



City of Gardiner
Site Plan Review Application

Project Name: PMP Realty, LLC. Project Cost: \$700,000

Date of submission: April 11, 2024 Received by: _____ Fees: \$250

Proposal (including all other local, state and federal permits required for the project):

The applicant is proposing to construct a 6,000-sf cold storage building (see attached project narrative).

Anticipated beginning/completion dates of construction: May 2024/July 2024

1. General Information:

Name of Property Owner: PMP Realty, LLC.

Address: 32 Prescott Street Gardiner, ME 04345

Phone/Fax No: 207-582-5637

Applicant/Agent Name: PMP Realty, LLC/E.S. Coffin Engineering & Surveying

Address: 32 Prescott Street Gardiner, ME 04345

Phone/Fax No: 207-582-5637

Design Consultant(s): Surveyor Engineer Architect Planner

Name: E.S. Coffin Engineering & Surveying (c/o Jim Coffin)

Address: P.O. Box 4687 Augusta, ME 04330

Phone/Fax No: 207-623-9475(p) / 207-623-0016(f)

Name: James Coffin (PE #8500)

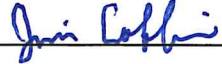
Address: P.O. Box 4687 Augusta, ME 04330

Phone/Fax No: 207-623-9475/207-623-0016

Name: Kane Coffin (PLS #1292)

Address: P.O. Box 4687 Augusta, ME 04330

Phone/Fax No: 207-623-9475/207-623-0016

Signature:  Date: April 11, 2024

2. Property Information:

Location of Property:

Deed Ref: **Book 6143** **Page: 252** City Tax Map(s): **7** Lot(s): **18A-3&A-4**

Deed Ref: **Book 11394** **Page: 292** City Tax Map(s): **7** Lot(s): **29**

Deed Ref: **Book 12868** **Page: 298** City Tax Map(s): **7** Lot(s): **5**

Property Size/Frontage: Acres: **38.62 (Lot 4)** Road: **712'** Shore:

Zoning District(s): **Planned Industrial Commercial (PIC)**

3. Development Information:

Include copies of the following as attachments:

- Deed for property, option to buy or other documentation to demonstrate right, title or interest in property on the part of the applicant
- Tax map showing the property and surrounding location
- One or more site maps prepared by a professional engineer or architect, drawn to scale showing:

location of property	property boundaries	elevations	existing & proposed uses
parking areas	roads	driveways	existing & proposed structures
entrances	erosion control features	setbacks	storm water control features
buffers & screening	rights-of-way	easements	essential services and utilities
waterbodies	all other features necessary to show compliance with this Ordinance		
- Building and structure drawings showing the footprint, height, front, side and rear profiles and all design features necessary to show compliance with this Ordinance.
- Elevation drawings prepared by a professional engineer or architect shall show the façade and roof of the side of all proposed structures facing the road, and the side facing the customer entrance. The drawings shall clearly illustrate the profile of the roof. All façade and roof materials shall be identified including color and texture.
- N/A** Photographs or similar photo representations or drawings shall show the architectural design and context of the proposed structures and adjacent properties on the both sides of the road.
- Any other information necessary to show that the proposal complies with the applicable provisions of this Ordinance.
- All other required city permit applications necessary for the proposal.

4. Review Criteria

Applicant shall provide information that demonstrates that the proposed use or uses meets the Review criteria listed below:

- A. The application is complete and the review fee has been paid.
The application is complete and the Site Plan Review fee of \$250.00 has been submitted.
- B. The proposed activity will not result in water pollution, erosion or sedimentation to water bodies.
The application contains all pertinent erosion and sediment control devices needed for the project.
- C. The proposal will provide for the adequate disposal of all wastewater and solid waste.
Although public sewer is available for the project, it is not needed for this project. No solid waste will be produced with this project and this section is not applicable.
- D. The proposal will not have an adverse impact upon wildlife habitat, unique natural areas, shoreline access or visual quality, scenic areas and archeological and historic resources.
A letter has been received from the Maine Historical Preservation Committee verifying that there are not any historical or archeological sites located within the area of the site. A letter has been received from the Maine Department of Inland Fisheries and Wildlife verifying that there will not be any undue adverse effect to essential wildlife habitat. The letter does mention the three Myotis Bat species be protected, but there is not any tree cutting being proposed. The letter also mentions possible vernal pools on site, but our wetlands scientist Vaughn Smith found none during his wetland delineation. A letter has been received from the Department of Conservation verifying that there are not any rare botanical features within the project area.
- E. The proposal will not have an adverse impact upon waterbodies and wetlands.
There aren't any waterbodies or wetlands being impacted and this section is not applicable.
- F. The proposal will provide for adequate storm water management.
As mentioned above three new undrained soil filters have been installed to provide the necessary stormwater treatment for the project. The DEP will review the project at a later date under a SLODA modification, which includes stormwater.
- G. The proposal will conform to all applicable Shoreland Zoning requirements.
The project is not within Shoreland Zoning and this section is not applicable.
- H. The proposal will conform to all applicable Floodplain Management requirements.
The project is not within the 100-year flood elevation and this section is not applicable.
- I. The proposal will have sufficient water available to meet the needs of the development.
There will not be any water service needed for this project and this section is not applicable.
- J. The proposal will not adversely affect groundwater quality or quantity.
There will not be any water service or septic system needed for this project and this section is not applicable.

- K. The proposal will provide for safe and adequate vehicle and pedestrian circulation in the development.
The proposed site is being utilized for construction services associated with the applicant's operation. Tractor trailers will deliver product into the laydown area and then fork lifts will move it around to the needed location. Pedestrians are not allowed in this area because of the nature of the operation. The site has been designed to allow 67' long tractor trailer trucks to enter and exit along the north and south access points shown on the site plan (C-1). There is more than enough area for vehicle circulation associated with the site.
- L. The proposal will not result in a reduction of the quality of any municipal service due to an inability to serve the needs of the development.
There aren't any municipal services affected by the proposed cold storage building and the project will not create a burden on municipal services.
- M. The proposal conforms to all the applicable provisions of this Ordinance.
In regard to the General Performance Standards in Section 8 of the LUO;
8.7 Exterior Lighting: light poles are already in place as shown on the site plan and a photometric plan is included with this submission. All of the fixtures are shielded so that light shines in a downward direction.
Electricity will come from the corporate headquarters building. Twelve new pole lights were installed for the project to illuminate the paved area on this side.
8.8 Noise: The development will comply with the maximum permissible sound level of 55 dBA along residential property lines.
8.9 Exterior Material Storage: None of the listed items in this section are applicable to the proposed development.
- In regard to Environmental Performance Standards in Section 9 of the LUO:
9.1 Air Quality: Dust will be controlled during construction will be implemented by applying calcium and water as needed.
9.2 Water Quality: There are three underdrained filter ponds in place to provide qualitative treatment for stormwater runoff.
9.10 Stormwater Design Standards: The project is being reviewed by the DEP, which includes stormwater.
9.11 Historic, Wildlife & Natural Areas: letters from Historic Preservation, IF&W and the Department of Conservation are included with this submission.
- In regard to Special Activity Performance Standards in Section 10 of the LUO:
10.24.5.7.2 Free Standing Signs: The applicant is not proposing to erect any new signs for this project.

5. Site Review Criteria

Applicant shall provide information that demonstrates that the proposal will be sensitive to the character of the site, neighborhood and the district in which it is located by considering the following:

- a. Land use activities.
The on-site uses consist of trucking and construction services. The site is located at 32 Prescott Street and a part of it is utilized as a laydown area for the storage of materials used by the applicant. Trucks can enter and exit from the south side of the property.
- b. Scale, bulk, setbacks and height of existing structures.
All existing structures on the property conform to the abovementioned items.
- c. Architectural design.
Architectural drawings are included for the proposed 6,000-sf cold storage building.
- d. The placement and orientation of structures on the site.
The proposed 6,000-sf cold storage building is along the west side of the laydown area.
- e. The building density of the neighborhood.
The nearest house is over 700' away on the opposite side of Route 201. There are some houses on Libby Hill Road with the closest one over 800' away from the proposed building.
- f. The proposal shall not have an adverse impact upon neighboring properties.
As mentioned above there is a residence across from Route 201, but other than that the nearest residence will be over 800' from the proposed building. The project will not have an adverse impact on neighboring properties.
- g. The proposal contains landscaping, buffering, and screening elements which provide privacy to adjacent land uses.
The new building doesn't require any additional landscaping and this section is not applicable.
- h. The proposal provides for the safe flow of traffic within the site and onto the roadway. The traffic generated by the site does not exceed the capacity of the public road providing access to the site.
The site has been designed to allow 67' long tractor trailer trucks to enter and exit from Prescott Street as shown on the site plan (C-2). There is more than enough area for vehicle circulation associated with the site.
- i. The building site and roadway design shall harmonize with the existing topography and conserve natural surroundings and vegetation to the greatest practical extent such that filling, excavation and earth moving is kept to a minimum.
The proposed building is being erected adjacent to the laydown area with the grades already in place.

