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GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
P.O. Box 307
WEST FARMINGTON, MAINE 04992

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

ROAD CONSTRUCTION PERMIT RP 3290

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Nestle Waters North America Inc. and the U.S. Dept. of the Navy for Road Construction Permit RP 3290, finds the following facts:

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|----------------|---|---|
| 1. Applicants: | Nestle Waters North America Inc.
Attn: Thomas Brennan
123 Preservation Way
Poland Spring, ME 04274 | U.S. Dept. of the Navy
Attn: Cdr. J.D. Herrin, CEC, USN
NAVFAC PWD-Maine
Portsmouth Naval Shipyard
Bldg. 59, Fl. 2
Portsmouth, NH 04804-5000 |
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| Agents: | Wright-Pierce
Attn: Jeffrey D. Preble, PE
11 Bowdoin Mill Island, Suite 140
Topsham, ME 04086 | Carol Eaton, PE
Portsmouth Naval Shipyard
Bldg. 59, Fl. 2
Portsmouth, NH 04804-5000 |
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2. Date of Completed Application: July 25, 2018
3. Location of Proposal: Dallas Plantation, Franklin County
Dallas Plantation Tax Map 01, Lot #2
4. Zoning: (P-FP) Flood Prone Area Protection Subdistrict
(by virtue of FIRM for Dallas Plantation revised 2/23/00)

Background Information

5. Redington Road extends from State Route #16 in Dallas Plantation to the U.S. Dept. of Navy's (hereinafter "Navy") Survival, Evasion, Resistance and Escape Training Facility in Redington Township. The first 0.8 miles of the Redington Road from State Route #16 is owned by Dallas Plantation. The remainder of the road is owned by the Navy. Nestle Waters North America Inc. (hereinafter "Nestle Waters") operates a commercial water withdrawal facility along Redington Road in Dallas Plantation, permitted under Development Permit DP



4721 and amendments. The permitted development includes, among other items, a pumping station (the "loadout building") located along Redington Road.

Proposal & Site Conditions:

6. The applicants propose to upgrade portions of the Redington Road from State Route #16 to Nestle Waters' loadout building so as to improve year-round access to this building. The overall project includes work on 12,400 linear feet of Redington Road, with approximately 1,950 linear feet of the proposed road project located within a 100-year frequency flood hazard area (Zone A) as delineated by the Federal Emergency Management Agency (FEMA). The proposed road work is as shown on site plans, dated October 2, 2017 by Nestle Waters' agent. The proposed road work over the entire length of the project includes installing 6 inches of base material on the road and overlaying the base material with 6 inches of pavement, installing guard rails, and installing riprap. All proposed road work would be within the existing road right-of-way. The overall road project would be located within a (M-GN) General Management Subdistrict, a (P-FW) Fish and Wildlife Protection Subdistrict, a (P-AR) Aquifer Protection Subdistrict, (P-WL) Wetland Protection Subdistricts, (P-SL) Shoreland Protection Subdistricts, and (P-FP) Flood Prone Area Protection Subdistricts. Nestle Waters has entered into an agreement with Dallas Plantation that allows Nestle Waters to improve and pave the section of Redington Road that is owned by the Plantation

Two sections of the road project would be within designated flood hazard areas. One section of the road project extends from State Route #16 to approximately Sta. 5+50 on the submitted site plan with this flood hazard area associated with the South Branch of the Dead River. Approximately 320 linear feet of this section, from State Route #16 to approximately Sta. 4+50 would be within the regulatory floodway of the South Branch of the Dead River. The other section of the road project in the flood hazard area extends from approximately Sta. 108+50 to Sta. 123+00 at Nestle Waters' loadout building with the flood hazard area being associated with Redington Stream. Approximately 600 linear feet of this section from Sta. 111+50 to Sta. 117+50 is within the regulatory floodway of Redington Stream.

The portions of the road project within the flood hazard area would be limited to excavating the existing road surface down 12 inches then adding the base material and pavement. No guard rails or riprap are proposed for these sections of the road. The applicants seek permit approval for the sections of the proposed road project located within the FEMA designated Zone A flood hazard areas.

