test pits and holes, shall be promptly capped, refilled or secured by other equally effective measures so as to reasonably restore disturbed areas and to protect the public health and safety.
 - b. Mineral exploration activities or associated access ways where the operation of machinery used in such activities results in the exposure of mineral soil, shall be located such that an unscarified filter strip of at least the width indicated below is retained between the exposed mineral soil and the normal high water mark of a flowing water, body of standing water, coastal wetland, or wetland identified as a P-WL1 subdistrict:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet Along Surface of the Ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

Table 10.27,C-1. Unscarified filter strip width requirements for exposed mineral soil created by mineral exploration activities or associated access ways.

The provisions of Section 10.27,C,1,b apply only on a face sloping toward the water, provided, however, no portion of such exposed mineral soil on a back face shall be closer than 25 feet; the provisions of Section 10.27,C,1,b do not apply where access ways cross such waters.

- c. Except when surface waters are frozen, access ways for mineral exploration activities shall not utilize flowing waters bordered by P-SL2 subdistricts except to cross the same by the shortest possible route; unless culverts or bridges are installed in accordance with Section 10.27,D,2 and 5, such crossings shall only use channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
- d. Access way approaches to flowing waters shall be located and designed so as to divert water runoff from the way in order to prevent such runoff from directly entering the stream.

- e. In addition to the foregoing minimum requirements, when conducting mineral exploration activities and creating and maintaining associated access ways, provision shall be made to effectively stabilize all area of disturbed soil so as to reasonably avoid soil erosion and sedimentation of surface waters. These measures shall include seeding and mulching if necessary to insure effective stabilization.
- 2. Mineral Extraction.** The following requirements shall apply to mineral extraction activities in all subdistricts:
- a. A vegetative buffer strip shall be retained between the ground area disturbed by the extraction activity and:
 - (1) 75 feet of the normal high water mark of any body of standing water less than 10 acres in size, any flowing water draining less than 50 square miles, coastal wetland, or wetland identified as a P-WL1 subdistrict; and
 - (2) 100 feet of the normal high water mark of any body of standing water 10 acres or greater in size or flowing water draining 50 square miles or more.
 - b. No portion of any ground area disturbed by the extraction activity shall be closer than 250 feet from any public roadway, or 250 feet from any property line in the absence of the prior written agreement of the owner of such property.
 - c. Within 250 feet of any water body the extraction area shall be protected from soil erosion by ditches, sedimentation basins, dikes, dams, or such other control devices which are effective in preventing sediments from being eroded or deposited into such water body.

Any such control device shall be deemed part of the extraction area for the purposes of Section 10.27,C,2,a, above;
 - d. A natural vegetative screen of not less than 50 feet in width shall be retained from any facility intended primarily for public use, excluding privately owned roads; and
 - e. If any mineral extraction operation located within 250 feet of any property line or public roadway or facility intended primarily for public use, excluding privately owned roads, is to be terminated or suspended for a period of one year or more, the site shall be rehabilitated by grading the soil to a slope of 2 horizontal to 1 vertical, or flatter.