- j. The proposal shall reflect the natural capabilities of the site to support the development. Buildings, structures, and other features should be located in the areas of the site most suitable for development. Environmentally sensitive areas including waterbodies, steep slopes, floodplains, wetlands, significant plant and wildlife habitats, scenic areas, aquifers and archeological and historic resources shall be preserved to the maximum extent.
The proposed building has been positioned in the most optimum spot for access off the laydown area. No environmentally sensitive areas will be impacted as a result of the development.
- k. The proposal shall provide for a system of pedestrian ways within the site appropriate to the development and the surrounding area. The system shall connect building entrances/exits with the parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project.
There will not be any pedestrian access into the laydown area as this is an area with heavy equipment and machinery that are constantly moving. Any pedestrians on site will create an issue with regard to public safety.
- l. In urban and built-up areas, buildings shall be placed closer to the road in conformance with setback requirements and parking areas shall be located at the side or rear. In rural or sparsely built areas, buildings shall be set well back from the road to respect the rural character of the area. Front parking areas shall be landscaped to reflect the rural area.
There are not any proposed parking areas and the building isn't close to any setback lines.
- m. Proposals with multiple buildings shall be designed and placed to utilize common parking areas to the greatest practical extent.
There are not any multiple buildings proposed and this section is not applicable.
- n. The proposed setback and alignment of buildings shall mirror the existing pattern in the neighborhood to the greatest practical extent.
The proposed building will have no impact on any neighborhood and this section is not applicable.
- o. Building entrances shall be oriented to the public road unless the layout or grouping of the buildings justifies another approach.
The building frontage is along the laydown area and not near any public road.
- p. Exterior building walls greater than 50 feet in length which can be viewed from the public road shall be designed with a combination of architectural features with a variety of building materials and shall include landscaping abutting the wall for at least 50% of the wall.
The proposed building can't be seen from a public road and this section is not applicable.
- q. Building materials shall match the character of those commonly found in the City and surrounding area and include brick, wood, native stone, tinted /textured concrete block or glass products. Materials such as smooth-faced concrete block or concrete panels and steel panels shall only be used as accent features. Materials shall be of low reflectance, subtle, neutral or earth tone colors. High-intensity and bright colors shall be prohibited except when used as trim or accent. Building materials for industrial or commercial buildings located within an approved industrial park or subdivision shall not be required to follow this provision.
The cold storage building is in an approved industrial park and subdivision, which makes this section not applicable.

- r. Building entrances and points where the development intersects with the public road and sidewalk shall be provided with amenities appropriate for the area such as benches, bike racks, bus stop locations and other similar landscape features.
The building entrance is not near any public roads and this section is not applicable.

- s. A proposal which includes drive-through service shall be designed to minimize impact on the neighborhood. Drive-through lanes shall be fully screened from adjacent residential properties and communication systems shall not be audible on adjacent properties.
There are no drive-thru lanes associated with the project and this section is not applicable.

- t. The applicant has the adequate financial and technical capacity to meet the provisions of this Ordinance.
E.S. Coffin Engineering & Surveying has the technical ability to complete the project. The project will cost \$700,000 and the applicant will provide a financial statement indicating that they have adequate financing to complete the project.

6. **Waivers**

List any waivers of the submission requirements and the reasons for the waiver request.

No waivers are being asked for with this submission.



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April 10th, 2024

Mr. James Coffin, PE

E.S. Coffin Engineering & Surveying, LLC.

432 Cony Road

P.O. Box 4687

Augusta, Maine 04330

Subject: Agent Authorization

Dear Mr. Coffin

PMP Realty, LLC herein called the applicant owns a parcel of land that is 38.6 acres in the Libby Hill Business Park (LHBP) with frontage along Prescott Street, North Road, Enterprise Drive and Brunswick Avenue. The parcel is depicted as Lot 4 on Tax Map 7 in the City of Gardiner Tax Maps.

We have three divisions of the company that utilize the current facilities and they include: PEP Transportation, which handles trucking, EJP that develops water, stormwater, and sewer solutions, and PPF, which manufactures and fabricates plastic pipe under the entities of PMP Realty, LLC. and EJ Prescott.

The intent of this letter is to authorize E.S. Coffin Engineering & Surveying, Inc. to act as our agent in submitting applications and answering questions regarding our SLODA amendment to the DEP and our Planning Board Application to the City of Gardiner for the proposed cold storage building located west of our laydown area and south of Brunswick Avenue.

Sincerely,

Steven Prescott, President



432 Cony Road
P.O. Box 4687
Augusta, ME 04330



(207) 623-9475
Fax (207) 623-0016
1-800-244-9475

Project Narrative:

PMP Realty, LLC herein called the applicant owns a parcel of land that is 38.6 acres in the Libby Hill Business Park (LHBP) with frontage along Prescott Street, North Road, Enterprise Drive and Brunswick Avenue. The parcel is depicted as Lot 4 on Tax Map 7 in the City of Gardiner Tax Maps.

The applicant owned several parcels in the area that have since been combined into two parcels shown as Lots 3 and 4 on the ALTA survey by E.S. Coffin and submitted as part of the planning board application. Both of these parcels are included in the applicant's Site Location of Development Application (SLODA) with the Department of Environmental Protection (DEP). The latest amendment to the permit was approved on December 10, 2020 (see attached SLODA permit) for the laydown area constructed in 2021.

The applicant is proposing to construct a 60' by 100' cold storage building along the west side of their laydown area located north of the corporate headquarter building. The building will be utilized to store brass, fabric and restraints.

The building is depicted on the attached site plan. We have included an 80-scale site plan (C-2) depicting the entire parcel as well as a 50-scale site plan (C-1) showing the area being developed.

The applicant constructed a gravel parking lot (20,000 sf +/-) just west of the proposed cold storage building at the end of last year. Our surveyors will provide an as-built of this parking lot in the next few weeks and once we have this information design the pond needed to provide stormwater treatment for the parking lot and building. We will then file an after the fact permit SLODA amendment with the DEP to bring the property into conformance. Once this has been filed with the DEP, we will then come back to the planning board to get the parking lot approved.

City of Gardiner		
Map	Lot	Owner
7	3	CB MAREIC INC. C/O HELLER WASHAM ANTIQUES 1235 Congress Str. Portland, ME 04101
7	3B	CHRISTOPHER HOLLOWAY CORINNE HARVEY 1035 Brunswick Avenue Gardiner, ME 04345
7	6	RICHARD, DANIEL 1010 Brunswick Av. Gardiner ME 04345
7	6A	RICHARD, DANIEL 1010 Brunswick Av. Gardiner ME 04345
7	7	RICHARD, DANIEL 1010 Brunswick Av. Gardiner ME 04345
7	8	GARDINER WATER DISTRICT PO Box 536 Gardiner ME 04345-536
7	9	CITY OF GARDINER 6 Church Street Gardiner ME 04345
7	13	MURPHY, MATTHEW & PAULA 49 Libby Hill Road Gardiner ME 04345
7	14	DANIELLE QUIRION 59 Libby Hill Road Gardiner, ME 04345
7	30	CROWN COMMUNICATION INC. 4017 Washington Road McMurray, PA 15317
7	31	JEWETT, KEVIN 14 North Street Gardiner ME 04345
7	18-A5	KNG HOLDINGS LLC. 99 Enterprise Ave. Gardiner ME 04345
7	18-A14	HARPER'S II LLC. PO Box 324 Hallowell ME 04347

7	18-A15	AUG COMMERCE DISTR, LLC 687 Old Willets Path-Suite C Hauppauge, NY 11787
7	18-A16	NORTHERN HILL HOLDINGS, LLC PO Box 34 Gardiner ME 04345
7	38	CRILL, LARRY 55 Libby Hill Road Gardiner ME 04345

Received Kennebec SS.
05/28/2013 8:10AM
Pages 2 Attest:
BEVERLY BUSTIN-HATHEWAY
REGISTER OF DEEDS

**TRANSFER
TAX
PAID**

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS,

THAT We, **JOSEPH R. MORSE and BEVERLY J. MORSE**, of Gardiner, County of Kennebec, State of Maine, in consideration of one dollar and other valuable consideration, paid by **P M P REALTY LLC**, a Maine limited liability company with a place of business in Gardiner, County of Kennebec, State of Maine,

whose mailing address is: 32 Prescott Street, Gardiner, ME 04345

the receipt whereof, we do hereby acknowledge, do hereby **GIVE, GRANT, BARGAIN, SELL** and **CONVEY** unto the said **P M P REALTY LLC**, its successors and assigns forever,

A certain lot or parcel of land with the buildings thereon, situated in the City of Gardiner, County of Kennebec and State of Maine, bounded and described as follows:

Being Lot 2 on a plan entitled "Libby Hill Estates" prepared for Area Leasing and Development Corp. by Wayne P. Libby, Registered Land Surveyor, recorded on November 21, 1990 in the Kennebec County Registry of deeds as Plan D-90285.

MEANING and INTENDING to convey the premises conveyed to Joseph R. Morse and Beverly J. Morse by deed from Nina M. Osier dated October 2, 1998 and recorded in the Kennebec County Registry of Deeds at Book 5757, Page 150.

Also included in this conveyance is a 1985 Oxford Mobile Home Serial #OH-M-3002 L56-01.

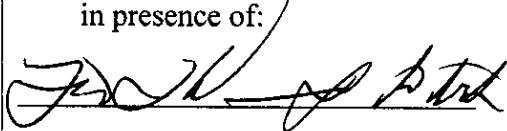
TO HAVE AND TO HOLD the aforegranted and bargained premises with all the privileges and appurtenances thereof, to the said **P M P REALTY LLC**, its successors and assigns, to its use and behoof forever.

AND we do **COVENANT** with the said Grantee, its successors and assigns, that we are lawfully seized in fee of the premises, that they are free of all encumbrances except as hereinbefore set forth; that we have good right to sell and convey the same to the said Grantee to hold as aforesaid and that we and our heirs shall and will **WARRANT** and **DEFEND** the same to the said Grantee, its successors and assigns, forever, against the lawful claims and demands of all persons.


② BSN

IN WITNESS WHEREOF, we, **JOSEPH R. MORSE** and **BEVERLY J. MORSE** have hereunto set our hands and seals in release of all rights this ____ day of May, in the year two thousand thirteen.

Signed, Sealed and Delivered
in presence of:




JOSEPH R. MORSE

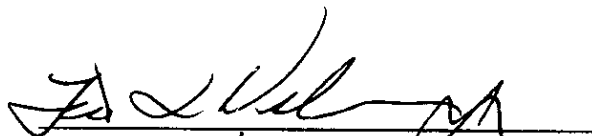

BEVERLY J. MORSE

STATE OF MAINE, Kennebec, ss.

May 24, 2013

Personally appeared the above named **JOSEPH R. MORSE** and **BEVERLY J. MORSE** and acknowledged the foregoing instrument to be their free act and deed,

Before me,


Notary Public / ATTORNEY AT LAW
Printed Name: LECTER F. JILKINSON JR.



