



6 Church Street,
Gardiner, Maine 04345
Phone (207) 582-4200

Site Plan Review Application

Project Name: Lyne Realty LP (Preferred Pump) Project Cost: \$2,500,000

Date of Submission: February 09, 2021 Received by: _____ Fees: \$250.00

A complete written description of the proposed project including all other local, state and federal permits required for the project. The applicant is proposing to construct a new building and associated storage areas for their distribution company. There will be a large laydown area on the south & east sides of the parcel. A Conditional Compliance Application to the DEP is being filed concurrently with this PB application.

Anticipated beginning/completion dates of construction: April 2021/December 2021

1. General Information:

Name of Property Owner: Lyne Realty LP (Preferred Pump)

Address: 2201 Scott Avenue Fort Worth, TX 76103

Phone/Fax No: 210-602-9086

Applicant/Agent Name: Lyne Realty LP (Preferred Pump)

Address: 2201 Scott Avenue Fort Worth, TX 76103

Phone/Fax No 210-602-9086

Design Professional(s)/Contractor(s): Surveyor Engineer Architect Contractor

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: February 09, 2021

2. Property Information:

Property Location: Commerce Drive

Deed Ref: Book 9125 Page 310 City Tax Map(s) 7 Lot(s) 20-19

Property Size/Frontage: Acres 12.91 Sq. Ft. 562,360 Road 1st Left Rd Shore N/A

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

3. Development Information:

One or more site maps drawn to scale, prepared and sealed by a professional engineer or architect showing the following:

a.) The existing conditions on the property including:

1. The property boundaries;
The property boundaries are shown on the Topographic Survey Plan and Site Plan.
2. The zoning district and zoning district boundaries if the property is located in more than one zone;
The entire Libby Hill Business Park is within the Planned Industrial Commercial (PIC) District.
3. The location of required setbacks, buffers and other restrictions:
All setbacks and buffers can be found on the Site Plan.
4. The location of any easements or rights-of-way;
All easements and rights-of-way can be found on the Topographic Survey Plan.
5. The locations of existing structures and other existing improvements on the property including a description of the current use of the property;
There are not any structures currently on site.
6. The locations of existing utilities on and adjacent to the property including sewers, water mains, stormwater facilities, gas mains, and electric and other telecommunication facilities;
All utilities mentioned above can be found on the Topographic Survey Plan.
7. The location of the nearest source of a fire protection water supply (hydrant, fire pond, etc.)
There is a fire hydrant near the intersection of 1st Left Road and Technology Drive.
8. The general topography of the property indicating the general slope of the land and drainage patterns. The CEO and/or Planning Board may require a topographic survey of all or a portion of the property for projects involving the construction of new or expanded structures or site modifications.
A topographic survey is included with this submission..
9. The location, type and extent of any natural resources on the property including wetlands, vernal pools, floodplains, waterbodies, significant wildlife habitats, rare or endangered plants or animals, or similar resources; and
There are some wetlands along the south side of the parcel, but none will be impacted as part of this project. The Maine Department of Inland Fisheries & Wildlife and the Department of Conservation have all reviewed the Phase II subdivision back in 2008 and their responses can be found in the DEP Department Order dated 2008 and is included with this submission.
10. The location and type of any identified historic or archeological resource on the property.
The Maine Historical Preservation Committee has reviewed the Phase II subdivision back in 2008 and their response can be found in the DEP Department Order dated March 11, 2008 and included with this submission.

b.) The proposed development activity for which approval is requested including:

1. The estimated demand for water supply and sewage disposal together with the proposed location and provisions for water supply and wastewater disposal including evidence of soil suitability if on-site sewage disposal is proposed;
A letter has been received from Paul Gray of the Gardiner Water District indicating that the District has sufficient water capacity for the proposed project.
2. The direction of proposed surface water drainage across the site and from the site together with the proposed location of all stormwater facilities and evidence of their adequacy;
The surface water is directed towards the wet pond located on the south side of the parcel.
3. The location, dimensions, and ground floor elevations of all proposed buildings and structures including expansions or modifications to existing buildings that change the footprint of the building;
These elements can be found on the site plan (C-1).
4. The location, dimensions and materials to be used in the construction of drives, parking areas, sidewalks and similar facilities;
These elements can be found on the site plan (C-1) and detail sheets.
5. The proposed flow of vehicular and pedestrian traffic into and through the property;
Vehicles will flow in either direction around the building as shown on the site plan (C-1).
6. The location and details for any signs proposed to be install or altered;
The applicant is proposing to erect a new sign in adjacent to the entrance at the end of First Left Road as shown on the Site Plan (C-1).
7. The location and details for any exterior lighting proposed to be installed or altered;
All exterior lights will be wall packs (dark sky) that are attached to the building.
8. Provisions for landscaping and buffering; and
Buffering is shown on the site plan (C-1).
9. Any other information necessary to demonstrate compliance with the review criteria or other standards of the Land Use Ordinance.
None at this time.

c.) Evidence that the applicant has or can obtain all required permits necessary for the proposal.
ES Coffin Engineering will obtain all pertinent permits needed.

Additional Information Required:

Building and structure drawings showing the footprint, height, front, side and rear profiles and all design features necessary to show compliance with this Ordinance;
The applicant's architect has provided the architectural drawings for the proposed building.

An estimate of the peak hour and average daily traffic to be generated by the project and evidence that the additional traffic can be safely accommodated on the adjacent streets;
We have included a traffic report to show the a maximum of 5.8 peak hour trips associated with this development.

An erosion and sedimentation control plan; and
The erosion & sedimentation control plan is shown on Sheet C-2.

A stormwater management plan demonstrating how any increased runoff from the site will be handled if the project requires a stormwater permit from the Maine Department of Environmental Protection or if the Planning Board determines that such information is necessary based on the scale of the project and the existing conditions in the vicinity of the project.

The parcel has been pre-approved for stormwater runoff with all runoff going to the pond on the parcel as shown on the site plan (C-1).

Elevation drawings prepared by a professional engineer or architect showing 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.

Building elevations are provided by the architect.

Photographs or similar photo representations or drawings showing the architectural design and context of the proposed structures and adjacent properties on the both sides of the road.

Building elevations are included for the proposed building.

Survey Requirements

The Planning Board may require the applicant to submit a survey of the perimeter of the tract, giving complete descriptive data by bearing and distances, made and certified by a Registered Land Surveyor. The survey may be required for the construction of new structures or any construction proposed on a undeveloped parcel or tract of land, whenever the Planning Board finds that a survey is necessary to show compliance with the requirements of this Ordinance due to the size of the lot, location of the lot or the placement of existing or proposed structures on the lot or neighboring properties.

The parcel is within an approved subdivision with all boundaries shown on the subdivision plan.

