STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
191 MAIN STREET
EAST MILLINOCKET, MAINE 04430

PAUL R. LEPAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

DEVELOPMENT PERMIT DP 4956

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by The Lane Construction Corporation for Development Permit DP 4956, finds the following facts:

1. Applicant: The Lane Construction Corporation
   Attn: Eugene Weldon, Environmental Manager
   953 Odlin Road
   Bangor, ME 04401

2. Property Owner: Gardner Land Company, Inc.
   P.O. Box 189
   Lincoln, ME 04457

3. Date of Completed Application: May 9, 2010

4. Location of Proposal: T2 R8 NWP, Penobscot County
   Lot #17 on Plan 02 (owned by Gardner Land Company, Inc.)

5. Zoning: (M-GN) General Management Subdistrict

6. Proposed Development: Temporary placement and operation of the following equipment:

PLANT UNIT	WEIGHT(LBS)	LENGTH	HEIGHT	WIDTH	AXLES
cold feed bins	34,600	62' - 0"	13' - 6"	10' - 0"	2
incline scale conveyor & Screen Deck	18,200	52' - 0"	legal	8' - 0"	1
drum	105,400	76' - 0"	legal	11' - 0"	4
rap system	52,180	62' - 0"	14' - 0"	legal	2
Drag Slat & NEG. WEIGH Silo		57' - 0"	14' - 0"	11' - 11"	3
control trailer	25,300	legal	legal	legal	1
a/c tank	61,500	67' - 8"	13' - 0"	11' - 1"	2
baghouse	57,480	48' - 0"	14' - 4"	11' - 11"	2
Parts Trailer					
gen-set					
waste oil tank	36,300	50' - 0"	14' - 0"	11' - 5"	2

Proposal

7. The applicant seeks approval to operate a portable hot mix asphalt batch plant at an existing gravel pit located in T2 R8 NWP. The operation would be set back at least 1,000 feet from Mattamiscontis Stream, at least 75 feet from Interstate 95 Access Road (so called), and at least 25 feet from other property boundary lines.

8. Operations are proposed to continue from May 27, 2014 through approximately October 1, 2014. Proposed hours of operation would generally be from 5:00 a.m. to 7:30 p.m. Occasional night-time operation may be required. The applicant proposes to monitor noise levels in order to demonstrate compliance with the Commission's maximum permissible sound pressure levels and will notify the Commission if night work will be required.

9. The applicant has submitted a Spill Prevention Control and Countermeasure Plan (SPCC) for Portable Drum Plant #32 prepared by a licensed professional engineer for the proposed hot mix asphalt plant. All fuel-containing equipment is either double-wall contained or has been fitted with spill containment provisions as specified in the applicant's Spill Prevention Control and Countermeasures Plan.

10. The hot mix asphalt plant owned and operated by the applicant operates under the Maine Department of Environmental Protection Air Emission License #A-166-71-M-R/A (SM), issued June 17, 2009 and valid through June 17, 2014.

Existing Uses and Resources

12. The area surrounding the gravel pit is primarily undeveloped commercial forestland. Mattamiscontis Stream is located approximately 1,000 feet from the gravel pit. Three (3) seasonal camps on leased lots are located on the property and within 1 mile of the proposed plant location.

Agency Review Comments

13. The Maine Natural Areas Program reviewed the application and searched the Natural Areas Program's Biological and Conservation Data System files for rare or botanical features in the vicinity of the proposal. No rare or botanical features were identified at the proposal site.

14. The Army Corps of Engineers has reviewed the application and states that a Department of the Army permit is not required and no further action is required by the Corps.

15. The Maine Historic Preservation Commission has reviewed the application and states that no historic properties will be affected by the proposal.

16. The Maine Department of Environmental Protection has evaluated the applicant's proposal to withdraw between 3,500 and 7,000 gallons of water per day from Mattamiscontis Stream to be used for dust control and stated that the withdrawl from the proposed site will have an incalculable small impact on the water quantity of the stream, not much different than a fire company withdrawing water from a dry hydrant.