7. The applicants have submitted a letter from Professional Engineer Jeffrey Preble certifying that, based on his technical evaluation, the proposed road work within the flood hazard areas associated with the South Branch of the Dead River and Redington Stream will not raise the 100 year flood elevation given that the finish grades in most of the two road sections within the flood hazard areas will be at or below existing grade and that there is a net cut in these areas.
8. It is anticipated that the proposed road improvements would be done in the summer and fall of 2018, from the date of permit approval to October 15. Silt fencing would be installed between the work areas and the river or stream prior to start of construction activities. Road

ditches would be protected with the installation of erosion control matting and stone check dams as needed. All stockpiles of fill would be located at least 100 feet from water bodies. Erosion control details are provided on sheet no. 3500-C-13 as revised 3/15/18 of the application, including provisions for vegetatively stabilizing areas of disturbed soils and over-winter protection if needed.

Review Criteria

9. Section 10.02(103) of the Commission's Land Use Districts and Standards defines level A road projects as reconstruction within existing rights-of-way of public or private roads other than land management roads, and of railroads, excepting bridge replacements. Examples of such activities include, without limitation, culvert replacements, resurfacing, ditching, and bridge repair. When there is no existing layout of right-of-way, the right-of-way should be assumed to extend 33 feet on either side of the existing centerline.
10. Under the provisions of Section 10.23,C,2 of the Commission's Land Use Districts and Standards, areas identified by FEMA as areas of special flood hazard (Zones A, AE, A1-30, VE) on Flood Insurance Rate Maps, Flood Boundary and Floodway Maps or Flood Hazard Boundary Maps for townships, plantations, or towns qualify as flood prone areas appropriate for protection within the (P-FP) Flood Prone Area Protection Subdistrict. The FEMA zones shall be regulated according to the provisions of the P-FP subdistrict.
11. Under the provisions of Section 10.23,C,3,c(14) of the Commission's Land Use Districts and Standards, Level A road projects are an allowed use within the (P-FP) Flood Prone Area Protection Subdistrict upon issuance of a permit from the Commission.
12. Under the provisions of Sections 10.22,A,3,b(13); 10.23,B,3,b(7); 10.23,D,3,b(4); 10.23,L,3,b(4); and 10.23,N,3,b(9) of the Commission's Land Use Districts and Standards, Level A road projects are an allowed use without a permit subject to standards within the the (M-GN) General Management Subdistrict, (P-AR) Aquifer Protection Subdistrict, (P-FW) Fish and Wildlife Protection Subdistrict, (P-SL) Shoreland Protection Subdistrict, and (P-WL) Wetland Protection Subdistrict respectively.
13. Section 10.27,D of the Commission's Land Use Districts and Standards specifies standards for the construction and maintenance of roads and water crossings within all development subdistricts, and certain protection subdistricts, including the (P-FP) Flood Prone Area Protection, (P-SL) Shoreland Protection and (P-WL) Wetland Protection Subdistricts.
14. Section 10.25,T of the Commission's Land Use Districts and Standards specifies standards for development in flood prone areas, including areas of special flood hazard as identified by FEMA. Under the provisions of Section 10.25,T,2,k(3), the regulatory floodway in a Zone A special flood hazard area adjacent to a flowing water is determined to extend to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain. Under the provisions of Section 10.25,T,2,k, fill shall not be permitted in a floodway unless a technical evaluation by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development will not increase

the water surface elevation of the base flood more than one foot at any point within the township, plantation, or town.