Additional Studies

The Planning Board may require the applicant to perform additional studies or may hire a consultant to review the application or portions thereof. The cost to perform additional studies or hire a consultant shall be borne by the applicant.

4. Review Criteria

An applicant shall demonstrate that the proposed use or uses meet the review criteria listed below for the type of application. The Planning Board shall approve an application unless one or the other of them makes a written finding that one or more of the following criteria have not been met.

6.5.1.1 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.

6.5.1.2 The proposal conforms to all the applicable provisions of this Ordinance.

The project conforms to all applicable provisions of the LUO.

6.5.1.3 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. All runoff flows south to the existing pond shown on the Phase II Lotting Plan of the Libby Hill Business Park.

6.5.1.4 The proposal will provide for the adequate disposal of all wastewater and solid waste.

Public sewer is available for the project and all wastewater associated with the bathrooms, break room, etc. will be sent to the manhole at the end of First Left Road. This manhole needs to have a pump station installed. The LHBP Phase II DEP permit allows the 12 lots to discharge up to 18,000 GPD to the City's wastewater treatment facility. A letter from Doug Clark (Director) of the Gardiner Sewage District is included indicating that the District has sufficient capacity to serve the proposed addition. The applicant is anticipating having up to 10 employees associated with the proposed development. A dumpster enclosure is shown on the Site Plan (C-1) that will provide adequate disposal of solid wastes. The LHBP Phase I DEP permit allows the 12 lots to produce up to 24 tons per year or 120 cubic yards of solid wastes.

6.5.1.5 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.

The Maine Historical Preservation Committee, the Maine Department of Inland Fisheries & Wildlife and the Department of Conservation have all reviewed the Phase II subdivision back in 2008 and their responses can be found in the DEP Department Order dated 2008 and included with this submission.

6.5.1.6 The proposal will not have an adverse impact upon waterbodies and wetlands.

Vaughn Smith Associates has provided the wetland delineation and our surveyors located his wetland flags. This information is shown on the topographic plan included with this submission.

6.5.1.7 The proposal will provide for adequate storm water management.

Lot 19 has an allowable impervious area of 3.20 acres per the Phase II Overall Plan. The total impervious area after this project has been constructed will be 2.72 acres. All lots in the LHBP have been pre-designed for stormwater with wet ponds for Phase II and detention ponds for Phase I.

6.5.1.8 The proposal will conform to all applicable Shoreland Zoning requirements.

The project is not within Shoreland Zoning and this section is not applicable.

6.5.1.9 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.

6.5.1.10 The proposal will have sufficient water available to meet the needs of the development.

A letter has been received from Paul Gray of the Gardiner Water District indicating that the District has sufficient water capacity for the proposed project.

6.5.1.11 The proposal will not adversely affect groundwater quality or quantity.

The project will connect to public water at the end of First Left Road for domestic water service and has the capacity per Paul Gray's letter to serve the proposed development. Groundwater quality and quantity will not be adversely affected with the proposed project.

6.5.1.12 The proposal will provide for safe and adequate vehicle and pedestrian circulation in the development.

The proposed site is being utilized for distribution with offices associated with the applicants operation. Pedestrians will not be able to walk around on site as there will be a fence around the perimeter. Tractor trailer trucks can access and negotiate the site as needed with loading docks along the east side of the building. The site has been designed to allow 67' long tractor trailer trucks to enter off First Left Road and drive in either direction around the proposed building and exit without multiple turning movements. There is more than enough area for vehicle circulation associated with the site.

6.5.1.13 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.

A letter has been received from Jerry Douglass (Public Works Director) stating that the project will not have any negative impacts to the public works department.

6.5.1.14 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 applicant has provided a financial statement indicating that they have adequate financing to complete the project.

6.5.2 Site Plan Review Criteria

All applications for Site Plan Review shall meet the Review Criteria contained in 6.5.1 and the additional criteria contained in this section.

6.5.2.1. The proposal will be sensitive to the character of the site, neighborhood and the district in which it is located including conformance to any zoning district specific design standards;

The parcel is surrounded by other commercial/industrial parcels except on the east side where it abuts a CMP easement. There are no design standards in the PIC District.

6.5.2.2 The proposal will not have an adverse impact upon neighboring properties;

The only residential properties are located to the east side parcel, which has at least a 500' buffer to any residence. It will be virtually impossible to see the building except from First Left Road. Dust will be controlled during construction by using water or calcium. The project will not have an adverse impact on neighboring properties.

6.5.2.3 The proposal contains landscaping, buffering, and screening elements which provide privacy to adjacent land uses in accordance with the appropriate performance standards;

The project is required to implement a partial screen along First Left road and a full screen along the rear and side property lines. The site plan depicts Option 2 with 3 canopy trees and 3 understory trees with at least a 4 foot high berm per 100 linear feet along the north property line. The property lines to the east, west and south sides require a full screen per the Land Use Ordinance (LUO), but there are wooded areas that meet or exceed the Land Use Ordinance requirements in place.

6.5.2.4 The building site and roadway design will 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 driveway into the site is at the end of First Left Road is at an elevation where the building finish floor elevation is about seven feet higher. With the proposed entrance all traffic entering the site and can flow in either direction around the building. The site has been graded to send runoff away from the building in all directions and the cuts/fills have been minimized as much as possible with the existing topography of the parcel.

6.5.2.5 The proposal will 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 is situated on the most desirable location on lot #19. It allows the building to be viewed from First Left Road and the entire development does not impact any wetlands. Vaughn Smith Associates were hired to delineate the wetlands on site and they are depicted on the Topographic Survey. The Maine Historical Preservation Committee, the Maine Department of Inland Fisheries & Wildlife and the Department of Conservation have all reviewed the Phase II subdivision back in 2008 and their responses can be found in the DEP Department Order dated 2008 and included with this submission.

6.5.2.6 The proposal will provide for a system of pedestrian ways within the site appropriate to the development and the surrounding area. The system will 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 are not any sidewalks on First Left Road nor along any road within the LHBP. The general public can drive into the site, find a parking space and enter the office area, but this entire site is geared towards a distribution facility with tractor trailer trucks and other construction vehicles moving continuously around the site. It would be very dangerous for any pedestrian access to occur in and around this site without an employee assisting them.

6.5.2.7 In urban and built-up areas, buildings will be placed closer to the road in conformance with setback requirements and parking areas shall be located at the side or rear of the building;

The proposed building is situated on site in one of the only locations available due to grades and the existing pond location. There is parking along the west side of the building. There is not any "Rural Character" associated with the Libby Hill Business Park as there are only commercial and industrial uses. The proposed parking areas are all adjacent to wooded areas, which act as a natural buffer.

6.5.2.8 Proposals with multiple buildings will be designed and placed to utilize common parking areas to the greatest practical extent;

There will not be multiple buildings on the parcel. 15 parking spaces are required per the Land Use Ordinance and there are 15 parking spaces shown on the site plan (C-1).

