



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

MEMORANDUM

TO: Susan Lessard, Board Chair of the Board of Environmental Protection
Jack Dafoe, Assistant Attorney General

FROM: Robert Wood, Bureau of Land Resources
Mark Stebbins, Field Services Director, Bureau of Land Resources

SUBJECT: ADMINISTRATIVE CONSENT AGREEMENT, Worcester Holdings, LLC

DATE: February 28, 2024

Statute and Rule Reference:

Site Location of Development Act, 38 M.R.S. § 483-A(1)

“A person may not construct or cause to be constructed or operate or cause to be operated or, in the case of a subdivision, sell or lease, offer for sale or lease or cause to be sold or leased any development of state or regional significance that may substantially affect the environment without first having obtained approval for this construction, operation, lease or sale from the department.”

Erosion and Sedimentation Control Law, 38 M.R.S. § 420-C

“A person who conducts, or causes to be conducted, an activity that involves filling, displacing or exposing soil or other earthen materials shall take measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource as defined in section 480-B. Erosion control measures must be in place before the activity begins. Measures must remain in place and functional until the site is permanently stabilized. Adequate and timely temporary and permanent stabilization measures must be taken and the site must be maintained to prevent unreasonable erosion and sedimentation.”

Location: 466 Centerville Road, Columbia Falls, Washington County, Maine

Violator: Worcester Holdings, LLC

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
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PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

Description: In 2019, Worcester Holdings, LLC (“Worcester Holdings”) constructed the first 20 cabins in the Flagpole View Cabins Development. Worcester Holdings constructed the remaining 32 cabins and restaurant over the next three years. At various times, Worcester Holdings has used the cabins to provide worker housing. Since 2022, Worcester Holdings has also seasonally rented the cabins through its website, flagpoleviewcabins.com, at rates of \$169 to \$229, depending on cabin type. Worcester Holdings used the restaurant building as a worker cafeteria in 2021 and opened it to the public as a takeout restaurant in 2022. At some point during the construction period, Worcester Holdings also built new roads on the site and expanded existing access roads.

On July 13, 2022, Department staff conducted an inspection of the Flagpole View Cabins Development based on a complaint about an unpermitted development. Based on that inspection, the Department determined that the Flagpole View Cabins Development encompassed more than three acres that had been stripped, graded, and not revegetated, and that there were no erosion and sedimentation controls in place at the site. The Department also determined that Worcester had not applied for, and the Department had not issued, a permit for the Flagpole View Cabins Development.

On July 15, 2022, the Department issued a Notice of Violation to Worcester Holdings for violations of the *Site Location of Development Act*, 38 M.R.S. § 483-A(1) and the *Erosion and Sedimentation Control Law*, 38 M.R.S. § 420-C. On September 14, 2022, the Department held a pre-application meeting with WBRC, the consulting firm representing Worcester Holdings, to discuss permitting issues associated with the Flagpole View Cabins Development, including potential impact to vernal pools and upland sand piper habitat. On August 17, 2023, Department staff observed a sign outside of the property advertising the site’s continuing unpermitted operation. The matter was referred to the Attorney General’s Office on August 24, 2023. By constructing or causing to be constructed buildings, parking lots, roads, and other areas that caused the Flagpole View Cabins Development to occupy greater than 3 acres that have been stripped, graded, and not revegetated within one calendar year without first obtaining a permit, Worcester Holdings violated the *Site Location of Development Act*, 38 M.R.S. § 483-A(1).

By conducting or causing to be conducted an activity that involves the filling, displacing or exposing of soil or other earthen materials without first installing erosion control measures and ensuring that such measures remain in place and functional until the site is permanently stabilized or by allowing unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource, Worcester Holdings violated the *Erosion and Sedimentation Control Law*, 38 M.R.S. § 420-C.

Environmental Issues: Water quality can be affected by large disturbed, non-vegetated areas without properly engineered stormwater controls in place. These sites may discharge soil material into a protected natural resource having a potentially detrimental effect on the aquatic life of that system. Stormwater may also carry pollutants such as hydrocarbons and nutrients such as phosphorus which can negatively impact water quality.

Staff Recommendation: The Department recommends acceptance of this Administrative Consent Agreement as proposed stipulating a monetary penalty of two hundred and fifty thousand dollars (\$250,000.00) and the requirement that Worcester Holdings file an after-the-fact permit for the unpermitted activities by March 1, 2024.

Estimated Presentation Time: 20 Minutes

Is the agreement subject to 30-day public comment pursuant to 38 M.R.S. § 347-A(6)?

Yes No

POSTED FOR 30-DAY PUBLIC COMMENT:

Enforcement Coordinator: _____ Posting Date: _____ Expires: _____

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