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GOVERNOR

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

WALTER E. WHITCOMB  
COMMISSIONER

NICHOLAS D. LIVESAY  
EXECUTIVE DIRECTOR

# PERMIT

## AMENDMENT C TO DEVELOPMENT PERMIT DP 4575

The staff of the Maine Land Use Planning Commission (LUPC or Commission), after reviewing the application and supporting documents submitted by the Maine Department of Transportation (MDOT or Applicant) for Amendment C to Development Permit DP 4575, finds the following facts:

1. *Applicant.* Maine Department of Transportation  
Attn: Robert Holbrook  
PO Box 817  
Dixfield, Maine 04224
2. *Date of Completed Application.* December 05, 2014
3. *Location of Proposal.* Dallas Plantation, Franklin County, Maine  
Maine Revenue Service Map FRP02; Plan 04; Lot 14  
Franklin County Registry of Deeds Book 390, Page 489
4. *Lot Size.* 4.83 Acres
5. *Zoning.* Extended Settlement Development Subdistrict (D-ES)  
Flood Prone Protection Subdistrict (P-FP) by Virtue of Section 10.23,C,2 of the  
Commission's *Land Use Districts and Standards* (Standards)
6. *Current Development.* Existing Equipment Maintenance Garage (40 ft. by 110 ft.)  
Existing Equipment Maintenance Garage (50 ft. by 50 ft.)  
Existing Cold Storage Shed (40 ft. by 60 ft.)  
Existing Salt Storage Building (30 ft. by 40 ft.)  
Existing Sand/Salt Stockpile  
Existing 2,000 Gallon Underground Fuel Storage Tank  
Existing Fuel Dispensing Pumps  
Existing 2,500 Gallon Floor Drain Holding Tank  
Existing Combined Sewage Disposal System  
Proposed Sand-Salt Storage Shed (60 ft. by 140 ft.)

7. *Affected Waterbody.* Gull Pond Stream - Gull Pond Stream is a minor flowing water draining less than 50 square miles, and flows along approximately 700 feet of the Applicant's property boundary line.
8. Public works facilities may be allowed within a D-ES subdistrict upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-B, subject to the applicable requirements set forth in Sub-Chapter III (*Ch. 10.21,B,3,c,(13)*).
9. *Dimensional Requirements.* The minimum setbacks for non-residential principal and accessory structures include: 100 feet from the nearest shoreline of a flowing water draining less than 50 square miles and wetlands designated as P-WL1 wetlands of special significance (such as Gull Pond Stream and some of its associated wetlands); 75 feet from the traveled portion of the nearest roadway (such as State Route 16); and 25 feet from other property boundary lines (*Ch. 10.26,D*).
10. *Buffering standards.* All principal and accessory buildings in the D-ES subdistrict shall be visually screened by a 75 foot roadway, 15 foot property line and 50 foot subdistrict boundary vegetative buffer made up of native trees and shrubs except as provided in *Ch. 10.25,B,2,c. (Ch. 10.25,B,2)*. Exception to the buffering requirement is allowed on existing development where extensive clearing already exists as of January 1, 2001 (*Ch. 10.25,B,2,c,(2)*).
11. The Applicant's lot was historically developed with a pre-Commission MDOT public works facility including a 40 foot by 110 foot equipment maintenance garage, a 24 foot by 36 foot storage shed, a 30 foot by 40 foot salt storage building, a 12 foot by 14 foot shed, an 8 foot by 8 foot shed, sand/salt stockpile, fuel storage tank(s) and dispensing facilities, and a combined sewage disposal system.
12. Development Permit DP 4575, issued to MDOT on May 25, 2001, authorized the installation of a 2,500 gallon, double walled, fiberglass holding tank to collect flow from the floor drains in the equipment storage building.
13. Amendment A to Development Permit DP 4575, issued to MDOT on June 23, 2005, authorized the construction of a 40 foot by 60 foot cold storage shed, an 8 foot by 10 foot shed and a 50 foot by 55 foot addition to the existing equipment maintenance garage, and the relocation of the 8 foot by 8 foot shed.
14. Amendment B to Development Permit DP 4575, issued to MDOT on August 29, 2007, authorized the construction of a new 50 foot by 50 foot two bay the equipment maintenance garage
15. Reference Finding of Fact #6 for structures currently remaining on the Applicant's lot.
16. The Applicant now proposes to construct a 60 foot wide by 140 foot deep by 30 feet high sand-salt storage shed. The shed would be surrounded by two, 10 foot side and a 30 foot front asphalt pad. The structure would be set back at least 530 feet from Gull Pond, 197 feet from Gull Pond Stream, 380 feet from State Route 16, and 133 feet from the nearest property boundary line. The structure and asphalt would be located outside the Federal Emergency Management Agency's (FEMA) Zone A.