6.5.2.9 Building entrances will be oriented to the public road unless the layout or grouping of the buildings justifies another approach.

The entrance to the building will be on the west side and is on the same side as First Left Road.

6.5.2.10 Exterior building walls greater than 50 feet in length which can be viewed from the public road will 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 length of the wall.

There are not any building design standards in the PIC District and therefore this section is not applicable.

6.5.2.11 Building materials will match the character of those commonly found in the City and surrounding area including brick, wood, native stone, tinted/textured concrete block or glass products. Materials such as smooth-faced concrete block or concrete panels and steel panels will 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 are not be required to comply with this provision.

There are not any building design standards in the PIC District and therefore this section is not applicable.

6.5.2.12 Building entrances and points where the development intersects with the public road and sidewalk will be provided with amenities appropriate for the area such as benches, bike racks, bus stop locations and other similar landscape features.

The site is located off from a dead end road (First Left Road). The proposed site is being utilized for distribution with office space associated with the applicants operation. Pedestrians will not be able to walk around on site as this is a distribution warehouse. There is a picnic table shown along the west side of the site.

6.5.2.13 A proposal which includes drive-through service will be designed to minimize impact on the neighborhood. Drive-through lanes will be fully screened from adjacent residential properties and communication systems will not be audible on adjacent properties.

There are no drive-thru lanes associated with the project and this section is not applicable.

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:

In regard to the General Performance Standards in Section 8 of the LUO;

8.7 Exterior Lighting:

Wall-packs are depicted on the site plan and cut sheets of these fixtures are included with this submission. All of the fixtures will be shielded so that light shines in a downward direction. Electricity will be brought overhead to a pole at the end of First Left Road and then run underground to the west side of the new building.

8.8 Noise:

The only noise generated from the operation will be from forklifts moving around the site.

8.11 Bufferyard & Screening Standards:

The project is required to implement a partial screen along First Left road and a full screen along the rear and side property lines. The site plan depicts Option 2 with 3 canopy trees and 3 understory trees with at least a 4 foot high berm per 100 linear feet along the north property line. The property lines to the east, west and south sides require a full screen per the Land Use Ordinance (LUO), but there are wooded areas that meet or exceed the Land Use Ordinance requirements in place.

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:

Stormwater runoff will be sent into the ditching shown on the attached site plan and then into a plunge pool before going through a level rock spreader to disperse flows before entering the existing pond.

In regard to Special Activity Performance Standards in Section 10 of the LUO:

10.24.5.7.2 Free Standing Signs:

The applicant is proposing to erect a new sign in adjacent to the entrance at the end of First Left Road as shown on the Site Plan (C-1).

6. Waivers

Waiver of Submission Requirements

The Planning Board may, for good cause shown and only upon the written request of an applicant specifically stating the reasons therefor, waive any of the application requirements provided such waiver will not unduly restrict the review process. The Planning Board may condition such a waiver on the applicant's compliance with alternative requirements. Good cause may include the Planning Board's finding that particular submissions are inapplicable, unnecessary, or inappropriate for a complete review. Notwithstanding the waiver of a submission requirement, the Planning Board may, at any later point in the review process, rescind such waiver if it appears that the submission previously waived is necessary for an adequate review. A request for a submission previously waived shall not affect the pending status of an application.

No waivers are being asked for with this submission.

Lyne Realty, L.P.

January 14, 2021

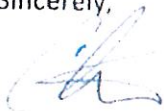
Mr. James Coffin, PE
E.S. Coffin Engineering & Surveying, LLC.
432 Cony Road
P.O. Box 4687
Augusta, Maine 04330

Subject: Agent Authorization
Preferred Pump (Lyne Realty LP)
Gardiner, Maine

Dear Mr. Coffin

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 Planning Board Application to the City of Gardiner and any DEP permit applications required for the proposed project located on Lot 19 at the end of First Left Road in the Libby Hill Business Park in Gardiner.

Sincerely,



Mr. Craig Shelton, CFO



OPR BK 13770 PGS 30 - 32 11/02/2020 08:12:42 AM
INSTR # 2020028157 # OF PAGES 3
ATTEST: BEVERLY BUSTIN-HATHEWAY
REGISTER OF DEEDS KENNEBEC COUNTY, ME

TRANSFER TAX PAID

MUNICIPAL QUITCLAIM DEED

CITY OF GARDINER, a body corporate and politic located in Kennebec County, Maine, for consideration paid, releases to **LYNE REALTY LP**, a Texas limited partnership with a principal place of business in Fort Worth, Texas and with a mailing address of 2201 Scott Avenue, Suite 100, Fort Worth, TX 76103-2238, certain lots or parcels of land in **Gardiner**, Kennebec County, Maine, described as follows:

Lot number 19 containing 12.91 acres as shown on drawings numbered Sheet 1 of plans entitled, "Boundary Survey Libby Hill Business Park Phase 2," prepared by Milone & MacBroom, dated March 6, 2007 and last revised April 10, 2007, signed by the Gardiner Planning Board May 23, 2007, and recorded at the Kennebec County Registry of Deeds on July 11, 2007 in Book 2007 Page 137 and Page 138.

SUBJECT TO the following:

A. Terms and conditions set forth in a Maine Department of Environmental Protection permit dated May 17, 1999, and recorded in said Registry in Book 5960, Page 26;

B. Terms and conditions of the Site Location of Development approval L-19861-39-A-N/L - 19861-T3-B-N by Maine Department of Environmental Protection Findings of Fact and Order, dated May 19, 1999, and recorded in said Registry in Book 5960, Page 31, which shall be binding upon the Grantee, its heirs and assigns and shall be included by reference in all future conveyances, as modified by the Order dated October 1, 1999, and recorded in said Registry in Book 6075, Page 203, and revised by the Order dated February 15, 2008 and recorded in said Registry in Book 9654, Page 210;

C. Terms, condition, rights and easements set forth in the deed from the City of Gardiner to the Gardiner Water District, dated January 3, 2001, and recorded in said Registry in Book 6378, Page 22;

D. Terms and conditions of the Maine Department of Environmental Protection Findings of Fact and Order related to the creation of Phase II of the Libby Hill Business Park, dated March 11, 2008 and recorded in said Registry in Book 9680, Page 276, as affected by the Condition Compliance dated November 4, 2008 and recorded in said Registry in Book 9913, Page 14, and as modified by the Minor Revision Findings of Fact and Order dated February 2, 2009 and recorded in said Registry in Book 9989, Page 46;

E. The provisions of the Declaration of Covenants and Restrictions of the Libby Hill Business Park dated April 11, 2008 and recorded in said Registry in Book 9733, Page

③ Farris Law

247 and the Declaration of Covenants and Restrictions of the Libby Hill Business Park dated October 27, 2014 and recorded in said Registry in Book 11837, Page 2; and

F. Terms, condition, rights and easements appearing on the said subdivision plans and the plan entitled, "Overall Buffer Plan Libby Hill Business Park Phase 2," prepared by Milone and MacBroom, Inc., dated April 3, 2008 and recorded in said Registry in Book 2008, Page 111.