OPR BK 12868 PGS 298 - 299 03/29/2018 10:04:14 AM
INSTR # 2018005848 # OF PAGES 2
ATTEST: BEVERLY BUSTIN-HATHEWAY
REGISTER OF DEEDS KENNEBEC COUNTY, ME

**TRANSFER
TAX
PAID**

**DEED OF SALE BY PERSONAL REPRESENTATIVE
(TESTATE)**

Timothy M. Gilmore, of Dayton, County of York and State of Maine, duly appointed and acting personal representative of the **Estate of Barbara E. Hicks**, deceased, whose will was duly admitted to probate in the Probate County for Kennebec County, Maine, (Docket no. 2017-0071) and by the powers conferred by the Probate Code, and every other power, and having given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale,

grants to

PMP Realty, LLC, a limited liability company, of Gardiner, County of Kennebec and State of Maine,
with a mailing address of:

32 Prescott Street
Gardiner, ME 04345;

the real property consisting of land situated in **Gardiner, County of Kennebec, Maine**, described as follows:

A certain lot or parcel of land with the buildings thereon, situated in said Gardiner on the Brunswick Road, so-called, bounded and described as follows, viz:

Northwesterly by the Brunswick Road; Northeasterly by the Brunswick Road; Northeasterly by land now or formerly of Sarah L. Ross and a burying ground owned by the City of Gardiner; Easterly by said burying ground, land formerly of Dorville J. Libby, deceased, and land now or formerly of Herbert J. Weeks; Southerly by land now or formerly of Herbert J. Weeks and land formerly owned or occupied by Jerome Grover. Excepting from said conveyance all conveyances of record.

Being the same premises described in deed from Edwin M. Dessler to Barbara Hicks, dated August 26, 1969 and recorded in the Kennebec County Registry of Deeds in Book 1505, Page 476. Also see deed from Patti A. Ewen to Barbara Hicks, dated July 14, 1994 and recorded in Kennebec Book 4728, Page 199.

② Lipman Katy

Reference is also made to the discharge of estate tax lien recorded in the Kennebec County Registry of Deeds in Book 12578, Page 122 on April 13, 2017.

IN WITNESS WHEREOF, the said Timothy G. Gilmore, personal representative of the Estate of Barbara E. Hicks, has hereunto set his hand and seal this 28th day of March, 2018.

SIGNED SEALED AND DELIVERED

Timothy M. Gilmore, Personal Representative
Estate of Barbara E. Hicks

Witness

STATE OF MAINE
COUNTY OF KENNEBEC, ss.

March 28, 2018

Then personally appeared the above named Timothy M. Gilmore in his said capacity and personally as devisee of the Will of Barbara E. Hicks and he acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public

JAYNE RILEY
Notary Public, Maine
My Commission Expires May 6, 2018

TRANSFER
TAX
PAID

MUNICIPAL QUIT-CLAIM DEED

002237

THE INHABITANTS OF THE MUNICIPALITY OF GARDINER, a body corporate,
located at Gardiner, County of Kennebec, State of Maine,

for consideration paid, release to P M P Realty L.L.C., a Maine limited liability company with a
place of business in said Gardiner, County of Kennebec, State of Maine with an address of: 191
Central Street, Gardiner, Maine

the land in said Gardiner, to wit:

A certain parcel of land containing 16.1 acres, more or less, and composite of lots
3 and 4 located within the Libby Hill Business Park in the City of Gardiner,
Kennebec County, State of Maine, said parcel is described as follows, viz:

Lot number 3 containing 5.0 acres, and lot number 4 containing 11.1 acres as shown
on drawings numbered C-102 and C-103 of two plans entitled "AMENDED
SUBDIVISION PLAN, Libby Hill Business Park, Gardiner, Maine" prepared by
Oest Associates, Inc. South Portland, Maine dated August 1998, last revised
September 3, 1999, and approved by the Gardiner Planning Board September 16,
1999. Said Amended Subdivision Plans are recorded in Plan Files E-99-176 and E-
99-177 of the Kennebec County Registry of Deeds.

Reserving to the City of Gardiner in common with the Grantee and others, the right
to direct and flow stormwater to the detention pond number 1 located on lot number
4 and the detention pond number 2 located partially on lot number 3 as shown on
drawing C-102 of said Amended Subdivision Plans. In accepting this conveyance,
the Grantee, its heirs and assigns agree to provide for all maintenance of pond
number 1 and that portion of pond number 2 located within lot number 3 at its
expense. Said maintenance shall include, but is not limited to, repair to eroded
areas, periodic mowing to limit the growth of brush and other woody plants within
the pond areas, removal of debris from emergency spillways and outlet control
structures and repairs to these structures as may be required. Should the Grantee fail
to provide said maintenance in a reasonable and timely manner the Gardiner Public
Works Director may, after providing a 30 calendar day written notice to the Grantee,
provide such repairs and maintenance as deemed necessary. All costs for
maintenance or repairs provided by the city of Gardiner or its assigns shall be billed
to the Grantee. Nonpayment of the said costs shall be subject to lien action by the
City of Gardiner.

This conveyance is given subject to the terms, restrictions and conditions contained
in the Site Location of Development approval L-19861-39-A-N/L-19861-T3-B-N by
the Maine Department of Environmental Protection for the Libby Hill Business Park,
dated May 19, 1999, and Modification Findings of Fact and Order L-19861-39-C-M

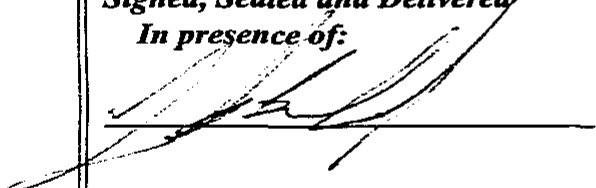


dated October 1, 1999, which shall be binding upon the Grantee, its heirs and assigns and shall be included by reference in all future conveyances.

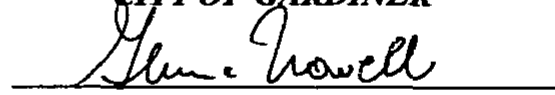
Meaning and intending to convey a part of the premises conveyed to the City of Gardiner by deed from the Gardiner Board of Trade dated December 13, 1995 and recorded in Book 5034, Page 273, of the Kennebec County Registry of Deeds.

The said Inhabitants of the municipality of GARDINER have caused this instrument to be signed in its corporate name by Glenna Nowell, its City Manager, thereunto duly authorized this 28th day of January, 2000.

Signed, Sealed and Delivered
In presence of:



CITY OF GARDINER



Glenna Nowell, City Manager
Duly Authorized

STATE OF MAINE,
Kennebec, ss.

January 28, 2000

Personally appeared the above-named Glenna Nowell in her said capacity and acknowledged the foregoing instrument to be her free act and deed and the free act and deed of said Municipality of Gardiner,

Before me,


Notary Public
Printed Name: John S. Bobrowski
Commission Expires: 1/28/01

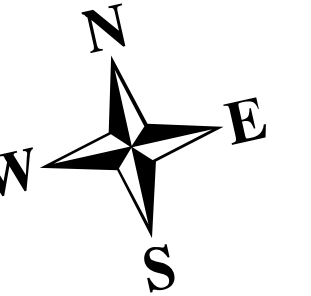
RECEIVED KENNEBEC SS.

2000 JAN 31 AM 9:00

ATTEST: 
REGISTER OF DEEDS



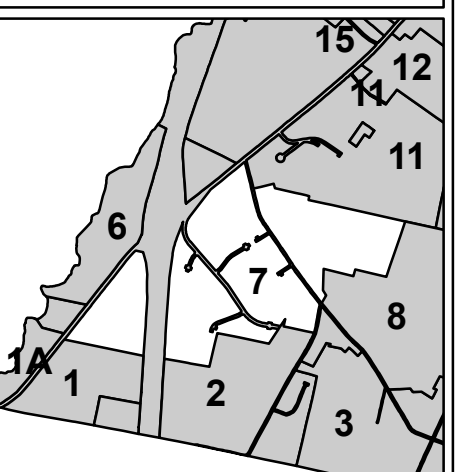
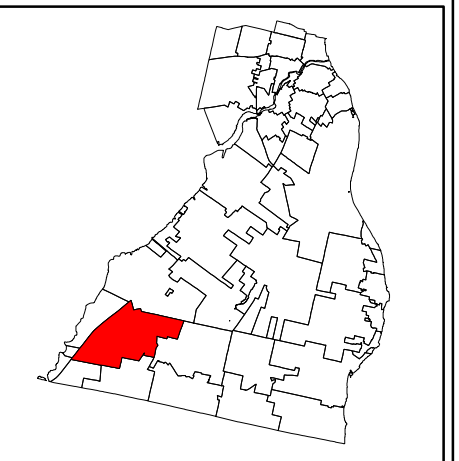
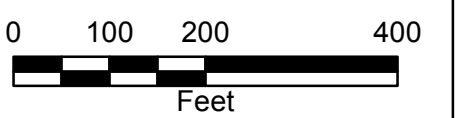
**CITY OF
GARDINER**
KENNEBEC CO.
MAINE



LEGEND

- Lot Hook
- Private Right of Way
- Sub-lot Line
- Transmission Line ROW
- River, Stream or Pond
- Railroad
- Road
- Town Line
- Building
- Parcel