Review Agency Comments

15. The Maine Natural Areas Program comments that it has no records of rare or unique botanical features within the project site.
16. The Maine Department of Inland Fisheries & Wildlife comments that it anticipates minimal impact to its jurisdictional resources as long as construction Best Management Practices are implemented.
17. The Maine State Soil Scientist states that he has no objections to the proposal as long as standard erosion and sedimentation control measures are implemented.
18. The facts are otherwise as represented in Road Construction Permit Application RP 3290 and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The proposal is a Level A road project under the provisions of Section 10.02(103) of the Commission's Land Use Districts and Standards.
2. The portions of the Level A road project located outside of the FEMA designated flood hazard areas are allowed without a permit under the provisions of Sections 10.22,A,3,b(13); 10.23,B,3,b(7); 10.23,D,3,b(4); 10.23,L,3,b(4); and 10.23,N,3,b(9) of the Commission's Land Use Districts and Standards provided that these portions are constructed in accordance with the applicable Commission standards.
3. The portions of the Level A road project located within the FEMA designated flood hazard areas for the South Branch of the Dead River and Redington Stream require a permit from the Commission under the provisions of Section 10.23,C,3,c(14) of the Commission's Land Use Districts and Standards.
4. The proposal complies with the provisions of Section 10.25,T of the Commission's Land Use Districts and Standards regarding development in flood prone areas, based on Mr. Preble's letter as discussed under Finding of Fact #7 above.
5. 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 Nestle Waters North America Inc. and the U.S. Dept. of the Navy with the following conditions:

1. The Standard Conditions for Road Construction Permits (ver. 10/84), a copy of which is attached.

2. The permittees shall implement the erosion and sedimentation control measures as proposed in their application. Erosion control devices must be in place prior to commencement of construction. Once implemented or put in place, erosion control devices and measures shall be maintained to ensure proper functioning. Temporary erosion control devices shall be removed upon successful permanent stabilization of the project site. In areas where revegetation is not initially successful, additional measures to control erosion and sedimentation and to permanently revegetate the site shall be undertaken as often as necessary to be effective.
3. During construction, the permittees shall take reasonable precautions to avoid siltation and overland storm water flows. Methods used may include, but are not limited to, the use of mulch to temporarily stabilize exposed soil, cessation of construction activities during inclement weather and installation of water turnouts, water bars, and any other measures which may prove necessary.
4. All operations must be stopped where the continuation of such operations will cause or contribute to the occurrence of accelerated erosion or concentrated overland storm water flows, or the sedimentation of surface waters, whether such occurrence is precipitated by wet weather, the failure of water control measures, or other factors. Adequate steps must immediately be taken to stop any accelerated erosion or sedimentation of surface waters and to correct the situation which led to such occurrence.
5. If water control measures beyond those specified herein prove to be necessary in order to reasonably avoid accelerated erosion or sedimentation of surface waters, such additional measures must be employed.
6. Stockpiles of fill and other materials must be located at least 100 feet from all water bodies.
7. Construction activities authorized in this permit must be substantially started within two years of date of issue and substantially completed within five years from date of issuance of this permit. If such construction activities are not begun 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.

This permit is approved only upon the above stated conditions and remains valid only if the permittees comply 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 WEST FARMINGTON, MAINE, THIS 27TH DAY OF AUGUST, 2018.