ALSO SUBJECT TO the following which shall run with and bind the above-described parcel and Grantee's successors and assigns shall be subject to the same:

Within twenty-four (24) months from the date of this deed ("Completion Deadline"), Grantee shall cause to be constructed upon the parcel at least a 10,000 square foot commercial building with a minimum assessed value of \$500,000.00 (the "Facility"). Construction of the Facility shall be pursuant to duly-issued City of Gardiner permits in compliance with all zoning requirements, building codes, approved site plans and the Libby Hill Business Park covenants and restrictions. Upon completion of the Facility, Grantor, upon Grantee's request, shall execute a release, in recordable form, evidencing termination of this covenant.

In the event Grantee has not completed the Facility by the Completion Deadline, then (1) Grantor may seek specific performance or (2) Grantee shall make a payment in lieu of taxes as if it had been completed. Such payment shall be the increased assessed tax value on the above-described parcel as though the Facility was constructed. Such payment shall only be required until Grantee completes the Facility as set forth herein.

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 October 26, 2006 and recorded in said Registry in Book 9125, Page 310.

IN WITNESS WHEREOF, the City of Gardiner has caused this instrument to be signed and sealed by the undersigned, duly authorized, effective as of the 28th day of October, 2020.

City of Gardiner

By Christine M Landes
Christine Landes, City Manager

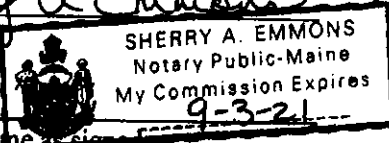
Kennebec County

STATE OF MAINE

October 28, 2020

Personally appeared the above-named Christine Landes, City Manager of the City of Gardiner, and acknowledged before me the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said body corporate and politic.

Sherry A. Emmons
 Notary Public



Print or type name of signee _____



777 Main Street, Suite 3500
Fort Worth, TX 76102

January 15, 2021

City of Gardiner Planning Board

Re: Property located at Lot 19 Libby Hill Business Park, Gardiner, Maine

To Whom it may Concern,

Please be advised that Lyne Realty has the financial capacity to purchase and develop property located at Lot 19 in the Libby Hill Business Park in Gardiner, Maine.

This letter does not constitute an offer, agreement, or commitment to lend. The terms and conditions upon which Bank of Texas may extend credit are subject to a satisfactory review and completion of necessary documentation, due diligence and any other such terms and conditions as are determined necessary by the Bank and its counsel.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Will Jung IV". The signature is written in a cursive style with a large, stylized "W" and "J".

Will Jung

Vice President and Corporate Banking Officer

TO: Abutting property owners
FROM: Lyne Realty, LP.
SUBJECT: Planning Board Meeting /Public Hearing
Distribution Facility

I have submitted an application to the Planning Board seeking approval to erect a 10,000 sf building (warehouse/office) located at the End of First Left Road in the Libby Hill Business Park. It is within the Planned Industrial Commercial & Rural (PIC) Zoning Districts, City Tax Map 002, Lot 20-19. The date of the meeting is March 9th, 2021 at 6:00 PM via Zoom Video Conferencing. Please refer to the attached letter from the City of Gardiner for more information regarding this meeting.

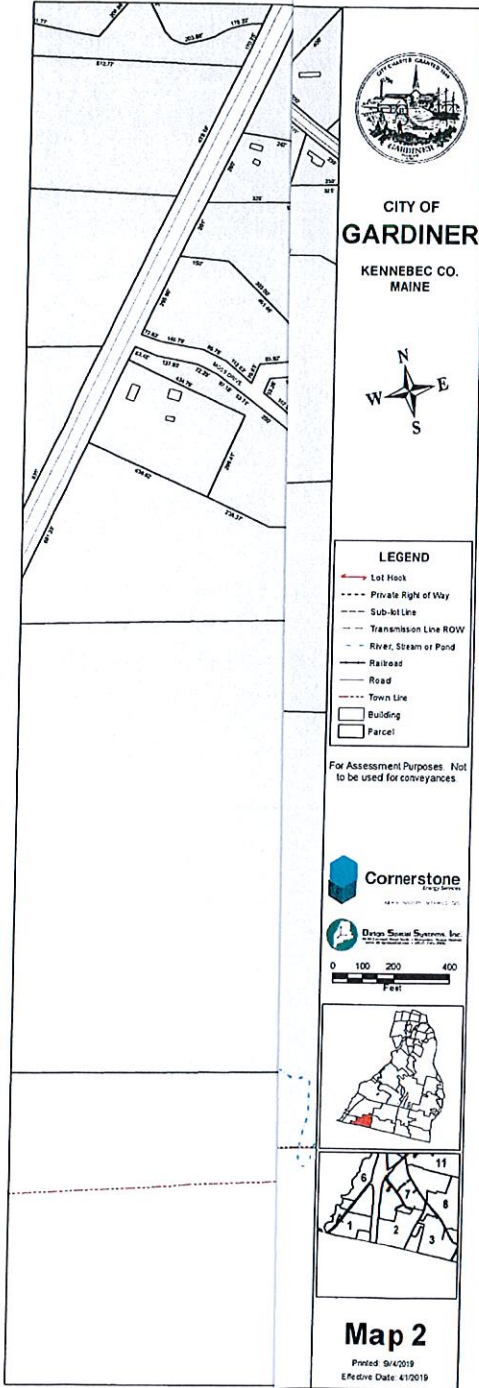
City of Gardiner
Planning Board Meeting
Tuesday, March 9th, 2021 @ 6:00 PM
Via Video Conference ZOOM

Public Hearing – for Site Plan Review


Lyne Realty, LP., owns lot 20-19 on Tax Map 2 in the Libby Hill Business Park. The lot is zoned in the Planned Industrial Commercial (PIC) District. The applicant is seeking Planning Board approval to erect a new building (10,000 sf) along with associated paved areas to support their distribution business. The new building will contain warehouse area, offices, bathrooms and exterior storage.

In accordance with An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency, as enacted to read: Sec. G-1 1 MRSA §403-A Public proceedings through remote access during declaration of state of emergency due to COVID-19, the meeting will be limited to staff only, while members of the Planning Board and other staff will be conferenced in and have the ability to participate. The meeting will be recorded and made available live on the city's website for public access.