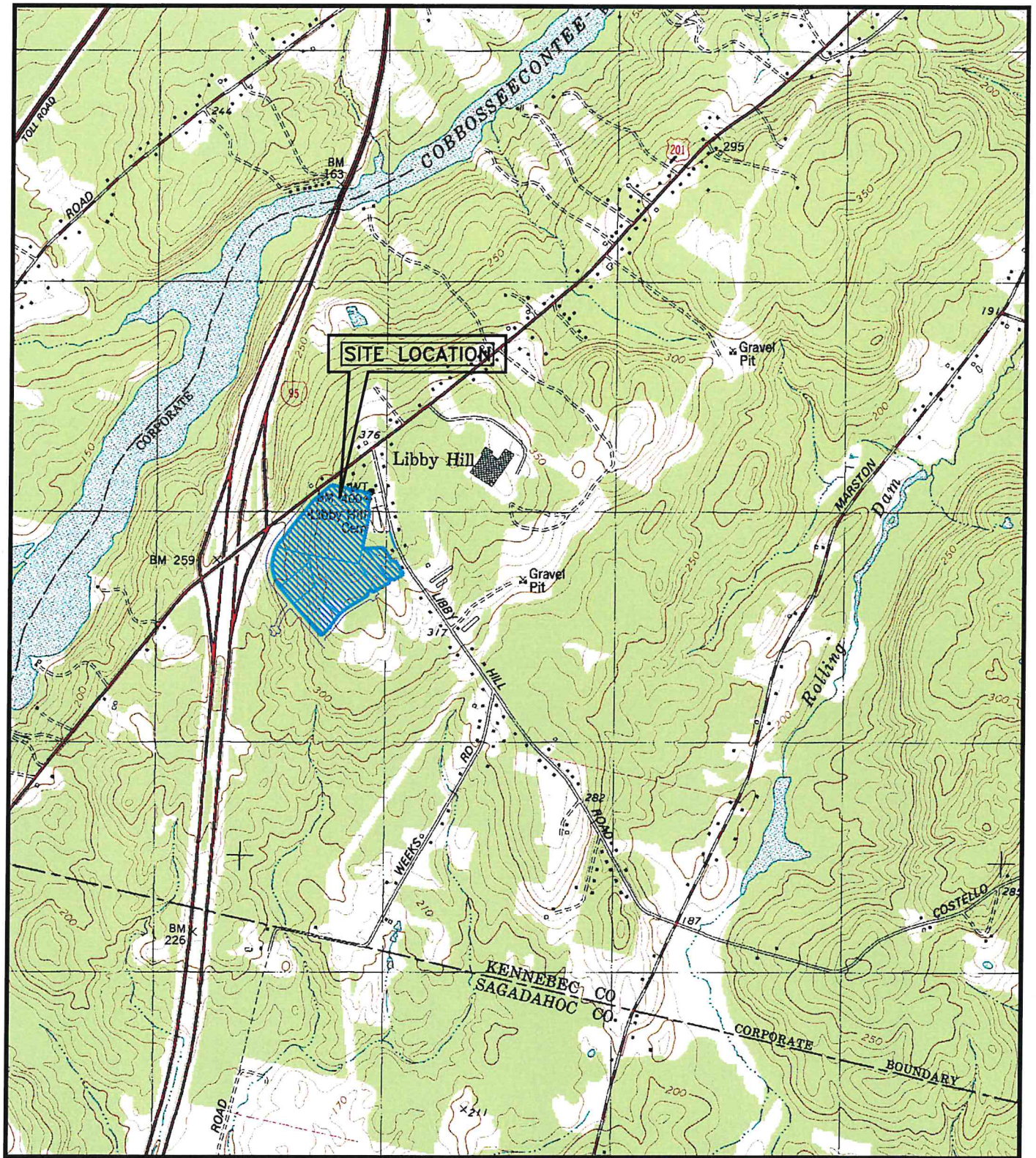
For Assessment Purposes. Not to be used for conveyances.



Map 7

Printed: 9/13/2023
Effective Date: 4/1/2023





LOCATION MAP

SCALE 1" = 2000'

CLIENT/PROJECT:	PMP REALTY, LLC
LOCATION:	ROUTE 201, ENTERPRISE DRIVE & PRESCOTT STREET
TOWN:	GARDINER COUNTY: KENNEBEC STATE: MAINE


ES COFFIN
 ENGINEERING SURVEYING
E.S. COFFIN ENGINEERING & SURVEYING, INC.
 432 Cony Road P.O. Box 4687 Augusta, Maine 04330
 Ph. (207) 623-9474 Fax (207) 623-9616 Toll Free 1-800-344-9475

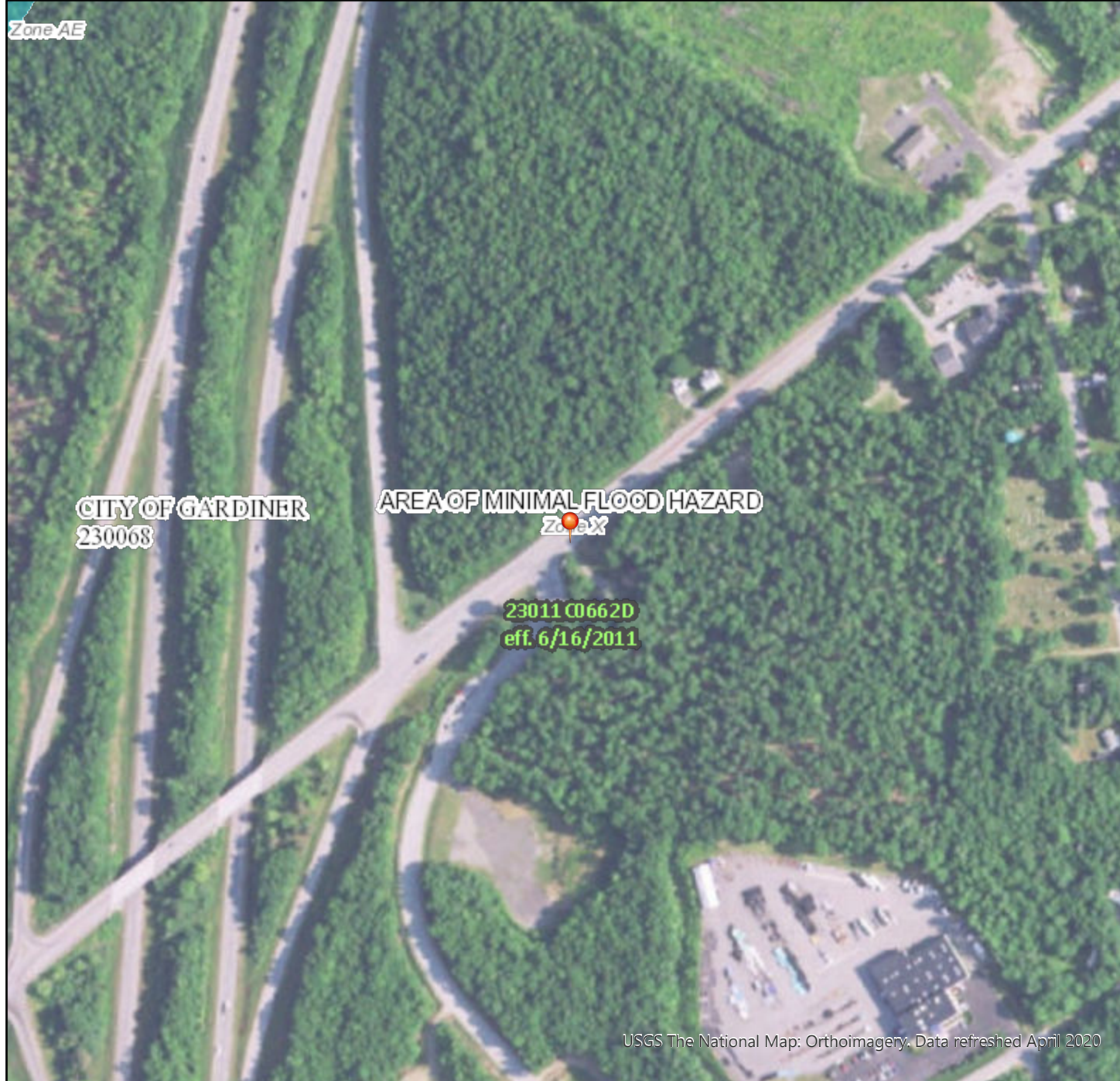
SHEET TITLE:	SITE LOCATION MAP
SCALE:	1" = 2000'
DATE:	FEBRUARY 13, 2020

PROJ. NO. 2017-144


National Flood Hazard Layer FIRMMette



69°50'7"W 44°11'2"N



USGS The National Map: Orthoimagery. Data refreshed April 2020



69°49'29"W 44°10'36"N

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
		With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
		Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone D</i>
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard <i>Zone D</i>
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance
		17.5 Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
MAP PANELS		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Digital Data Available
		No Digital Data Available
		Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.



This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **8/18/2020 at 4:41 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



DEPARTMENT ORDER

IN THE MATTER OF

PMP REALTY, LLC) SITE LOCATION OF DEVELOPMENT ACT
Gardiner, Kennebec County) MINOR AMENDMENT
LAYDOWN AREA)
L- 19861-26-U-B (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S. §§ 481–489-E and Chapters 375, 500, 501, and 502 of Department rules, the Department of Environmental Protection has considered the application of APPLICANT with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History of Project: In Department Order #L-19861-39-A-N/L-19861-T3-B-N, dated May 19, 1999, the Department approved the development of Libby Hill Business Park, consisting of 16 lots on 140.5 acres. Approximately 19,999 square feet of forested freshwater wetland impact was approved as part of the development. In subsequent Orders, the Department approved revisions to lot lines within the business park. The development is located at the junction of Route 201 and Interstate 295 in the City of Gardiner.

In Department Order L-19861-39-F-A/L-19861-L6-G-N, dated March 11, 2008, the Department approved the development of Phase 2 of Libby Hill Business Park, on 121.1 acres south of Phase 1. The construction of three additional interior roads, 12 new lots, the crossing of four streams and approximately 14,601 square feet of wetland impacts were approved as part of the development. In subsequent Orders, the Department approved revisions to lot lines and the stormwater management systems within the business park.

In Department Order L-19861-TG-O-N, dated February 23, 2018, the Department approved the construction of a gravel laydown yard and access drive at Libby Hill Business Park. Approximately 7,764 square feet of freshwater wetland impacts were approved as part of the development, bringing the total of freshwater wetland impacts on the site to 42,364 square feet.

In Department Order L-19861-39-Q-B/L-19861-TG-R-N, dated June 10, 2020, The Department approved the construction of a 42,470 square foot expansion to an existing corporate headquarters building on Lot 18A-4 of LHBP, extending onto Lot 29 and a parking area with an associated ditch into Lot 5, bringing the total of impervious area from 10.08 acres to 11.53 acres. Approximately 9,925 square feet of meadow wetlands

located on Lot 18A-4 of LHBP and Lot 29 were approved as part of the development, bringing the total wetland impacts on the site to 52,289 square feet.

