

# ***Baldwin Planning Board***

## ***Meeting Minutes***

March 22, 2018

### **I. Call to order**

Jo Pierce called to order the regular meeting of the Baldwin Planning Board at 7:00 PM on March 22, 2018 at the Baldwin Town Hall.

### **II. Roll call**

Jo Pierce conducted a roll call. The following persons were present: Planning Board members Jo Pierce, Fred Miner, Nichol Ernst and Matt Fricker; Selectmen Jim Dolloff and Dwight Warren; CEO Wes Sunderland.

### **III. Approval of minutes from last meeting**

Matt Fricker read the minutes from the March 8, 2018 meeting. The minutes were unanimously approved as read.

### **IV. Open issues**

- a) Baldwin Historical Society – Chadbourne House CUP - The Baldwin Historical Society has applied for a Conditional Use Permit to convert the Chadbourne Homestead at 6 School Street, East Baldwin, Map 001, Lot 34 into the headquarters for the Baldwin Historical Society. The buildings and grounds will serve as a location for the Historical Society's offices, a historical and genealogical library, public museum, storage facilities, community events and gatherings, etc. The draft CUP is attached.
  - The Planning Board will hold a Public Hearing for the Baldwin Historical Society – Chadbourne House CUP on Thursday April 26 at 7pm at the Town Office. Abutter notification letters need to be sent out, and a public notice needs to be published in Your Weekly Shopping Guide.
- b) Shoreland Zoning Ordinance - Based on the outcome of the Town Meeting on 3/10/2018 with the approval of Article 71 (Shoreland Ordinance) the newly revised Shoreland Zoning Ordinance was approved by the Town of Baldwin. Now it needs to be sent to Mike Morse Maine DEP Portland office for his review and comment after which Baldwin will receive a new ME DEP Order approving the Shoreland Zoning Ordinance as well as advising whether it is subject to any conditions. This ordinance is pretty close to the state model – so

few, if any, conditions are expected. The SLZO does not have to go back to the voters after receipt of the ME DEP Order.

- c) Nature's Wilderness - The extended snow has slowed some of the survey effort out at the campground site so Gerry Brown (POA for Scott Efron) and Jeff Amos, PE Terradyn Consultants, were unable to attend the 3/22 Planning Board as expected. Jeff emailed some information for distribution to the Planning Board (email and materials attached).
- Jeff Amos asked MDEP for some past projects that would be similar to Nature's Wilderness Campground. They came up with the attached project, M&S Properties, LLC, a 230-lot recreational vehicle and campground resort.
  - In the email Jeff also indicated his support for the idea of retaining Lee Jay Feldman from Southern Maine Regional Planning Commission (<http://www.smrpc.org/>) to assist with the review of the Nature's Wilderness CUP. Lee Jay would work for the Town of Baldwin to help interpret the ordinances, review application completeness & generally assist the Town in its review, and particularly to help the Baldwin Planning Board assess the potential impact of Nature's Wilderness on Town resources. The applicant typically pays for SMRPC's service.
    - To move forward with retaining any expert consulting resource, the Planning Board would require a letter from Gerry Brown at Nature's Wilderness indicating that they will pay for the services of the consultant. It is premature at this time to reach out to any consultant – the Planning Board needs to receive a completed CUP prior to determining what expert consulting resources might be needed.
  - Jeff Amos indicated in the email that Nature's Wilderness expects to be at the April 26th PB meeting with a full application. The PB requires that it receive 7 copies of all materials 10 business days in advance of a meeting.

## V. Adjournment

Jo Pierce adjourned the meeting at 7:25 PM.

Minutes submitted by: Matt Fricker.

## Matthew D Fricker

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**From:** Jeff Amos <jeff@terradynconsultants.com>  
**Sent:** Thursday, March 22, 2018 4:46 PM  
**To:** Stickmanfrick  
**Subject:** FW: Request from Baldwin Planning Board - Campground  
**Attachments:** M&SPropertiesL27068ANBN.pdf

Hi Matt,

Unfortunately the extended snow has slowed some of the survey effort out at the campground site so we wont be coming to tonight's planning board meeting, but I met with Wes earlier today and he suggested that I email some information to you that can be given to the rest of the board.

