PERMIT

AMENDMENT B TO
DEVELOPMENT PERMIT DP 3664

The Maine Land Use Planning Commission (Commission), through its staff, after reviewing the application and supporting documents submitted by the Maine Department of Transportation (Applicant or Permittee) for Amendment B to Development Permit DP 3664, finds the following facts:

1. **Applicant:** Maine Department of Transportation
   Attn: Robert Holbrook
   932 US Route 2 East
   Wilton, ME 04294

2. **Date of Completed Application:** May 16, 2019

3. **Location:** Taunton & Raynham Academy Grant, Somerset County
   Maine Revenue Service Map SO031, Plan 02, Lot 28

4. **Zoning:** Commercial Industrial Development Subdistrict (D-CI)
   General Management Subdistrict (M-GN)

5. **Lot Size:** 2.66 acres as referenced in the Somerset County Registry of Deeds as Book 753, Page 206 (2.56 zoned as D-CI for the Maintenance Lot); 9.9 acres as referenced in the Somerset County Registry of Deeds as Book 1147, Page 18

6. **Development:** Garage, Circa 1960 (50 ft. by 65 ft. and 8 ft. by 22 ft.)
   Salt Storage Building, Circa 1960 (30 ft. by 40 ft.)
   Sand/Salt Storage Building, Circa 1985 (60 ft. by 80 ft.)

**Background and Proposal**

7. The Applicant’s lot is accessed from Route 6/15 and is developed with a garage, a salt storage building, and a sand/salt storage building. Approximately 2.56 acres of the 2.66 acre lot described in the Somerset County Registry of Deeds as Book 753, Page 206 is in the Commercial Industrial Development Subdistrict (D-CI) for the development of the Maine Department of Transportation (MDOT) highway maintenance lot. The 2.66 acre lot is merged for tax purposes.
with an approximate 9.9 acre lot described in Somerset County Registry of Deeds as Book 1147, Page 18. The remaining property on the merged lots is primarily composed of undisturbed forestland.

8. On March 21, 1985, the Commission corrected a location error in the 2.66 acre lot described in the Somerset County Registry of Deeds in Book 753, Page 206, and rezoned 2.56 acres of the lot. The 2.66 acre pre-Commission lot was historically identified by the MDOT to be located in Rockwood Strip Twp. T1R1 NBKP, and at that time the maintenance lot was zoned by the Commission as General Development Subdistrict (D-GN). It was later determined that the 2.66 acre lot was in fact located in Taunton & Raynham Academy Grant. The Commission determined that due to the size and use of the maintenance lot the most appropriate zoning would be to a Commercial Industrial Development Subdistrict (D-CI) for the portion of the lot being used as a maintenance lot, and on March 21, 1985, 2.56 acres was rezoned from a General Management Subdistrict (M-GN) to a Commercial Industrial Development Subdistrict (D-CI). The 2.66 acre lot is contiguous with a 9.9 acre lot owned by the Maine Department of Transportation, and both lots are referenced on Maine Revenue Service Map SO031, Plan 02 as Lot 28.

9. On March 21, 1985, Development Permit DP 3664 was issued for the construction of the 60 ft. by 80 ft. pole barn type structure for sand/salt storage at the maintenance lot. The new building was needed to eliminate contamination to groundwater caused by the existing methods for storing sand/salt on this site. The Maine Department of Environmental Protection (MDEP) conditionally approved the proposed structure to remedy problems associated with the uncovered sand/salt storage operation. MDEP required all sand/salt mixing and storage to be undertaken within the proposed new building.

10. On January 4, 1987, the Commission’s staff issued a Certificate of Compliance for the sand/salt storage facility approved pursuant to Development Permit DP 3664. MDOT submitted groundwater monitoring data, which indicated a trend of decreasing groundwater contamination levels. MDOT indicated that monitoring would continue as needed.

11. On May 24, 2017, Commission staff issued Amendment A to Development Permit DP 3664 for the proposed demolition of the previously approved sand/salt storage building and construction of a new 60 ft. by 60 ft. Quonset style sand/salt storage building. The new structure would be located on the same footprint as the previously authorized structure after it is removed and will be set back a minimum of 75 feet from the traveled portion of the road and at least 25 feet from all property boundary lines. The proposed structure would be constructed on a slab with frost walls, and the new structure would be setback approximately 42 feet from the adjacent wetlands. The applicant proposed to utilize silt fencing, erosion control berms and hay mulch to prevent erosion and sedimentation to the adjacent wetland area.