We are asking that people review the materials online at <https://www.gardinermaine.com/planning-board/agenda/planning-board-agenda-6> and provide comments or concerns prior to the meeting to tdesjardins@gardinermaine.com or by calling 582-6888. Providing comments outside of the meeting will ensure the Board can consider the public comments. If you wish to participate in person, we will work with you to allow attendance virtually through Zoom Conference Services. Please RSVP of your attention so we can accommodate.



City of Gardiner		
Map	Lot	Owner
7	18A-10	CAPITAL INVESTMENTS LLC. 102 Charles A Eldridge Drive Lakeville, MA 02347
7	18A-11	CAPITAL INVESTMENTS LLC. 102 Charles A Eldridge Drive Lakeville, MA 02347
7	18A-12	CITY OF GARDINER 6 Church Street Gardiner ME 04345
2	20-18	CITY OF GARDINER 6 Church Street Gardiner ME 04345
2	20-20	CITY OF GARDINER 6 Church Street Gardiner ME 04345
2	20-26	CITY OF GARDINER 6 Church Street Gardiner ME 04345
2	6	KENNETH & CHARLOTTE KING 81 Weeks Road Gardiner ME 04345-513
2	6B	CITY OF GARDINER 6 Church Street Gardiner ME 04345

LITEPAK SERIES LNC2	Cat.# LNC2 12L U 4K 4		
	Job	Type	

SPECIFICATIONS

Intended Use:
The compact LED LNC2 is designed for perimeter illumination for safety, security and identity. This compact fixture has no uplight and is neighbor friendly with typical mounting heights up to 15ft. Units are supplied with an acrylic diffuser accessory that can be used for lower LED brightness near building entrances or other pedestrian areas. Units have protective polyester finish for long lasting appearance.

Construction:
Decorative die-cast aluminum housing protects components and provides an architectural appearance. Casting thermally conducts LED heat to optimize performance and long life. Powder paint finish provides durability in outdoor environments.

- Electrical:**
- 120V-277V universal voltage 50/60Hz 0-10V dimming drivers
 - 347V and 480V dimmable driver option in 12L configuration
 - Electronic drivers: One in 5L, 7L, 9L and 12L units
Two drivers in 18L units
 - Minimum operating temperature is -40°C/-40°F
 - Driver RoHS and IP66
 - Drivers have greater than .90 power factor and less than 20% Total Harmonic Distortion

- LED(s) CCT:**
- 3000K CCT nominal – 80 CRI, 4000K CCT nominal – 70 CRI, 5000K CCT nominal – 70 CRI
 - 5, 7, 9, 12 and 18 LED configurations available see page 2 for electrical and photometric details

Optical:
Type II, III and IV distributions with zero uplight; individual PMMA acrylic lenses for wide lateral throw, maximum control and efficiency; Acrylic diffuser included where reduced LED brightness is desired

Lumen Maintenance:
L96 at 60,000hrs (Projected per IESNA TM-21-11), see table on page 2 for all values

Installation:
Quick-mount adapter provides easy installation to wall or to recessed junction boxes (4" square junction box). Gasket seal and secured by two Allen-head hidden fasteners for tamper resistance. Designed for direct j-box mount or conduit feed in single SKU. Conduit feed not available with BBU.

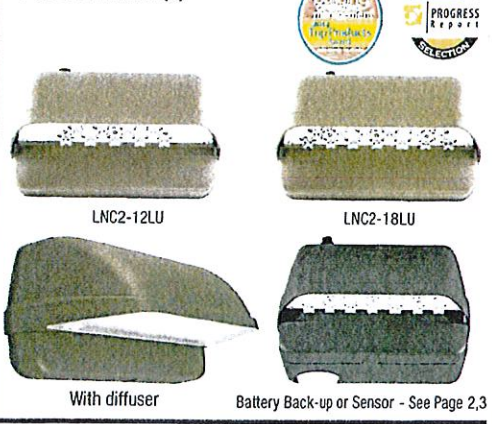
- Options:**
- Controls:**
- Button photocontrol for dusk to dawn energy savings
 - Occupancy sensor options available for complete on/off and dimming control (includes factory installed back box)

- Egress (includes factory installed back box):**
- Battery back-up option - 12L configuration only
 - Provides 1 fc minimum over 10' x 10' at 11' mounting height (exceeds NEC requirement)
 - 1,546 initial lumens in battery mode
 - Meets UL924 90 minute discharge schedule
 - -20°C to 30°C operating temperature

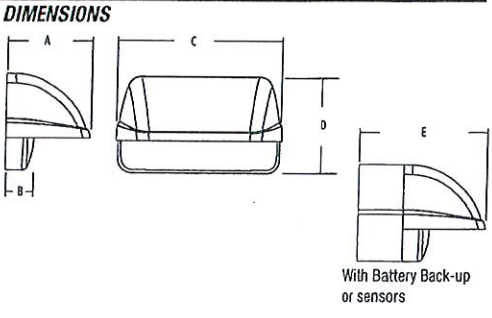
- Listings:**
- DLC Qualified (Types III and IV) Consult DLC website for details:
<http://www.designlights.org/OPL>
 - Listed to UL 1598 for use in wet locations, 40° C ambient environments

- Warranty:**
Five year limited warranty (for more information visit: <http://www.hubbelloutdoor.com/resources/warranty/>)
- IES Progress Award Winner - 2013
 - Building Operating Management 2014
 - Top Products Award - LNC2-18LU

PRODUCT IMAGE(S)



LNC2-12LU LNC2-18LU
With diffuser Battery Back-up or Sensor - See Page 2,3



A	B	C	D	E	Weight / BBU
6.25"	1.6"	10.25"	5.6"	10.25"	7.0 / 15.0 lbs.
158.7 mm	40.2 mm	260.4 mm	142.2 mm	260.4 mm	3.2 / 6.8 kg

SHIPPING INFORMATION

Catalog Number	G.W.(kg)/CTN	Carton Dimensions			Carton Qty. per Master Pack
		Length Inch (cm)	Width Inch (cm)	Height Inch (cm)	
LNC2-12LU	14.3 (6.5)	14.5 (37)	11.4 (29)	8.4 (21.5)	2
LNC2-18LU	14.8 (6.7)	14.9 (38)	11.4 (29)	8.4 (21.5)	2