I'd asked MDEP for some past projects that would be similar to Nature's Wilderness Campground. They came up with the attached project. As with any project like this, its all public record so the Baldwin board should be able to get copies of whatever they wanted. Perhaps some of you could reach out to the Greenville planning board to see what type of issues that found.

Also, I wanted to follow up on something mentioned by your chairman. He mentioned the possibility of bringing Southern Maine Regional Planning Commission (<http://www.smrpc.org/>) to assist with the review. I'd like to support this idea. I've seen them in action in Hollis & Parsonsfield and was impressed by how thorough Lee Jay Feldman was. Lee Jay would work for the Town of Baldwin to interpret the ordinances, review application completeness & generally assist the Town in its review. The applicant typically pays for SMRPC's service. I think there's a lot of emotion surrounding this project (and rightfully so), but I think that SMRPC would be a good neutral party & they'd be value added. I think it makes sense to bring SMRPC into the project immediately. Do you think you could discuss this with the rest of the board?

As an fyi, I'll be on vacation during your next meeting, so I expect to be there on the April 26<sup>th</sup> meeting with a full application.

Let me know if you have any questions.

Jeff Amos, P.E.

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**From:** Sirois, Alison [mailto:Alison.Sirois@maine.gov]  
**Sent:** Thursday, March 22, 2018 8:19 AM  
**To:** Jeff Amos <jeff@terradynconsultants.com>  
**Subject:** FW: Request from Baldwin Planning Board - Campground

Hi Jeff,

We just approved this one in Greenville, the agent contact would was Boyd Snowden: [boydsnowden@gmail.com](mailto:boydsnowden@gmail.com). Here is the Site Law permit that is available to the public.

Alison Sirois  
Licensing & Compliance Manager, Southern Maine Region  
Bureau of Land Resources, Maine Department of Environmental Protection  
Tel 207.699.7028 Fax 207.822.6303





DEPARTMENT ORDER

IN THE MATTER OF

M & S PROPERTIES, LLC	) SITE LOCATION OF DEVELOPMENT ACT
Greenville, Piscataquis County	) NATURAL RESOURCES PROTECTION ACT
RV RESORT/CAMPGROUND	) FRESHWATER WETLAND IMPACTS
L-27068-28-A-N (approval)	) WATER QUALITY CERTIFICATION
L-27068-TC-B-N (approval)	) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S. §§ 481–489-E and §§ 480-A–480-JJ, Section 401 of the Federal Water Pollution Control Act (33 U. S. C. § 1341), and Chapters 310, 375, and 500 of Department rules, the Department of Environmental Protection has considered the application of M & S PROPERTIES, LLC with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. Summary: The applicant proposes to develop a 230-lot recreational vehicle and campground resort which will include campsites, bath/shower houses, swimming pool facilities, 6 cabins, roadways and parking. The development will create approximately 32.8 acres of developed area of which 12.24 acres will be impervious area, all as shown on a set of plans the first of which is entitled “Existing Conditions Plan,” prepared by Boyd Snowden, and dated July 10, 2017, with a last revision date of January 24, 2018. The development will be constructed in phases. The first portion will include 108 lots, roadways, parking and a shower building. The project site is located on East Road in the Town of Greenville.

The applicant is also seeking approval under the Natural Resources Protection Act to impact 14,010 square feet of freshwater forested wetlands.

B. Current Use of Site: The site of the proposed project is currently undeveloped fields, woodlands and a manmade pond. There are two structures on the property. The parcels are identified as Lots 2 and 28 on Map 18 of the Town of Greenville’s tax maps.

2. FINANCIAL CAPACITY:

The total cost of the project for Phase 1 is estimated to be \$328,000. The applicant submitted a letter from Bangor Savings Bank, dated March 23, 2017 indicating that it intends to provide financing for \$240,000 and a letter from Farm Credit East stating the applicant has \$240,000 of available funds. Prior to the start of construction on Phase 2 or any subsequent phases, the applicant must submit evidence that it has been granted a line of credit or a loan by a financial institution authorized to do business in this State or evidence of any other form of financial assurance determined by Department Rules,

Chapter 373(1), to be adequate to the Bureau of Land Resources (BLR) for review and approval.