B. Summary: The applicant is proposing to construct a laydown area on across lots 18A-4, 5, & 29 of Libby Hill Business Park (Lot 4) that will connect to the rear of the corporate headquarters. The laydown area will be utilized for the storage of pipe and fittings. There is 0.21 acres of existing impervious surfaces on these lots and the project will result in 5.50 acres new of impervious area. This brings the total amount of impervious area at the for this project to 5.71 acres. There is 0.62 acres of developed land currently on these lots from the single-family residential house lot. There will be 8.88 acres of developed land once the project is complete and this added with the 0.62 acres yields 9.50 acres total developed area for this project. The project is shown on a set of plans the first of which is entitled "Site Plan," prepared by E.S. Coffin Engineering & Surveying, and dated September 14, 2020, with a last revision date of December 4, 2020. The project site is located on the south side of Brunswick Avenue in the Town of Gardiner.

C. Current Use of Site: Within the last few years, the applicant has purchased Lot 5 in 2018, Lot 28 in 2014 and Lot 29 in 2013. These lots were recently made part of the LHBP via an amended subdivision plan by E.S. Coffin Engineering & Surveying. This plan was approved by the Gardiner Planning Board on May 12, 2020 and recorded in the Kennebec County Registry of Deeds. Lots 1, 2 & 3 were combined to form Lot 3 (12.73 acres) and Lots 4, 5, 28 & 29 were combined to form Lot 4 (38.62 acres). The location of the proposed project is identified as Lot 5 on Map 7 of the City of Gardiner's tax maps.

2. FINANCIAL CAPACITY:

The total cost of the project is estimated to be \$2,000,000.00. The applicant submitted a letter from NBT Bank, dated September 10, 2020 indicating that it has an ongoing lending relationship with the applicant and intends to provide financing for the construction, operation, and maintenance of this project.

The Department finds that the applicant has demonstrated adequate financial capacity to comply with Department standards.

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 E.S. Coffin Engineering & Surveying, 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. SCENIC CHARACTER:

The project site is located across Lot 4, totaling 38.62 acres. The site is located adjacent to Route 201. Visibility of the project from these viewpoints is limited due to distance and intervening vegetation and topography. The applicant does not propose to remove any trees or vegetation from current meadow and forested areas to the west, north, and east of the proposed project site. The applicant stated that the building will be designed to match the character of existing buildings within LHBP.

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.

5. SOILS:

The applicant submitted a soil survey map and soil test pit logs based on the soils found at the project site. The logs were prepared by a certified geologist.

The Department finds that, based on this information, the soils on the project site present no limitations to the proposed project that cannot be overcome through standard engineering practices.

6. STORMWATER MANAGEMENT:

The proposed project includes approximately 8.88 acres of developed area of which 5.50 acres is impervious area. It lies within the watershed of Cobbeossee Stream. The applicant submitted a stormwater management plan based on the Basic, General, 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 three underdrained soil filters.

A. Basic Standards:

(1) Erosion and Sedimentation Control: The applicant submitted an updated Erosion and Sedimentation Control Plan 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. 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 revised 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 staff of the Department. The applicant will be responsible for the maintenance of all common facilities including the stormwater management system.

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

Based on the Department's review of the applicant's updated 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. General Standards:

The applicant's stormwater management plan includes general treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater, and mitigate potential temperature impacts. This mitigation is being achieved by using Best Management Practices (BMPs) that will control runoff from 95% of the impervious area and 95% of the developed area.

After a final review, BLR engineering commented that the proposed stormwater management systems are designed in accordance with the Chapter 500 General Standard provided the design engineer or other qualified engineer oversees the construction of the stormwater management structures in accordance to the details and notes specified on the approved plans. Within 30 days of completion of the entire system or at least once per year, the applicant must submit a log of inspection reports detailing the items inspected, photos taken, and the dates of each inspection to the BLR for review. Within 30 days of completion, the applicant must submit as-built plans.

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 Chapter 500 Basic and General Standards, provided the buffers are marked, the deeds recorded, and the applicant meets the inspection and reporting requirements above.

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.

7. BLASTING:

Pursuant to the Site Law, 38 M.R.S. § 484(9), any blasting that is required for a project must comply with the requirements of 38 M.R.S. § 490-Z (14), Performance Standards for Quarries.

The applicant submitted a blasting assessment, dated September 16, 2020, that outlines the necessary information needed prior to the commencement of blasting activities. The blasting contractor shall be required to submit a drilling pattern and blasting plan to the engineer for review and shall contain details of the proposed rock excavation and blasting operations. No drilling or blasting shall take place until approval is received from the engineer.

The Department evaluated the applicant's blasting proposal and finds the applicant's blasting plan and assessment and pre-blast survey adequately addresses the overall blasting requirements described in 38 M.R.S. § 490-Z. The Department finds that on-site blasting will be done in accordance with the Site Law, 38 M.R.S. § 484(9).

8. ALL OTHER:

All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-19861-39-A-N/L-19861-T3-B-N, and subsequent Orders.

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.
- 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 the applicant meets the requirements in Finding 6.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.
- 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.

- 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.

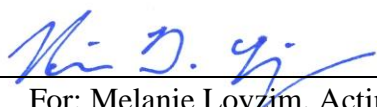
THEREFORE, the Department APPROVES the application of PMP REALTY, LLC to construct a gravel laydown area as described in Finding 1, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

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 its activities or those of its 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. The applicant shall retain the design engineer or other qualified professional to oversee the construction of the stormwater management structures according to the details and notes specified on the approved 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.
5. Within 30 days of completion of the project, the applicant must submit as-built plans to the Department.
6. All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order # L-19861-39-A-N/L-19861-T3-B-N, and subsequent Orders, and are incorporated herein.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 10TH DAY OF DECEMBER, 2020.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:  _____
For: Melanie Loyzim, Acting Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

HB/L19861UB/ATS#86525

FILED
December 10, 2020
State of Maine
Board of Environmental Protection

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.

STORMWATER STANDARD CONDITIONS

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL

Standard conditions of approval. Unless otherwise specifically stated in the approval, a department approval is subject to the following standard conditions pursuant to Chapter 500 Stormwater Management Law.

- (1) 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 permittee. Any variation from these plans, proposals, and supporting documents must be reviewed and approved by the department prior to implementation. Any variation undertaken without approval of the department is in violation of 38 M.R.S. §420-D(8) and is subject to penalties under 38 M.R.S. §349.
- (2) Compliance with all terms and conditions of approval. The applicant shall submit all reports and information requested by the department demonstrating that the applicant has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
- (3) Advertising. Advertising relating to matters included in this application may not refer to this approval unless it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
- (4) Transfer of project. Unless otherwise provided in this approval, the applicant may not sell, lease, assign, or otherwise transfer the project or any portion thereof without written approval by the department 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 may only be granted if the applicant or transferee demonstrates to the department that the transferee agrees to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant. Approval of a transfer of the permit must be applied for no later than two weeks after any transfer of property subject to the license.
- (5) 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 department for a new approval. The applicant may not begin construction or operation of the project 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.
- (6) Certification. Contracts must specify that "all work is to comply with the conditions of the Stormwater Permit." Work done by a contractor or subcontractor pursuant to this approval may not begin before the contractor and any subcontractors have been shown a copy of this approval with the conditions by the permittee, and the permittee and each contractor and sub-contractor has certified, on a form provided by the department, that the approval and conditions have been 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. If maintenance responsibility is to be transferred from the permittee to another entity, a transfer request must be filed with the Department which includes the name and contact information for the person or entity responsible for this maintenance. The form must be signed by the responsible person or agent of the responsible entity.
- (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 are operating as approved, have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the system, or portions of the system, as necessary.
 - (c) The stormwater maintenance plan for the site is being implemented as approved by the Department, and the maintenance log is being maintained.
 - (d) All proprietary systems have been maintained according to the manufacturer's recommendations. Where required by the Department, the permittee shall execute a 5-year maintenance contract with a qualified professional for the coming 5-year interval. The maintenance contract must include provisions for routine inspections, cleaning and general maintenance.
 - (e) The Department may waive some or all of these recertification requirements on a case-by-case basis for permittees subject to the Department's Multi-Sector General Permit ("MSGP") and/or Maine Pollutant Discharge Elimination System ("MEPDES") programs where it is demonstrated that these programs are providing stormwater control that is at least as effective as required pursuant to this Chapter.
- (9) **Transfer of property subject to the license.** If any portion of the property subject to the license containing areas of flow or areas that are flooded are transferred to a new property owner, restrictive covenants protecting these areas must be included in any deeds or leases, and recorded at the appropriate county registry of deeds. Also, in all transfers of such areas and areas containing parts of the stormwater management system, deed restrictions must be included making the property transfer subject to all applicable terms and conditions of the permit. These terms and conditions must be incorporated by specific and prominent reference to the permit in the deed. All transfers must include in the restrictions the requirement that any subsequent transfer must specifically include the same restrictions unless their removal or modification is approved by the Department. These restrictions must be written to be enforceable by the Department, and must reference the permit number.
- (10) **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.

Special Condition
for
Third Party Inspection Program

THIRD-PARTY INSPECTION PROGRAM

1.0 THE PURPOSE OF THE THIRD-PARTY INSPECTION

As a condition of this permit, the Maine Department of Environmental Protection (MDEP) requires the permit applicant to retain the services of a third-party inspector to monitor compliance with MDEP permit conditions during construction. The objectives of this condition are as follows:

- 1) to ensure that all construction and stabilization activities comply with the permit conditions and the MDEP-approved drawings and specifications,
- 2) to ensure that field decisions regarding erosion control implementation, stormwater system installation, and natural resource protection are based on sound engineering and environmental considerations, and
- 3) to ensure communication between the contractor and MDEP regarding any changes to the development's erosion control plan, stormwater management plan, or final stabilization plan.

This document establishes the inspection program and outlines the responsibilities of the permit applicant, the MDEP, and the inspector.