CERTIFICATIONS/LISTINGS



ORDERING INFORMATION – ORDERING EXAMPLE: LNC2-12LU-5K-3-1

SERIES	NUMBER OF LEDs	VOLTAGE ¹	CCT	IES DISTRIBUTION	FINISH	OPTIONS
LNC2 LNC2	5L 5 LEDs 7L 7 LEDs 9L 9 LEDs 12L ³ 12 LEDs 18L 18 LEDs 12L5 12 LEDs, 480V 12LF 12 LEDs, 347V	U 120V-277V 1 120V 2 208V 3 240V 4 277V 5 480V (12L only) F 347V (12L only)	3K ² 3000K nominal 80 CRI 4K 4000K nominal 70 CRI 5K 5000K nominal 67 CRI AM Amber (590 µm available for "Turtle Friendly"/observatory applications, 350 mA (18L only versions)	2 ² Type II 3 Type III 4 Type IV	1 Bronze 2 Black 3 Gray 4 White 5 Platinum	PC Photocontrol BBU ^{1,5} Integral battery for 12L only (must specify 120V or 277V voltage in voltage category) rated for -20°C to 30°C SCP ^{4,5,6} Programmable motion sensor, factory default dimming is 10% light output

SPECIFY SCP HEIGHT
8F Up to 8ft mount height
20F Up to 20ft mount height

¹ Battery backup only available on 12L models, not available for Canada
² Does not qualify for DLC
³ Replace U with 1 for 120V or 4 for 277V for 12L with BBU
⁴ Must order minimum of one remote control to program dimming settings, 0-10V fully adjustable dimming with automatic daylight calibration and different time delay settings, 120V-277V only
⁵ PC option not applicable, included in sensor
⁶ BBU and motion sensor options cannot be combined

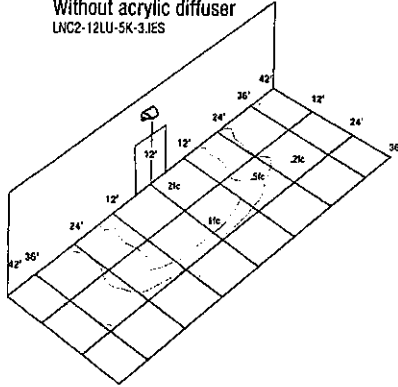
REPLACEMENT PART/ACCESSORIES

CATALOG NUMBER	DESCRIPTION
93044013	Frosted comfort shield, improves uniformity with only 5% lumen reduction
SCP-REMOTE*	Remote control for SCP option. Order at least one per project to program and control fixtures
BB-GEO-XX	Back box with 4 - 1/2" threaded conduit holes, XX = specify finish, eg. Dark Bronze - DB
LCNC2-SCBB-XX	Plate to be used with GEO-BB-XX surface conduit box, XX=finish (see page 3)

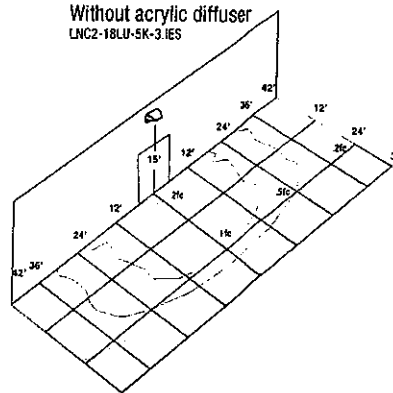
*Must order minimum of one remote control to program dimming settings, 0-10V fully adjustable dimming with automatic daylight calibration and different time delay settings, 120V or 277V only

PHOTOMETRICS

Without acrylic diffuser
LCNC2-12LU-5K-3.IES



Without acrylic diffuser
LCNC2-18LU-5K-3.IES



PERFORMANCE DATA

# OF LEADS	DRIVE CURRENT	SYSTEM WATTS	DIST. TYPE	5K (5000K nominal, 70 CRI)		4K (4000K nominal, 70 CRI)		3K (3000K nominal, 80 CRI)	
				LUMENS	LPW'	LUMENS	LPW'	LUMENS	LPW'
5	STD. (700mA)	13W	2	1,150	88.5	1,052	81	883	68
			3	1,132	87	1,077	83	833	64
			4	1,146	88	1,053	81	849	65
7		17W	2	1,515	89	1,369	80.5	1,272	75
			3	1,500	88	1,539	90.5	1,392	82
			4	1,557	91.5	1,535	90	1,425	84
9		22W	2	2,069	94	2,033	92	1,588	72
			3	2,024	92	1,989	90	1,623	74
			4	2,095	95	2,059	93.5	1,680	76
12	28w	2	2,869	102.5	2,465	88	2,047	73	
		3	2,868	102.5	2,662	95	2,160	77	
		4	2,716	97	2,715	97	2,104	75	
18	42.7w	2	4,166	97.5	3,631	85	3,304	77	
		3	4,106	96	3,806	89	3,128	73	
		4	3,995	93.5	3,998	93.5	3,122	73	

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown. Actual performance may differ as a result of end-user environment and application. LNC2-12L battery mode provides 1,546 initial lumens. Meets UL924 90 minute discharge pattern.

PROJECTED LUMEN MAINTENANCE

Ambient Temp.	OPERATING HOURS					L70 (hours)
	0	25,000	50,000	TM-21-11' L96 60,000	100,000	
25°C / 77°F	1.00	0.98	0.97	0.96	0.95	>791,000
40°C / 104°F	0.99	0.98	0.96	0.96	0.94	>835,000

1. Projected per IESNA TM-21-11 * (Nichia 2198, 700mA, 85°C Ts, 10,000hrs)
Data references the extrapolated performance projections for the LNC-12LU-5K base model in a 40°C ambient, based on 10,000 hours of LED testing per IESNA LM-80-08.

LUMINAIRE AMBIENT TEMPERATURE FACTOR (LATF)

AMBIENT TEMPERATURE	LUMEN MULTIPLIER
0° C	1.02
10° C	1.01
20° C	1.00
25° C	1.00
30° C	1.00
40° C	0.99

Use these factors to determine relative lumen output for average ambient temperatures from 0-40°C (32-104°F).

ELECTRICAL DATA

# OF LEADS	DRIVE CURRENT (mA)	INPUT VOLTAGE (V)	CURRENT (Amps)	SYSTEM POWER (w)
7	STD. (700mA)	120	-	18
		277	-	18
9	STD. (700mA)	120	0.183	22
		277	0.09	22.1
12	STD. (700mA)	120	0.24	28.9
		277	0.10	27.7
		347	0.10	33.7
		480	0.06	28.9
18	STD. (700mA)	120	0.35	41.0
		277	0.15	41.5
18 Amber	STD. (700mA)	120	2.68	32.0

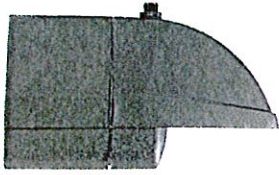
MOTION SENSOR OPTION



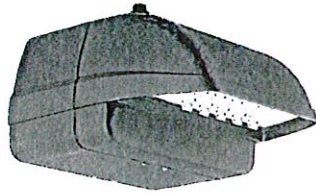
Sensor offers greater control and energy savings with SCP programmable sensor with adjustable delay and dimming levels (Factory default is 10%)

Visit: <http://www.hubbellighting.com/solutions/controls/> for control application information