The Department finds that the applicant has demonstrated adequate financial capacity to comply with Department standards provided that the applicant submits additional information prior to the start of Phase 2 or subsequent phases.

3. TECHNICAL ABILITY:

The applicant provided resume information for key persons involved with the project and a list of projects successfully constructed by the applicant. The applicant also retained the services of Snowden Consulting Engineers, a professional engineering firm, to assist in the design and engineering of the project.

The Department finds that the applicant has demonstrated adequate technical ability to comply with Department standards.

4. NOISE:

The applicant must comply with the construction noise limits in Chapter 375 of the Department Rules if construction takes place between 7 p.m. and 7 a.m. The Department finds that no other regulated sources of noise have been identified.

5. SCENIC CHARACTER:

The development has been designed to fit harmoniously into the surrounding environment. The design includes leaving much of the frontage along East Road in its current state. The applicant has planned the resort maintaining as many natural wooded areas as possible.

Based on the project's location and design, the Department finds that the proposed project will not have an unreasonable adverse effect on the scenic character of the surrounding area.

6. WILDLIFE AND FISHERIES:

The Maine Department of Inland Fisheries and Wildlife (MDIFW) reviewed the proposed project. In its comments, MDIFW stated that it found no records of any Essential or Significant Wildlife Habitats, or other wildlife habitats of special concern associated with this site. No fisheries concerns were identified.

The Department finds that the applicant has made adequate provision for the protection of wildlife and fisheries.

7. HISTORIC SITES AND UNUSUAL NATURAL AREAS:

The Maine Historic Preservation Commission reviewed the proposed project and stated that it will have no effect upon any structure or site of historic, architectural, or archaeological significance as defined by the National Historic Preservation Act of 1966.

The Maine Natural Areas Program database does not contain any records documenting the existence of rare or unique botanical features on the project site and, as discussed in Finding 6, MDIFW did not identify any unusual wildlife habitats located on the project site.

The Department finds that the proposed development will not have an adverse effect on the preservation of any historic sites or unusual natural areas either on or near the development site.

8. BUFFER STRIPS:

The applicant is proposing to use seven roadside forested buffers to treat stormwater runoff from the project. Prior to the start of each Phase of the project, the location of the forested, limited disturbance buffers must be permanently marked on the ground. The applicant shall execute and record all required deed restrictions, including the appropriate buffer deed restrictions, within 60 days of the date of this Order for Phase 1 and prior to construction on Phase 2 or any subsequent phase. The applicant shall submit a copy of the recorded deed restriction, including the plot plan, to the BLR within 60 days of its recording.

The Department finds that the applicant has made adequate provision for buffer strips provided the applicant submits the required deed restrictions.

9. SOILS:

The applicant submitted a soil survey map and report based on the soils found at the project site. This report was prepared by a certified soils scientist and reviewed by staff from the Division of Environmental Assessment (DEA) of the Bureau of Water Quality (BWQ). DEA also reviewed a Blasting Plan submitted by the applicant and outlining the proposed procedures for blasting. If a rock crusher is being utilized on site, the applicant must insure that the crusher is licensed by the Department's Bureau of Air Quality and is being operated in accordance with that license.

The Department finds that, based on this report and Blasting Plan, and DEA's review, the soils on the project site present no limitations to the proposed project that cannot be overcome through standard engineering practices.

10. STORMWATER MANAGEMENT:

The proposed project includes approximately 32.8 acres of developed area of which 12.24 acres is impervious area. It lies within the watersheds of Sebec Lake and Moosehead Lake. The applicant submitted a stormwater management plan based on the Basic, Phosphorus, and Flooding standards contained in Chapter 500 Stormwater Management rules (06-096 C.M.R. ch. 500, effective August 12, 2015). The proposed stormwater management system consists of 33 Biorention cells, 9 underdrained soil filters, 7 forested roadside buffers and 2 level spreaders.

A. Basic Standards:

(1) Erosion and Sedimentation Control: The applicant submitted an Erosion and Sedimentation Control Plan (Section 14 of the application) that is based on the performance standards contained in Appendix A of Chapter 500 and the Best Management Practices outlined in the Maine Erosion and Sediment Control BMPs, which were developed by the Department. This plan and plan sheets containing erosion control details were reviewed by, and revised in response to the comments of, the BLR.