2.0 SELECTING THE INSPECTOR

At least 30 days prior to starting any construction activity on the site, the applicant will submit the names of at least two inspector candidates to the MDEP. Each candidate must meet the minimum qualifications listed under section 3.0. The candidates may not be employees, partners, or contracted consultants involved with the permitting of the project or otherwise employed by the same company or agency except that the MDEP may accept subcontractors who worked for the project's primary consultant on some aspect of the project such as, but not limited to, completing wetland delineations, identifying significant wildlife habitats, or conducting geotechnical investigations, but who were not directly employed by the applicant, as Third Party inspectors on a case by case basis. The MDEP will have 15 days from receiving the names to select one of the candidates as the inspector or to reject both candidates. If the MDEP rejects both candidates, then the MDEP shall state the particular reasons for the rejections. In this case, the applicant may either dispute the rejection to the Director of the Bureau of Land Resources or start the selection process over by nominating two, new candidates.

3.0 THE INSPECTOR'S QUALIFICATIONS

Each inspector candidate nominated by the applicant shall have the following minimum qualifications:

- 1) a degree in an environmental science or civil engineering, or other demonstrated expertise,
- 2) a practical knowledge of erosion control practices and stormwater hydrology,
- 3) experience in management or supervision on large construction projects,
- 4) the ability to understand and articulate permit conditions to contractors concerning erosion control or stormwater management,
- 5) the ability to clearly document activities being inspected,
- 6) appropriate facilities and, if necessary, support staff to carry out the duties and responsibilities set forth in section 6.0 in a timely manner, and
- 7) no ownership or financial interest in the development other than that created by being retained as the third-party inspector.

4.0 INITIATING THE INSPECTOR'S SERVICES

The applicant will not formally and finally engage for service any inspector under this permit condition prior to MDEP approval or waiver by omission under section 2.0. No clearing, grubbing, grading, filling, stockpiling, or other construction activity will take place on the development site until the applicant retains the MDEP-approved inspector for service.

5.0 TERMINATING THE INSPECTOR'S SERVICES

The applicant will not terminate the services of the MDEP-approved inspector at any time between commencing construction and completing final site stabilization without first getting written approval to do so from the MDEP.

6.0 THE INSPECTOR'S DUTIES AND RESPONSIBILITIES

The inspector's work shall consist of the duties and responsibilities outlined below.

- 1) Prior to construction, the inspector will become thoroughly familiar with the terms and conditions of the state-issued site permit, natural resources protection permit, or both.
- 2) Prior to construction, the inspector will become thoroughly familiar with the proposed construction schedule, including the timing for installing and removing erosion controls, the timing for constructing and stabilizing any basins or ponds, and the deadlines for completing stabilization of disturbed soils.
- 3) Prior to construction, the inspector will become thoroughly familiar with the project plans and specifications, including those for building detention basins, those for installing the erosion control measures to be used on the site, and those for temporarily or permanently stabilizing disturbed soils in a timely manner.
- 4) During construction, the inspector will monitor the contractor's installation and maintenance of the erosion control measures called for in the state permit(s) and any additional measures the inspector believes are necessary to prevent sediment discharge to off-site properties or natural resources. This direction will be based on the approved erosion control plan, field conditions at the time of construction, and the natural resources potentially impacted by construction activities.
- 5) During construction, the inspector will monitor the contractor's construction of the stormwater system, including the construction and stabilization of ditches, culverts, detention basins, water quality treatment measures, and storm sewers.
- 6) During construction, the inspector will monitor the contractor's installation of any stream or wetland crossings.
- 7) During construction, the inspector will monitor the contractor's final stabilization of the project site.
- 8) During construction, the inspector will keep logs recording any rain storms at the site, the contractor's activities on the site, discussions with the contractor(s), and possible violations of the permit conditions.
- 9) During construction, the inspector will inspect the project site at least once a week and before and after any significant rain event. The inspector will photograph all protected natural resources both before and after construction and will photograph all areas under construction. All photographs will be identified with, at a minimum the date the photo was taken, the location and the name of the individual taking the photograph.
Note: the frequency of these inspections as contained in this condition may be varied to best address particular project needs.
- 10) During construction, the inspector will prepare and submit weekly (*or other frequency*) inspection reports to the MDEP.

- 11) During construction, the inspector will notify the designated person at the MDEP immediately of any sediment-laden discharges to a protected natural resource or other significant issues such as the improper construction of a stormwater control structure or the use of construction plans not approved by the MDEP.

7.0 INSPECTION REPORTS

The inspector will submit weekly written reports (*or at another designated frequency*), including photographs of areas that are under construction, on a form provided by the Department to the designated person at the MDEP. Each report will be due at the MDEP by the Friday (*or other designated day*) following the inspection week (Monday through Sunday).

The weekly report will summarize construction activities and events on the site for the previous week as outlined below.

- 1) The report will state the name of the development, its permit number(s), and the start and end dates for the inspection week (Monday through Sunday).
- 2) The report will state the date(s) and time(s) when the inspector was on the site making inspections.
- 3) The report will state the date(s) and approximate duration(s) of any rainfall events on the site for the week.
- 4) The report will identify and describe any erosion problems that resulted in sediment leaving the property or sediment being discharged into a wetland, brook, stream, river, lake, or public storm sewer system. The report will describe the contractor's actions to repair any damage to other properties or natural resources, actions to eliminate the erosion source, and actions to prevent future sediment discharges from the area.
- 5) The report will list the buildings, roads, parking lots, detention basins, stream crossings or other features open to construction for the week, including those features or areas actively worked and those left unworked (dormant).
- 6) For each area open to construction, the report will list the date of initial soil disturbance for the area.
- 7) For each area open to construction, the report will note which areas were actively worked that week and which were left dormant for the week. For those areas actively worked, the report will briefly state the work performed in the area that week and the progress toward final stabilization of the area – e.g. “grubbing in progress,” “grubbing complete,” “rough grading in progress,” “rough grading complete,” “finish grading in progress,” “finish grading complete,” “permanent seeding completed,” “area fully stable and temporary erosion controls removed,” etc.
- 8) For each area open to construction, the report will list the erosion and sedimentation control measures installed, maintained, or removed during the week.
- 9) For each erosion control measure in-place, the report will note the condition of the measure and any maintenance performed to bring it to standard.

Third Party Inspection Form

This report is prepared by a Third Party Inspector to meet the requirements of the Third Party Inspector Condition attached as a Special Condition to the Department Order that was issued for the project identified below. The information in this report/form is not intended to serve as a determination of whether the project is in compliance with the Department permit or other applicable Department laws and rules. Only Department staff may make that determination.

TO: <i>PM, Maine DEP (@maine.gov)</i>	FROM:
PROJECT NAME/ LOCATION:	DEP #:
DATE OF INSPECTION:	DATE OF REPORT:
WEATHER:	CONDITIONS:

SITE CHARACTERISTICS:

# ACRES OPEN:	# ACRES ACTIVE:	# ACRES INACTIVE:
LOCATION OF OPEN LAND:	LOCATION OF ACTIVE LAND:	LOCATION OF INACTIVE LAND:
OPEN SINCE:	OPEN SINCE:	OPEN SINCE:

PROGRESS OF WORK:

INSPECTION OF:	Satisfactory	Minor Deviation (corrective action required)	Unsatisfactory (include photos)
STORMWATER CONTROL (VEGETATIVE & STRUCTURAL BMP'S)			
EROSION & SEDIMENTATION CONTROL (TEMPORARY & PERMANENT BMP'S)			
OTHER: (PERMIT CONDITIONS, ENGINEERING DESIGN, ETC.)			

COMMENTS/CORRECTIVE ACTIONS TAKEN (attach additional sheets as necessary):

Photos (must be labeled with date, photographer and location):

Cc:		
<i>Original and all copies were sent by email only.</i>		



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: November 2018

Contact: (207) 287-2452

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner: (1) an administrative process before the Board of Environmental Protection (Board); or (2) a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This information sheet, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S. §§ 341-D(4) & 346; the *Maine Administrative Procedure Act*, 5 M.R.S. § 11001; and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 C.M.R. ch. 2.

DEADLINE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed more than 30 calendar days after the date on which the Commissioner's decision was filed with the Board will be dismissed unless notice of the Commissioner's license decision was required to be given to the person filing an appeal (appellant) and the notice was not given as required.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017. An appeal may be submitted by fax or e-mail if it contains a scanned original signature. It is recommended that a faxed or e-mailed appeal be followed by the submittal of mailed original paper documents. The complete appeal, including any attachments, must be received at DEP's offices in Augusta on or before 5:00 PM on the due date; materials received after 5:00 pm are not considered received until the following day. The risk of material not being received in a timely manner is on the sender, regardless of the method used. The appellant must also send a copy of the appeal documents to the Commissioner of the DEP; the applicant (if the appellant is not the applicant in the license proceeding at issue); and if a hearing was held on the application, any intervenor in that hearing process. All of the information listed in the next section of this information sheet must be submitted at the time the appeal is filed.

INFORMATION APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time the appeal is submitted:

1. *Aggrieved Status.* The appeal must explain how the appellant has standing to maintain an appeal. This requires an explanation of how the appellant may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions, or conditions objected to or believed to be in error.* The appeal must identify the specific findings of fact, conclusions regarding compliance with the law, license conditions, or other aspects of the written license decision or of the license review process that the appellant objects to or believes to be in error.
3. *The basis of the objections or challenge.* For the objections identified in Item #2, the appeal must state why the appellant believes that the license decision is incorrect and should be modified or reversed. If possible, the appeal should cite specific evidence in the record or specific licensing requirements that the appellant believes were not properly considered or fully addressed.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those matters specifically raised in the written notice of appeal.
6. *Request for hearing.* If the appellant wishes the Board to hold a public hearing on the appeal, a request for public hearing must be filed as part of the notice of appeal, and must include an offer of proof in accordance with Chapter 2. The Board will hear the arguments in favor of and in opposition to a hearing on the appeal and the presentations on the merits of an appeal at a regularly scheduled meeting. If the Board decides to hold a public hearing on an appeal, that hearing will then be scheduled for a later date.
7. *New or additional evidence to be offered.* If an appellant wants to provide evidence not previously provided to DEP staff during the DEP's review of the application, the request and the proposed evidence must be submitted with the appeal. The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered in an appeal only under very limited circumstances. The proposed evidence must be relevant and material, and (a) the person seeking to add information to the record must show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process; or (b) the evidence itself must be newly discovered and therefore unable to have been presented earlier in the process. Specific requirements for supplemental evidence are found in Chapter 2 § 24.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, and is made easily accessible by the DEP. Upon request, the DEP will make application materials available during normal working hours, provide space to review the file, and provide an opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer general questions regarding the appeal process.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed, the license normally remains in effect pending the processing of the appeal. Unless a stay of the decision is requested and granted, a license holder may proceed with a project pending the outcome of an appeal, but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal, and will provide the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, any materials submitted in response to the appeal, and relevant excerpts from the DEP's application review file will be sent to Board members with a recommended decision from DEP staff. The appellant, the license holder if different from the appellant, and any interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. The appellant and the license holder will have an opportunity to address the Board at the Board meeting. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, the license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court (see 38 M.R.S. § 346(1); 06-096 C.M.R. ch. 2; 5 M.R.S. § 11001; and M.R. Civ. P. 80C). A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452, or for judicial appeals contact the court clerk's office in which your appeal will be filed.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.