12. On May 16, 2019, the Applicant submitted a request for an amendment to the permit for the same proposal as was permitted under Amendment A to Development Permit DP 3664. The Applicant requests additional approval of the project because there was a delay in contractor selection which in turn caused the project to not get substantially started within two years.
13. The original review comments from MDEP during the original review period will remain in place. MDEP reviewed the application and offered the following recommendations. All sand/salt mixing must be done within the storage building and tracked materials must be controlled as soon as possible after use during a storm event. The applicant must notify MDEP when the building is complete and notify them when any salt and/or sand/salt is moved into the building, so their registration can be updated. MDEP recommended approval of the proposed replacement building.

Relevant Review Criteria

14. According to Chapter 10, section 10.21A,3,c(2) commercial and industrial uses may be allowed within Commercial Industrial Development (D-CI) Subdistricts upon issuance of a permit from the Commission pursuant to Title 12 §685-B, and subject to the applicable requirements set forth in Sub-Chapter III.

15. According to Chapter 10, section 10.24,C the Commission may not approve an application unless adequate provision has been made for fitting the proposal harmoniously into the existing natural environment in order to assure there will be no undue adverse impact on existing uses, scenic character, and natural and historic resources in the area likely to be affected by the proposal.

16. According to Chapter 10, section 10.26,A,2 of the Commission's Land Use Districts and Standards; the minimum lot size required for commercial, industrial, and other non-residential uses involving one or more buildings is 40,000 square feet.

17. According to Chapter 10, section 10.26,D,2 of the Commission's Land Use Districts and Standards; the minimum setbacks for commercial structures, including parking areas is 75 feet from the traveled portion of the nearest roadway and 25 feet from the side and rear property lines.

18. According to Chapter 10, section 10.26,E,4 of the Commission's Land Use Districts and Standards; for lots in a D-CI Subdistrict that are not within 250 feet of a major flowing water body or body of standing water 10 acres or greater in size, the maximum lot coverage shall be 50% for all uses involving one or more buildings. Coverage shall be calculated by determining the percent of the lot covered by all structures including paved driveways, sidewalks, parking lots and other impervious structures.

19. The facts are otherwise as represented in Development Permit Application DP 3446, subsequent amendments, and supporting documents.

Based upon the above findings of facts, the Commission, through its staff, concludes that if carried out in compliance with the conditions of approval below the proposal will meet the criteria for approval, 12 M.R.S. § 685-B(4) of the Commission’s statutes and the applicable provisions of the Commission’s Land Use Districts and Standards.

Therefore, the Commission, through its staff, approves the application for Amendment B to Development Permit DP 3664 submitted by the Maine Department of Transportation with the following conditions:
1. At least one week prior to commencing the permitted activities, the Permittee, or the designated agent acting on behalf of the Permittee, must contact the Commission staff and notify them of the estimated date construction work will start. Notice may be provided in writing, in person, by email, or by calling. If you leave or send a message, please include your full name, telephone number, permit number, and the date the work will start.

2. Prior to commencing the permitted activities, the Permittee, or the designated agent acting on behalf of the Permittee, must provide a copy of this permit, including its attached conditions of approval, to contractors that will be performing work or will be responsible for work at the site.

3. The enclosed permit certificate must be posted in a visible location on your property immediately after receipt and during development of the site and construction of the structures and activities approved by this permit.

4. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 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.

5. The authorized reconstructed sand/salt storage building shall be constructed within the 2.56 acre portion of the lot zoned as Commercial Industrial Development Subdistrict and shall be set back a minimum of 75 feet from the traveled portion (edge) of the local access road(s) and at least 25 feet from property boundary lines.

6. 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.

7. Upon completion of the sand/salt storage building and prior to placing any salt and/or sand/salt into the building the permittee must notify the Maine Department of Environmental Protection, Bureau of Water Quality, Division of Water Quality Management, Underground Injection Control/Sand and Salt Program.

8. 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.

9. The permittee shall secure and comply with all other applicable licenses, permits, authorizations and monitoring requirements of all federal, state and local agencies.

10. 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.
11. All conditions of Development Permit DP 3664 and Amendment A to Development Permit DP 3664 shall remain in effect, except as specifically modified by this permit.

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 20TH DAY OF MAY, 2019.

By: _________________________________
    Jean A. Flannery

for Nicholas D. Livesay, Executive Director
Taunton & Raynham Academy Grant
Plan 01, Lot 16
SEE FILE NO. 13-181
FOR MAINT. GARAGE

ROCKWOOD
TAUNTON - RAYNHAM

STATE OF MAINE
2.66 ACRES
(Mount Kineo Inc.)
SAND BOX

LOT #55342

LEDGE (WET)

SEE FILE NO. 13-152A 1984

JNT KINEO INC.

RECEIVED
MAY 16 2019
LUFQ - DOWNEAST