LNC2 – BATTERY BACK UP

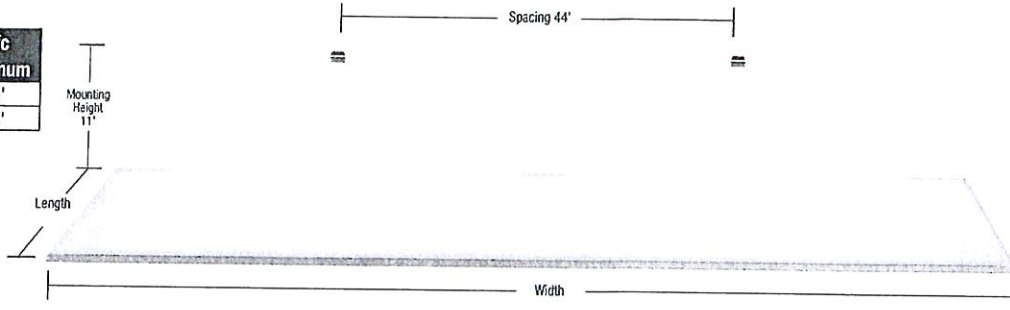


Side View

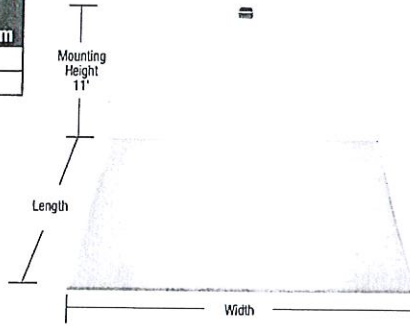


3/4 View

Multi Unit	1 fc Average	1 fc Minimum
Length	16'	15'
Width	112'	68'

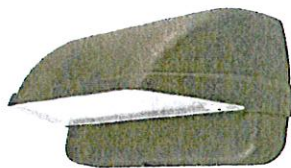


Single Unit	1 fc Average	1 fc Minimum
Length	16'	15'
Width	48'	24'

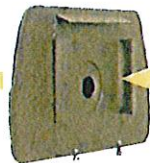


Provides Life Safety Code average illuminance of 1.0 fc. Assumes open space with no obstructions and mounting height of 11'.
Diagrams for illustration purposes only, please consult factory for application layout.

LNC2-SCBB-XX SURFACE CONDUIT BACK PLATE



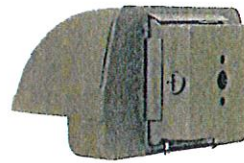
LNC2 FIXTURE



LNC2-SCBB-XX



BB-GEO-XX



LNC2-SCBB-XX and BB-GEO-XX SHOWN ATTACHED TO FIXTURE

To Wall

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



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

February 03, 2021

City of Gardiner
Ms. Debbie Willis, Planning Board Chairwoman
Gardiner City Hall
6 Church Street
Gardiner, Maine 04345

Subject: Lyne Realty LP.
Traffic Report

Dear Ms. Willis,

Lyne Realty LP., herein called the applicant has purchased Lot 19 in the Libby Hill Business Park from the City of Gardiner. The 12.9 acre parcel is in the Planned Industrial Commercial (PIC) District and is shown as Lot 20-19 on Tax Map 2 in the City of Gardiner Tax Maps.

The applicant is proposing to construct a new 10,000 sf warehouse, which will contain storage space, offices, bathrooms, etc. There is an area on the south side of the building that will be utilized for outdoor storage. The area of building with walls and roofs over it is 10,000 sf, with 1,800 sf utilized for office space. The main use of the building will be to distribute submersible pumps and related equipment. The building will not be sprinkled, but there is access around the entire building. A site plan has been included for your use.

Warehouse uses are listed in the Institute of Transportation Engineers (ITE) Manual. The peak hour trips generated are calculated from the ITE Manual (8th addition) under "Warehousing" and are shown below:

Based on Building Size (10,000 sf):

AM Peak Hour Rate = 0.42

$(10,000 \text{ sf}/1,000 \text{ sf}) \times 0.42 = 4.2$ peak hour trips.

PM Peak Hour Rate = 0.45

$(10,000 \text{ sf}/1,000 \text{ sf}) \times 0.45 = 4.5$ peak hour trips.

Maximum Peak Hour Trips = 4.5 (PM)

Based on Employees (10):

AM Peak Hour Rate = 0.55

(10 employees) x 0.55 = 5.5 peak hour trips.

PM Peak Hour Rate = 0.58

(10 employees) x 0.58 = 5.8 peak hour trips.

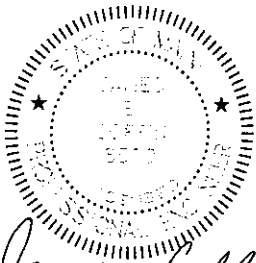
Maximum Peak Hour Trips = 5.8 (PM)

The maximum generator based on the number of employees occurs during the PM peak hour (5.8 peak hour trips) for the proposed project. The project will not require a turning movement permit from the MDOT because there are less than 100-trips. The project will not cause unreasonable public road congestion and if you should have any questions or concerns, please do not hesitate to contact me at 623-9475.

Respectfully Submitted,



James E. Coffin, PE



Warehousing (150)