Rebekah Stone
Vice President
Commercial Portfolio Manager

June 1, 2020

Joseph Lajoie
Vice President, Lajoie Bros., Inc.
3029N Belfast Ave.
Augusta, Maine 04330

RE: Everett J. Prescott, Inc. / PMP Realty, Inc.

Project: Car Barn

To Whom It May Concern:

I am writing this letter of reference on behalf of Everett J. Prescott Inc. and PMP Realty, Inc. (together referred to as "EJP"). EJP has been a client of NBT Bank since February 2015. Additionally, the NBT relationship team previously managed EJP's commercial relationship at another financial institution, so our personal experience with the company dates back over 17 years.

EJP maintains an eight-figure borrowing relationship with NBT consisting of working capital and mortgage financing. The company maintains ample borrowing availability under its line of credit, and current availability is in the low eight-figure range.

In summary, EJP is a valued customer in very good standing with the bank, and all our dealings with the company have been handled as agreed.

If further information is needed, please feel free to contact me directly at (603) 380-2391.

Sincerely,

A handwritten signature in blue ink that reads "R. Stone".

Rebekah Stone
Vice President
(603) 380-2391



STATE OF MAINE
DEPARTMENT OF
INLAND FISHERIES & WILDLIFE
284 STATE STREET
41 STATE HOUSE STATION
AUGUSTA ME 04333-0041



February 19, 2020

James Coffin
E.S. Coffin
432 Cony Road, PO Box 4687
Augusta, ME 04330

RE: Information Request – EJ Prescott Libby Hill Business Park Project, Gardiner

Dear James:

Per your request received on February 14, 2020, we have reviewed current Maine Department of Inland Fisheries and Wildlife (MDIFW) information for known locations of Endangered, Threatened, and Special Concern species; designated Essential and Significant Wildlife Habitats; and inland fisheries habitat concerns within the vicinity of the *EJ Prescott Libby Hill Business Park* project in Gardiner. For purposes of this review we are assuming tree clearing will be part of your project.

Our Department has not mapped any Essential Habitats or inland fisheries habitats that would be directly affected by your project.

Endangered, Threatened, and Special Concern Species

Bats – Of the eight species of bats that occur in Maine, the three *Myotis* species are protected under Maine's Endangered Species Act (MESA) and are afforded special protection under 12 M.R.S §12801 - §12810. The three *Myotis* species include little brown bat (State Endangered), northern long-eared bat (State Endangered), and eastern small-footed bat (State Threatened). The five remaining bat species are listed as Special Concern: big brown bat, red bat, hoary bat, silver-haired bat, and tri-colored bat. While a comprehensive statewide inventory for bats has not been completed, based on historical evidence it is likely that several of these species occur within the project area during migration and/or the breeding season. However, our Agency does not anticipate significant impacts to any of the bat species as a result of this project.

Significant Wildlife Habitat

Significant Vernal Pools - At this time MDIFW Significant Wildlife Habitat (SWH) maps indicate no known presence of SWHs subject to protection under the Natural Resources Protection Act (NRPA) within the project area, which include Waterfowl and Wading Bird Habitats, Seabird Nesting Islands, Shorebird Areas, and Significant Vernal Pools. However, a comprehensive statewide inventory for Significant Vernal Pools has not been completed. Therefore, we recommend that surveys for vernal pools be conducted within the project boundary by qualified wetland scientists prior to final project design to determine whether there are Significant Vernal Pools present in the area. These surveys should extend up to 250 feet beyond the anticipated project footprint because of potential performance standard requirements for off-site Significant Vernal Pools, assuming such pools are located on land owned or controlled by the applicant. Once surveys are completed, survey forms should be submitted to our

Letter to James Coffin, E.S. Coffin
Comments RE: EJ Prescott Libby Hill Business Park Project, Gardiner
February 19, 2020

Agency for review well before the submission of any necessary permits. Our Department will need to review and verify any vernal pool data prior to final determination of significance.

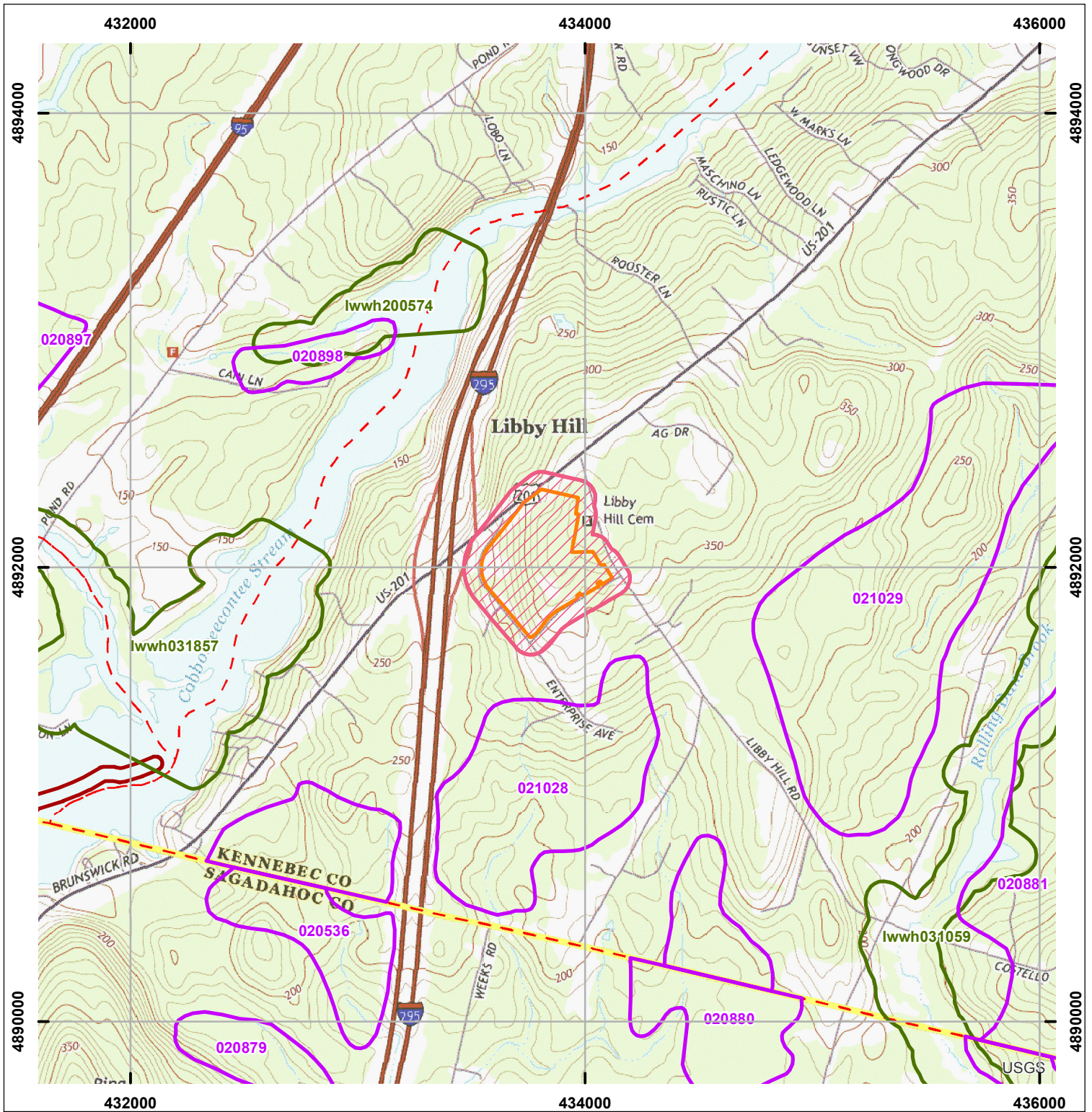
This consultation review has been conducted specifically for known MDIFW jurisdictional features and should not be interpreted as a comprehensive review for the presence of other regulated features that may occur in this area. Prior to the start of any future site disturbance we recommend additional consultation with the municipality, and other state resource agencies including the Maine Natural Areas Program, Maine Department of Marine Resources, and Maine Department of Environmental Protection in order to avoid unintended protected resource disturbance.

Please feel free to contact my office if you have any questions regarding this information, or if I can be of any further assistance.

Best regards,

A handwritten signature in black ink, appearing to read 'Becca Settele', with a stylized, cursive style.