17. Extensive clearing exists on the lot which was in existence prior to January 1, 2001; however, the rear property boundary line is buffered by existing vegetation. The Applicants proposes to maintain the required 15 foot rear property boundary line vegetation buffer.
18. The Applicant states that development will be conducted and maintained in compliance with the Maine Department of Transportation's Best Management Practices for Erosion and Sedimentation Control, version February 2008.
19. The Town of Dallas Plantation reviewed the proposal and state that the plantation had no issues or concerns regarding the sand and storage building.
20. The Maine Department of Environmental Protection's Bureau of Land and Water Quality reviewed the proposal in relation to its sand and salt pile program's regulations and stated that the proposal at the existing location would not need a license or permit and should be all set in regards to Chapter 574, *Siting and Operation of Road Salt and Sand-Salt Storage Areas*.
21. The facts are otherwise as represented in the application for Development Permit DP 4575, supporting documents, and subsequent amendment requests and amendment documents.

**Based upon the above Findings, the Commission Concludes that 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.**

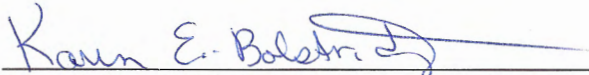
**Therefore, the staff approves the amendment request of the Maine Department of Transportation with the following Conditions:**

1. The *Standard Conditions of Approval for All Development Permits*, version 04/04, a copy of which is attached.
2. The enclosed permit certificate must be posted in a visible location on your property immediate after receipt and during development of the site and construction of the structures and activities approve by this permit.
3. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all erosion and sedimentation control devices (including ditches, culverts, sediment traps, settling basins, hay bales, silt fences, etc.) have been installed and stabilized. Once in place, such devices shall be maintained to ensure proper functioning. All temporary sedimentation and erosion control devices shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively implemented. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.
4. The permittee shall secure and comply with all applicable licenses, permits, authorizations, and requirements of all federal, state, and local agencies including, but not limited, to natural resource protection and air and water pollution control regulations of the Maine Department of Environmental Protection Regulations.

5. The proposed sand-salt storage shed shall be registered, sited, constructed and maintained in compliance with any applicable standards of the Maine Department of Environmental Protection's Chapter 574 – *Siting and Operations of Road Salt and Sand-salt Storage Areas*.
6. The authorized structure must be set back a minimum of 100 feet from the normal high water mark of Gull Pond Stream and outside the FEMA Zone A, whichever setback is greater, 75 feet from the traveled portion (edge) of State Route 16, and 25 feet from other property boundary lines. The permittee shall retain and maintain a 15 foot rear property line vegetative buffer made up of native trees and shrubs.
7. To protect the water quality of Gull Pond Stream and Haley Pond, the proposal's underdrain and any other development component, and reasonably foreseeable consequence of any development, shall not directly discharge any water pollutants to any wetland associated with Gull Pond Stream, Gull Pond Stream, or Haley Pond which would: cause the surface waterbody to fail to meet its state classification (38 M.R.S. § 464 et seq.); impart toxicity and cause a wetland associated with Gull Pond Stream, Gull Pond Stream, or Haley Pond to be unsuitable for its existing and designated uses; and otherwise result in a violation of state or federal water quality laws.
8. All exterior lighting must be located and installed so as to illuminate only the target area to the extent possible. Exterior lighting must not produce a strong, dazzling light or reflection beyond lot lines onto neighboring properties, water bodies, or roadway so as to impair driver vision or to create nuisance conditions.
9. Once construction is complete, the permittee 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.
10. All Conditions of Development Permit DP 4575, Amendment A to Development Permit DP 4575, and Amendment B to Development Permit DP 4575 associated with the public works facilities shall remain in effect except as altered by 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 permittees comply with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. 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 BANGOR, MAINE, THIS 10<sup>TH</sup> DAY OF DECEMBER, 2014.

By:   
for Nicholas D. Livesay, Executive Director



**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*