By: 
for Nicholas Livesay, Director



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

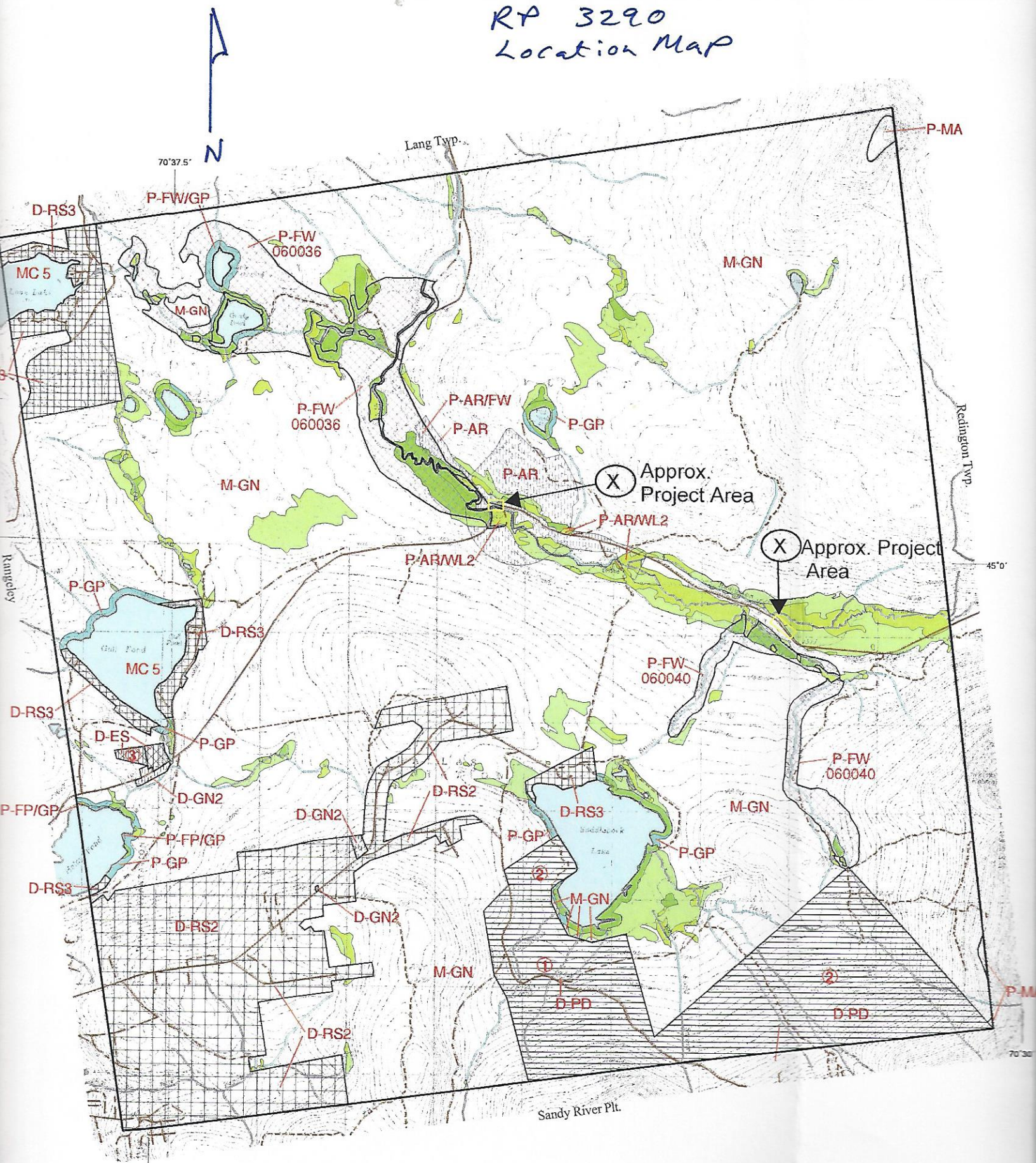
ADMINISTRATIVE POLICY:

**STANDARD CONDITIONS OF APPROVAL TO BE ATTACHED
TO ALL BRIDGE AND ROAD CONSTRUCTION PERMITS:**

1. Your permit is limited to the proposal as set forth in the application and as modified by these and any other specified conditions of approval. All changes are subject to the review and approval of the Commission. Any change for the application or the conditions of approval without the review and approval of the commission constitutes a violation of the Land Use Planning Commission law.
2. You must obtain and comply with all applicable licenses, permits, and authorizations of all federal, state and local agencies, with particular regard to the water pollution regulations of the Maine Department of Environmental Protection, the Department of Inland Fisheries and Wildlife and the Maine Department of Human Services.
3. The scenic character of the area of the project covered by this permit must be maintained. The area must be kept free of litter, trash, junk cars, and any other obvious eyesores or unsanitary deposits.
4. Once construction is complete, you must notify the Commission that the requirements and conditions of approval have been met. You must submit all information requested by the Commission demonstrating compliance with the terms and application and all the conditions of approval. Following notification of completion, the Commission's Staff may arrange and conduct a Compliance Inspection.
5. All roads and water crossings must be located, constructed and maintained in conformance with Section 10.27,D of the commission's Land Use Districts and Standards, except as provided by conditions of your permit approval.
6. Whenever practicable, crossing of water courses should be constructed during periods of low water, normally July and August. It is especially important the construction of crossings of water courses be avoided between October 1 and November 30 on trout and salmon waters or their tributaries.
7. Construction activities permitted in this permit must be substantially started within two years of date of issue and substantially completed within five years from date of issuance of this permit. If such construction activities are not begun 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.

Administrative Policy Revised 4/04

RP 3290 Location Map



1 inch = 4590 feet