Becca Settele
Wildlife Biologist

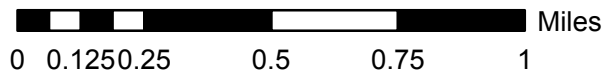


Environmental Review of Fish and Wildlife Observations and Priority Habitats

Project Name: EJ Prescott Libby Hill Business Park Project, Gardiner (Version 1)



Maine Department of
Inland Fisheries and Wildlife



Projection: UTM, NAD83, Zone 19N

Date: 2/14/2020





MAINE HISTORIC PRESERVATION COMMISSION
55 CAPITOL STREET
65 STATE HOUSE STATION
AUGUSTA, MAINE
04333

JANET T. MILLS
GOVERNOR

KIRK F. MOHNEY
DIRECTOR

February 27, 2020

Mr. James E. Coffin
E.S.Coffin
PO Box 4687
Augusta, ME 04330

Project: MHPC# 0270-20 EJ Prescott; Libby Hill Business Park
Proposed Addition to Corporate Headquarters Building
Town: Gardiner, ME

Dear Mr. Coffin:

In response to your recent request, I have reviewed the information received February 20, 2020 to initiate consultation on the above referenced project.

Based on the information provided, I have concluded that there are no National Register eligible properties on or adjacent to the parcels. In addition, the project area is not considered sensitive for archaeological resources.

Please contact Megan M. Rideout of our staff, at megan.m.rideout@maine.gov or 207-287-2992, if we can be of further assistance in this matter.

Sincerely,

Kirk F. Mohney
State Historic Preservation Officer



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY

177 STATE HOUSE STATION
AUGUSTA, MAINE 04333

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

March 6, 2020

Jim Coffin
E.S. Coffin Engineering & Surveying
PO Box 4687
Augusta, ME 04330

Via email: jcoffin@coffineng.com

Re: Rare and exemplary botanical features in proximity to: #2017-144, EJ Prescott, building addition, Libby Hill, Gardiner, Maine

Dear Mr. Coffin:

I have searched the Maine Natural Areas Program's Biological and Conservation Data System files in response to your request received February 13, 2020 for information on the presence of rare or unique botanical features documented from the vicinity of the project in Gardiner, Maine. Rare and unique botanical features include the habitat of rare, threatened, or endangered plant species and unique or exemplary natural communities. Our review involves examining maps, manual and computerized records, other sources of information such as scientific articles or published references, and the personal knowledge of staff or cooperating experts.

Our official response covers only botanical features. For authoritative information and official response for zoological features you must make a similar request to the Maine Department of Inland Fisheries and Wildlife, 284 State Street, Augusta, Maine 04333.

According to the information currently in our Biological and Conservation Data System files, there are no rare botanical features documented specifically within the project area. This lack of data may indicate minimal survey efforts rather than confirm the absence of rare botanical features. You may want to have the site inventoried by a qualified field biologist to ensure that no undocumented rare features are inadvertently harmed.

If a field survey of the project area is conducted, please refer to the enclosed supplemental information regarding rare and exemplary botanical features documented to occur in the vicinity of the project site. The list may include information on features that have been known to occur historically in the area as well as recently field-verified information. While historic records have not been documented in several years, they may persist in the area if suitable habitat exists. The enclosed list identifies features with potential to occur in the area, and it should be considered if you choose to conduct field surveys.

This finding is available and appropriate for preparation and review of environmental assessments, but it is not a substitute for on-site surveys. Comprehensive field surveys do not exist for all natural areas in Maine, and in the absence of a specific field investigation, the Maine Natural Areas Program cannot provide a definitive statement on the presence or absence of unusual natural features at this site.

MOLLY DOCHERTY, DIRECTOR
MAINE NATURAL AREAS PROGRAM
BLOSSOM LANE, DEERING BUILDING



PHONE: (207) 287-804490
WWW.MAINE.GOV/DACF/MNAP

Letter to ES Coffin
Comments RE: Libby Hill, Gardiner
March 6, 2020
Page 2 of 2

The Maine Natural Areas Program (MNAP) is continuously working to achieve a more comprehensive database of exemplary natural features in Maine. We would appreciate the contribution of any information obtained should you decide to do field work. MNAP welcomes coordination with individuals or organizations proposing environmental alteration or conducting environmental assessments. If, however, data provided by MNAP are to be published in any form, the Program should be informed at the outset and credited as the source.

The Maine Natural Areas Program has instituted a fee structure of \$75.00 an hour to recover the actual cost of processing your request for information. You will receive an invoice for \$150.00 for two hours of our services.

Thank you for using MNAP in the environmental review process. Please do not hesitate to contact me if you have further questions about the Natural Areas Program or about rare or unique botanical features on this site.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kristen Puryear".

Kristen Puryear | Ecologist | Maine Natural Areas Program
207-287-8043 | kristen.puryear@maine.gov

**Rare and Exemplary Botanical Features within 4 miles of
Project: #2017-144, Libby Hill Business Park-Building Addition/Parking, Gardiner,
Maine**

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
Alpine Rush						
	SC	S3	G5T5	1908	4	Non-tidal rivershore (non-forested, seasonally wet)
American Ginseng						
	E	S3	G3G4	1989	33	Hardwood to mixed forest (forest, upland)
	E	S3	G3G4	1912-07	17	Hardwood to mixed forest (forest, upland)
Broad Beech Fern						
	SC	S2	G5	1912-08-09	10	Hardwood to mixed forest (forest, upland)
Columbia Water-meal						
	SC	S2	G5	2007-08-14	5	Open water (non-forested, wetland)
Eaton's Bur-marigold						
	SC	S2	G3	2013-10-04	29	Tidal wetland (non-forested, wetland)
Estuary Bur-marigold						
	SC	S3	G4	2013-10-04	30	Tidal wetland (non-forested, wetland)
Freshwater Tidal Marsh						
	<null>	S2	G4?	2013-09-10	16	Tidal wetland (non-forested, wetland)
Parker's Pipewort						
	SC	S3	G3	2013-10-04	16	Tidal wetland (non-forested, wetland)
Pygmyweed						
	SC	S2S3	G5	2013-10-04	17	Open water (non-forested, wetland)
Spongy-leaved Arrowhead						
	SC	S3	G5T4	2013-10-04	15	Tidal wetland (non-forested, wetland)
Upper Floodplain Hardwood Forest						
	<null>	S3	GNR	2016-05-23	46	Forested wetland

**Rare and Exemplary Botanical Features within 4 miles of
Project: #2017-144, Libby Hill Business Park-Building Addition/Parking, Gardiner,
Maine**

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
Water Stargrass						
	SC	S3	G5	2002-09-12	11	Open water (non-forested, wetland)
Wild Garlic						
	SC	S2	G5	2016-05-23	26	Forested wetland,Hardwood to mixed forest (forest, upland)

STATE RARITY RANKS

- S1** Critically imperiled in Maine because of extreme rarity (five or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extirpation from the State of Maine.
- S2** Imperiled in Maine because of rarity (6-20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.
- S3** Rare in Maine (20-100 occurrences).
- S4** Apparently secure in Maine.
- S5** Demonstrably secure in Maine.
- SU** Under consideration for assigning rarity status; more information needed on threats or distribution.
- SNR** Not yet ranked.
- SNA** Rank not applicable.
- S#?** Current occurrence data suggests assigned rank, but lack of survey effort along with amount of potential habitat create uncertainty (e.g. S3?).

Note: **State Rarity Ranks** are determined by the Maine Natural Areas Program for rare plants and rare and exemplary natural communities and ecosystems. The Maine Department of Inland Fisheries and Wildlife determines State Rarity Ranks for animals.

GLOBAL RARITY RANKS

- G1** Critically imperiled globally because of extreme rarity (five or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extinction.
- G2** Globally imperiled because of rarity (6-20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.
- G3** Globally rare (20-100 occurrences).
- G4** Apparently secure globally.
- G5** Demonstrably secure globally.
- GNR** Not yet ranked.

Note: **Global Ranks** are determined by NatureServe.

STATE LEGAL STATUS

Note: State legal status is according to 5 M.R.S.A. § 13076-13079, which mandates the Department of Conservation to produce and biennially update the official list of Maine's **Endangered and Threatened** plants. The list is derived by a technical advisory committee of botanists who use data in the Natural Areas Program's database to recommend status changes to the Department of Conservation.

- E** ENDANGERED; Rare and in danger of being lost from the state in the foreseeable future; or federally listed as Endangered.
- T** THREATENED; Rare and, with further decline, could become endangered; or federally listed as Threatened.

NON-LEGAL STATUS

- SC** SPECIAL CONCERN; Rare in Maine, based on available information, but not sufficiently rare to be considered Threatened or Endangered.
- PE** Potentially Extirpated; Species has not been documented in Maine in past 20 years or loss of last known occurrence has been documented.

ELEMENT OCCURRENCE RANKS - EO RANKS

Element Occurrence ranks are used to describe the quality of a rare plant population or natural community based on three factors:

- **Size**: Size of community or population relative to other known examples in Maine. Community or population's viability, capability to maintain itself.
- **Condition**: For communities, condition includes presence of representative species, maturity of species, and evidence of human-caused disturbance. For plants, factors include species vigor and evidence of human-caused disturbance.
- **Landscape context**: Land uses and/or condition of natural communities surrounding the observed area. Ability of the observed community or population to be protected from effects of adjacent land uses.

These three factors are combined into an overall ranking of the feature of **A**, **B**, **C**, or **D**, where **A** indicates an **excellent** example of the community or population and **D** indicates a **poor** example of the community or population. A rank of **E** indicates that the community or population is **extant** but there is not enough data to assign a quality rank. The Maine Natural Areas Program tracks all occurrences of rare (S1-S3) plants and natural communities as well as A and B ranked common (S4-S5) natural communities.

Note: **Element Occurrence Ranks** are determined by the Maine Natural Areas Program for rare plants and rare and exemplary natural communities and ecosystems. The Maine Department of Inland Fisheries and Wildlife determines Element Occurrence ranks for animals.

Visit our website for more information on rare, threatened, and endangered species!
<http://www.maine.gov/dacf/mnap>



CITY OF GARDINER FIRE & RESCUE DEPARTMENT



Chief Richard Sieberg

April 11, 2024

Dear Mr. Coffin,

I have received your proposal to construct a 60' by 100' cold storage building in Lot 4 of the Libby Hill Business Park.

After reviewing the documents and discussing this concept with Code Enforcement I don't believe this will create a negative impact on the Fire Department.

As always, we look forward to working with all of the businesses in the City. Please feel free to reach out to the Fire Department if you have questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Sieberg".

Richard Sieberg
Gardiner Fire Department
Fire Chief