17. The Maine Department of Inland Fisheries and Wildlife has reviewed the application and stated that since the proposed withdrawl of water does not represent an adverse impact to water flows in Mattamiscontis Stream, the Department has no wildlife or fisheries concerns with the proposed project.

18. The State Soil Scientist has reviewed the application and stated that he has no objections to the subject application since no site work or soil disturbance is proposed and an excellent spill prevention/cleanup plan has been proposed.

Review Criteria

19. Under provisions of Section 10.22,A,3,c,(12) of the Commission's Land Use Districts and Standards, portable mineral processing equipment is an allowed use in the (M-GN) General Management Subdistrict upon issuance of a permit.

20. The facts are otherwise as represented in Development Permit DP 4956 and supporting documents.

Based upon the above Findings, the staff 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.A.

Therefore, the staff approves the application from The Lane Construction Corporation for the temporary placement and operation of a portable hot mix asphalt plant in T2 R8 NWP as proposed with the following conditions:

1. The Standard Conditions for Development Permits (ver. 04/04), a copy of which is attached.

2. The permitted period of operations of trucks and equipment at the pit shall be 5:00 a.m. to 9:00 p.m., Monday through Sunday. Operations must cease by October 15, 2014. At that time, all equipment and the containment structures must be removed from the site. Operation of the hot mix plant at this site (after permit expiration) or at other sites within the Commission's jurisdiction shall require prior Commission inspection and/or amendment approval. The soils in temporary containment structures must be tested for diesel range and gasoline range petroleum contamination prior to plant shutdown. All wastes including petroleum-contaminated soils and water must be managed off-site in accordance with applicable state and federal laws and regulations.

3. All equipment and structures must be set back at least 75 feet from all roads and at least 25 feet from all other property boundary lines.

4. The permitted plant shall operate in accordance with the "Spill Prevention, Control and Countermeasure Plan for The Lane Construction Corporation Portable Drum Plant #32 submitted by the applicant.

5. All fuel storage tanks used in conjunction with the portable hot mix asphalt plants must be double-walled tanks. No filling of fuel tanks shall take place without the job foreman being alerted. An attendant must be within an arm's reach of refueling controls during refueling. A minimum of five feet of earthen material must be maintained between the equipment and the groundwater level.

6. All equipment must be checked daily for fluid leaks and mechanical defects and a log of the checks maintained for Commission review. Additionally, equipment to remain within the pit overnight shall be checked at the end of the workday for any evidence of leaks.

7. Absorbent pads and other such oil and chemical cleanup equipment must be maintained on site. All employees must be aware of the location and proper use of all hazardous material cleanup devices.

8. Should any fluid spills occur during facility operations, the permittee shall take immediate action to correct the situation and mitigate potential impacts, and shall contact the Commission and the Maine Department of Environmental Protection, immediately notifying each agency of the problem and describing all proposed corrective measures.

9. The permittee shall comply with all applicable state and federal environmental laws and associated permits, including Maine Department of Environmental Protection Air Emission License #A-166-71-M-R/A (SM) as amended.

10. The permittee shall maintain periodic sound measurements during plant operations as measured at 4 feet above ground surface at the nearest property boundary, including leased properties. Sound deflecting measures shall be used as needed to maintain sound pressure levels at or below 55 dB(A) at property boundaries between 7:00 a.m. and 7:00 p.m. Sound pressure levels shall not exceed 45 dB(A) after 7:00 p.m. and before 7:00 a.m. These levels may be exceed by 10 dB(A) for a single period no longer than 15 minutes per day. The permittee shall notify the Commission if night-time work will be performed.

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. 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 EAST MILLINOCKET, MAINE, THIS 22nd DAY OF MAY 2014.

By: _____
for Nicholas D. Livesay, Executive Director

STATE OF MAINE
DEPARTMENT OF CONSERVATION
MAINE LAND USE REGULATION 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 Regulation Commission. Any variation from the application or the conditions of approval undertaken without approval of the Commission constitutes a violation of Land Use Regulation 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 Regulation 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 Regulation 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.