Erosion control details will be included on the final construction plans and the erosion control narrative will be included in the project specifications to be provided to the construction contractor.

(2) Inspection and Maintenance: The applicant submitted a maintenance plan that addresses both short and long-term maintenance requirements. The maintenance plan is based on the standards contained in Appendix B of Chapter 500. This plan was reviewed by, and revised in response to the comments of, BLR. The applicant will be responsible for the maintenance of all common facilities including the stormwater management system. The maintenance plan was reviewed by, and revised in response to the comments of, the BLR.

(3) Housekeeping: The proposed project will comply with the performance standards outlined in Appendix C of Chapter 500.

Based on BLR's review of the erosion and sedimentation control plan and the maintenance plan, the Department finds that the proposed project meets the Basic Standards contained in Chapter 500(4)(B).

B. Phosphorus Standards:

Because of the proposed project's location in the watersheds of Sebec Lake and Moosehead Lake, stormwater runoff from the project site will be treated to meet the phosphorus standard outlined in Chapter 500 (4)(D). The applicant's phosphorus control plan was developed using methodology developed by the Department and outlined in "Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development". For this project, the Permitted Phosphorus Export is 0.49 pounds of



phosphorus per year for Moosehead Lake and 5.92 pounds of phosphorus per year for Sebec Lake. The applicant proposes to remove phosphorus from the project's stormwater runoff by utilizing bioretention cells, underdrained soil filters, forested buffers and level spreader buffers, as shown on the set of plans referenced in Finding 1. The predicted phosphorus export for the project site based on the applicant's model is 0.49 pounds of phosphorus per year for Moosehead Lake and 5.87 pounds of phosphorus per year for Sebec Lake. The proposed stormwater treatment will be able to reduce the export of phosphorus in the stormwater runoff below or at the maximum permitted phosphorus export for the site.

The stormwater management system proposed by the applicant was reviewed by, and revised in response to comments from, BLR. After a final review, BLR commented that the proposed stormwater management system is designed in accordance with the Phosphorus Standards contained in Chapter 500(4)(D) and recommended that the design engineer or a qualified professional oversees the construction of the stormwater management structures according to the details and notes specified on the plans and submits as-built plans upon completion of the stormwater structures for each phase. Within 30 days from completion of the entire system, or if the project takes more than one year to complete, at least once per year, the applicant must submit a log of inspection reports detailing the items inspected, photographs taken, and the dates of each inspection to the BLR for review.

Based on the stormwater system's design and BLR's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the General Phosphorus Standards contained in Chapter 500(4)(D).

#### C Flooding Standard:

The applicant is proposing to utilize a stormwater management system based on estimates of pre- and post-development stormwater runoff flows obtained by using Hydrocad, a stormwater modeling software that utilizes the methodologies outlined in Technical Releases #55 and #20, U.S.D.A., Soil Conservation Service and detains stormwater from 24-hour storms of 2-, 10-, and 25-year frequency. The post-development peak flow from the site will not exceed the pre-development peak flow from the site.

BLR commented that the proposed system is designed in accordance with the Flooding Standard contained in Chapter 500(4)(F).

Based on the system's design and BLR's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the Flooding Standard contained in Chapter 500(4)(F) for peak flow from the project site, and channel limits and runoff areas.

11. GROUNDWATER:

The project site is not located over a mapped sand and gravel aquifer. The applicant has two wells drilled on the parcel. The only potential sources of contamination for groundwater on the site would be from wastewater, solid waste or fuel. The applicant has submitted information in the application regarding solid waste and wastewater that are discussed in more detail in Finding 13 and 14. Fuel spills will be handled immediately according to Department standards and spill kits are available in the registration office. DEA reviewed the proposed project and recommended that test pit data be submitted for stormwater treatment basins proposed for subsequent phases.

The Department finds that the proposed project will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur. Therefore, the Department further finds that the proposed project will not have an unreasonable adverse effect on groundwater quality or quantity provided that the applicant submits test pit data for stormwater treatment basins proposed for Phase 2 or any subsequent phases of the project to the Department for review.

12. WATER SUPPLY:

Water for the development will be supplied by two individual wells. The applicant submitted an assessment of groundwater supplies that are available on the project site and an analysis of potential impacts to on-site wells resulting from on-site wastewater disposal. These assessments were prepared by a certified geologist and were reviewed by, and revised in response to comments from, the DEA. DEA recommended that prior to construction, the applicant submits applications and attachments for preliminary and final approval required by the Department of Health and Human Services (DHHS), Drinking Water Program for any additional wells. DEA also recommended that long-term operation and maintenance of the water supply, including details on water storage, treatment and distribution be submitted to the Department prior to operation of the facility.

Water for the development will be supplied by a Public Water Supply Well. For the existing wells, the applicant must submit a copy of a "New Source Approval Letter" from the DHHS, Drinking Water Program prior to operation of the facility.

The Department finds that the applicant has made adequate provision for securing and maintaining a sufficient and healthful water supply provided that the applicant submits a copy of a "New Source Approval Letter" from the Department of Health & Human Services, Drinking Water Program to the Department for review prior to operation of the facility. The applicant must also submit information any additional wells proposed on the site, including the application and attachments for preliminary and final approval by the DHHS Drinking Water Program and well construction details to the Department for review and approval prior to operation of the facility. If required, the applicant must submit a long-term operation and maintenance plan for the water supply, including

details on water storage, treatment and distribution to the Department for review and approval prior to operation of the facility.

13. WASTEWATER DISPOSAL:

Wastewater for Phase 1 will be disposed of by five individual subsurface wastewater disposal system. The applicant submitted the soil survey map and report discussed in Finding 9 and an analysis of potential impacts to off-site groundwater quality resulting from on-site wastewater disposal prepared by a certified geologist. Each individual system must be designed to meet the requirements of the Maine State Plumbing Code. This information was reviewed by, and revised in response to comments from, DEA. DEA commented that the subsurface wastewater disposal system design information will need to be submitted to the Department prior to construction on Phase 2 or any subsequent phase of the proposal.

Based on DEA's comments, the Department finds that the proposed wastewater disposal systems will be built on suitable soil types and that Maine's Drinking Water Standard for nitrates will be met at the project's property lines provided that the subsurface wastewater disposal system design information for Phase 2 or any subsequent phases is submitted to the Department prior to construction of that phase for review and approval.

14. SOLID WASTE:

When completed, the proposed project is anticipated to generate 4.4 tons of solid waste per year. All general solid wastes from the proposed project will be disposed of at the Town of Greenville transfer station, which is currently in substantial compliance with the Maine Solid Waste Management Rules.

The proposed project is estimated to remove approximately 200 trees in Phase I. All stumps and grubblings generated will be disposed of on site, either chipped or burned, with the remainder to be worked into the soil, in compliance with the Maine Solid Waste Management Rules.

The proposed project will generate approximately 33 tons of construction debris and demolition debris. All construction and demolition debris generated will be disposed of at the Greenville Transfer Station, which is currently in substantial compliance with the Maine Solid Waste Management Rules.

Based on the above information, the Department finds that the applicant has made adequate provision for solid waste disposal.

15. FLOODING:

The proposed project is not located within the 100-year flood plain of any river or stream.

The Department finds that the proposed project is unlikely to cause or increase flooding or cause an unreasonable flood hazard to any structure.

16. WETLAND IMPACTS:

The applicant proposes to alter 14,010 square feet of forested freshwater wetland in order to construct the proposed roadway. The applicant evaluated various design layouts for the campground in order to avoid as much wetland alteration as possible. The majority of the wetland impacts are small areas that must be impacted to improve an existing roadway. The applicant has designed the campground drive to be the minimum width practical for access and turning needs of the types of recreational vehicles anticipated to use the camping area. According to the Department's Geographic Information System (GIS), there are no mapped essential or significant wildlife habitats associated with the project site.

17. WATER QUALITY CONSIDERATIONS:

As discussed in Finding 10, the applicant proposes to use a stormwater management plan and erosion and sediment control during construction to minimize impacts to water quality from siltation.

The Department does not anticipate that the proposed project will violate any state water quality law, including those governing the classification of the State's waters.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S. §§ 480-A–480-JJ and Section 401 of the Federal Water Pollution Control Act:

- A. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life.
- B. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S. §§ 481–489-E:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards provided that the applicant meets the requirements outlined in Finding 2.

- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.
- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- D. The proposed development meets the standards for storm water management in 38 M.R.S. § 420-D and the standard for erosion and sedimentation control in 38 M.R.S. § 420-C provided that the applicant meets the requirements outlined in Findings 8 and 10.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur provided that the applicant meets the requirements outlined in Finding 11.
- F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities and solid waste disposal required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities in the municipality or area served by those services provided that the applicant meets the requirements outlined in Findings 12 and 13.
- G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of M & S PROPERTIES, LLC to develop a campground as described in Finding 1, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that their activities or those of their agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
4. Prior to the start of construction on Phase 2 or any subsequent phases, the applicant shall submit evidence that it has been granted a line of credit or a loan by a financial institution authorized to do business in this State or evidence of any other form of financial

assurance determined by Department Rules, Chapter 373(1), to be adequate to the Bureau of Land Resources for review and approval.

5. The applicant shall execute and record all required deed restrictions for Phase 1, including the appropriate buffer deed restrictions, within 60 days of the date of this Order. For Phase 2 or any subsequent phases, the applicant shall submit all required deed restrictions prior to construction of that phase. The applicant shall submit a copy of the recorded deed restriction, including the plot plan, to the BLR within 60 days of its recording.
6. The design engineer or a qualified professional shall oversee the construction of the stormwater management structures according to the details and notes specified on the plans. Within 30 days of completion of the entire system or if the project takes more than one year to complete, at least once per year, the applicant shall submit a log of inspection reports detailing the items inspected, photographs taken, and dates of each inspection to the BLR for review.
7. The applicant shall submit as-built plans to the Department within 30 days of completion of the stormwater structures for each phase.
8. Prior to the start of construction on each phase, the location of forested buffers shall be permanently marked on the ground.
9. The applicant shall submit test pit data for stormwater treatment basins proposed for Phase 2 and any subsequent phases of the project to the Department for review.
10. The applicant shall submit a copy of a "New Source Approval Letter" from the Department of Health & Human Services, Drinking Water Program to the Department for review prior to operation of the facility.
11. The applicant shall submit information for any additional wells proposed on the site, including the application and attachments for preliminary and final approval by the DHHS Drinking Water Program and well construction details to the Department for review and approval prior to operation of the facility.
12. The applicant shall submit a maintenance plan for the long-term operation and maintenance of the water supply, including details on water storage, treatment and distribution to the Department for review and approval prior to operation of the facility.

**Department of Environmental Protection**  
**SITE LOCATION OF DEVELOPMENT (SITE)**  
**STANDARD CONDITIONS**

- A. Approval of Variations from Plans.** The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited without prior approval of the Board, and the applicant shall include deed restrictions to that effect.
- B. Compliance with All Applicable Laws.** The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. Compliance with All Terms and Conditions of Approval.** The applicant shall submit all reports and information requested by the Board or the Department demonstrating that the applicant has complied or will comply with all preconstruction terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
- D. Advertising.** Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
- E. Transfer of Development.** Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.
- F. Time frame for approvals.** If the construction or operation of the activity is not begun within four years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- G. Approval Included in Contract Bids.** A copy of this approval must be included in or attached to all contract bid specifications for the development.
- H. Approval Shown to Contractors.** Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.

(2/81)/Revised December 27, 2011

received and read, and that the work will be carried out in accordance with the approval and conditions. Completed certification forms must be forwarded to the department.

- (7) Maintenance. The components of the stormwater management system must be adequately maintained to ensure that the system operates as designed, and as approved by the department.
- (8) Recertification requirement. Within three months of the expiration of each five-year interval from the date of issuance of the permit, the permittee shall certify the following to the department.
  - (a) All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.
  - (b) All aspects of the stormwater control system have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the facilities.
  - (c) The erosion and stormwater maintenance plan for the site is being implemented as written, or modifications to the plan have been submitted to and approved by the department, and the maintenance log is being maintained.
- (9) Severability. The invalidity or unenforceability of any provision, or part thereof, of this permit shall not affect the remainder of the provision or any other provisions. This permit shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

November 16, 2005 (revised December 27, 2011)