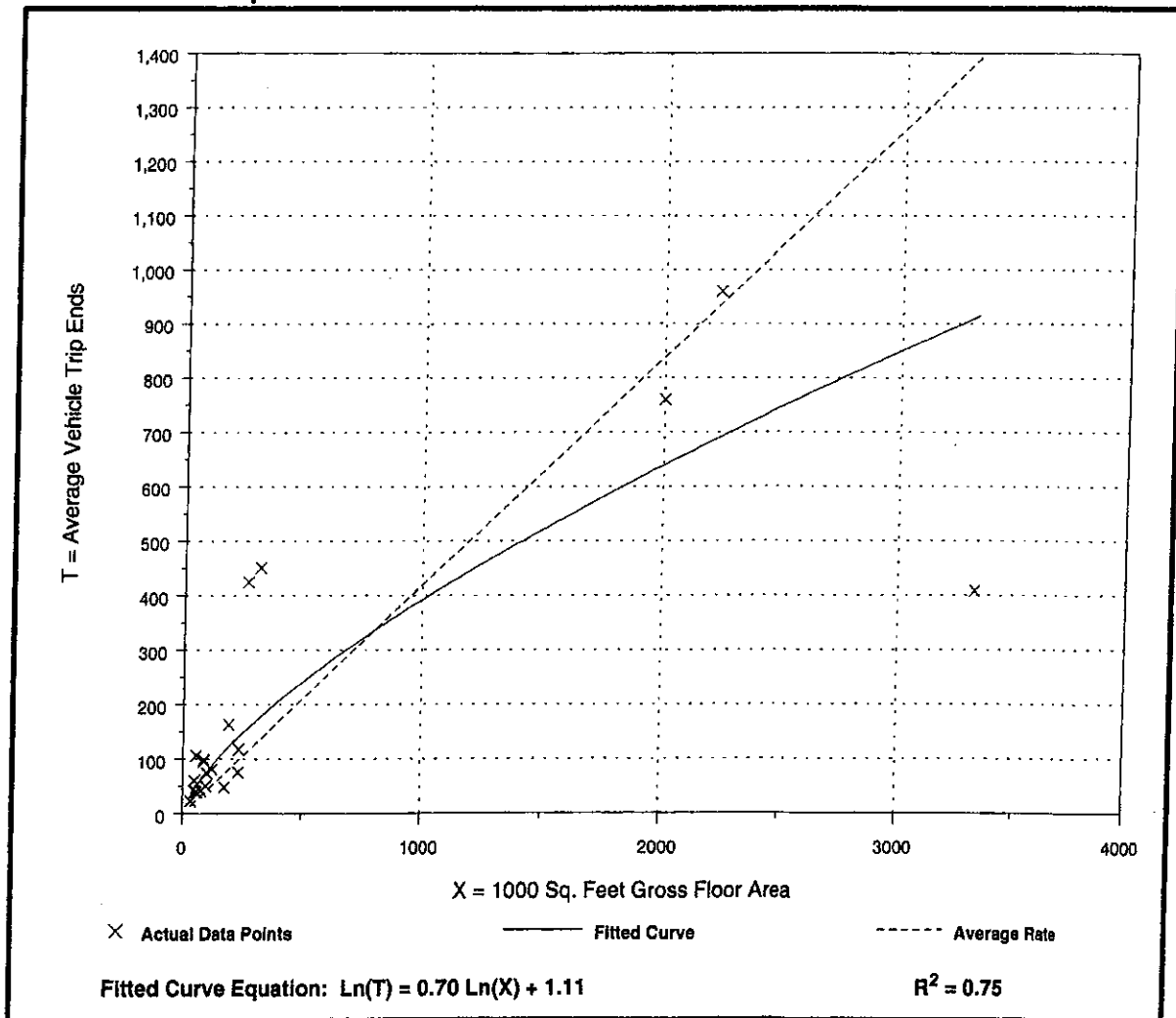
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
A.M. Peak Hour of Generator

Number of Studies: 20
 Average 1000 Sq. Feet GFA: 490
 Directional Distribution: 65% entering, 35% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
0.42	0.12 - 1.93	0.74

Data Plot and Equation



Warehousing (150)

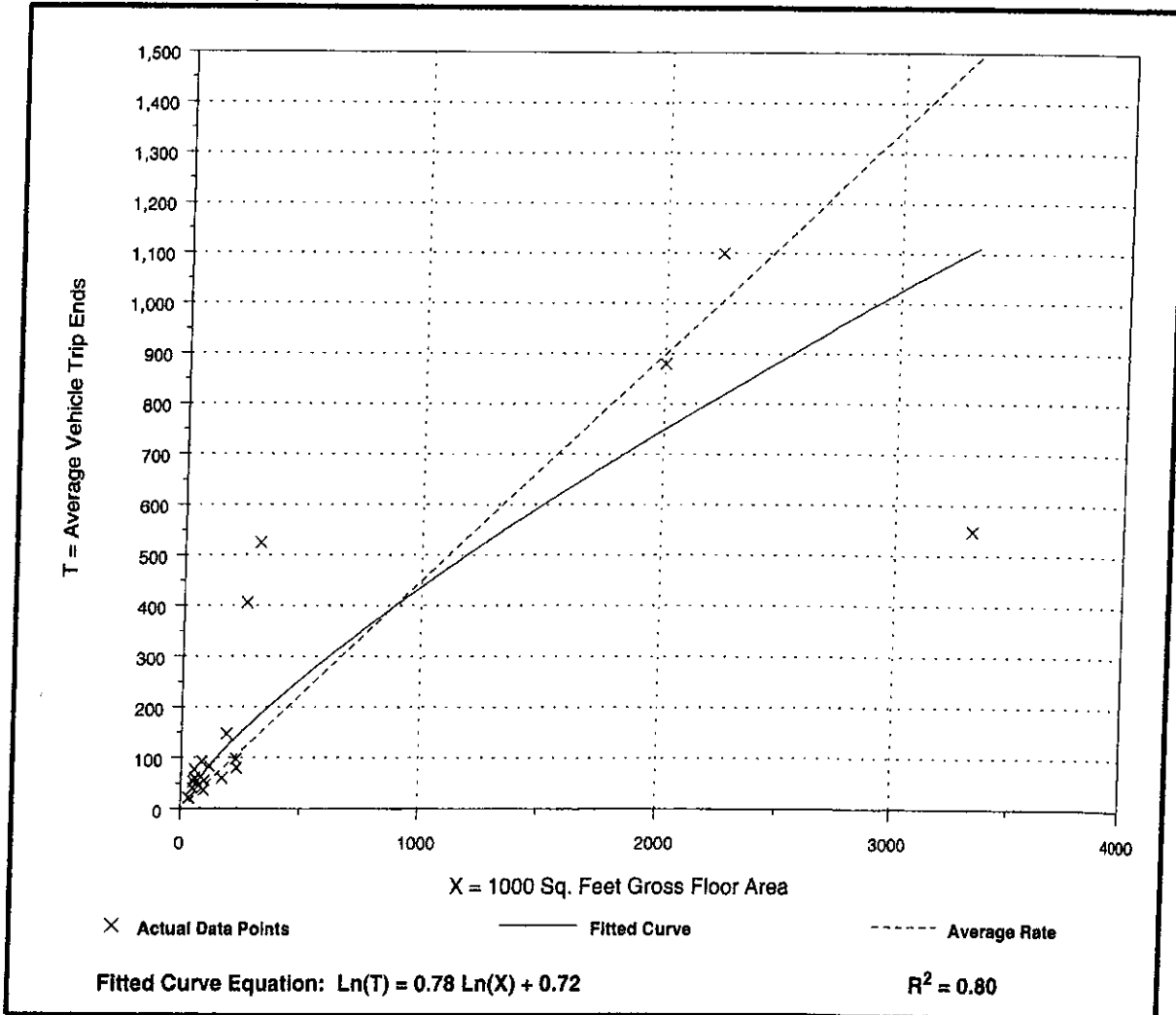
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
P.M. Peak Hour of Generator

Number of Studies: 19
 Average 1000 Sq. Feet GFA: 511
 Directional Distribution: 19% entering, 81% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
0.45	0.16 - 1.65	0.76

Data Plot and Equation



Warehousing (150)

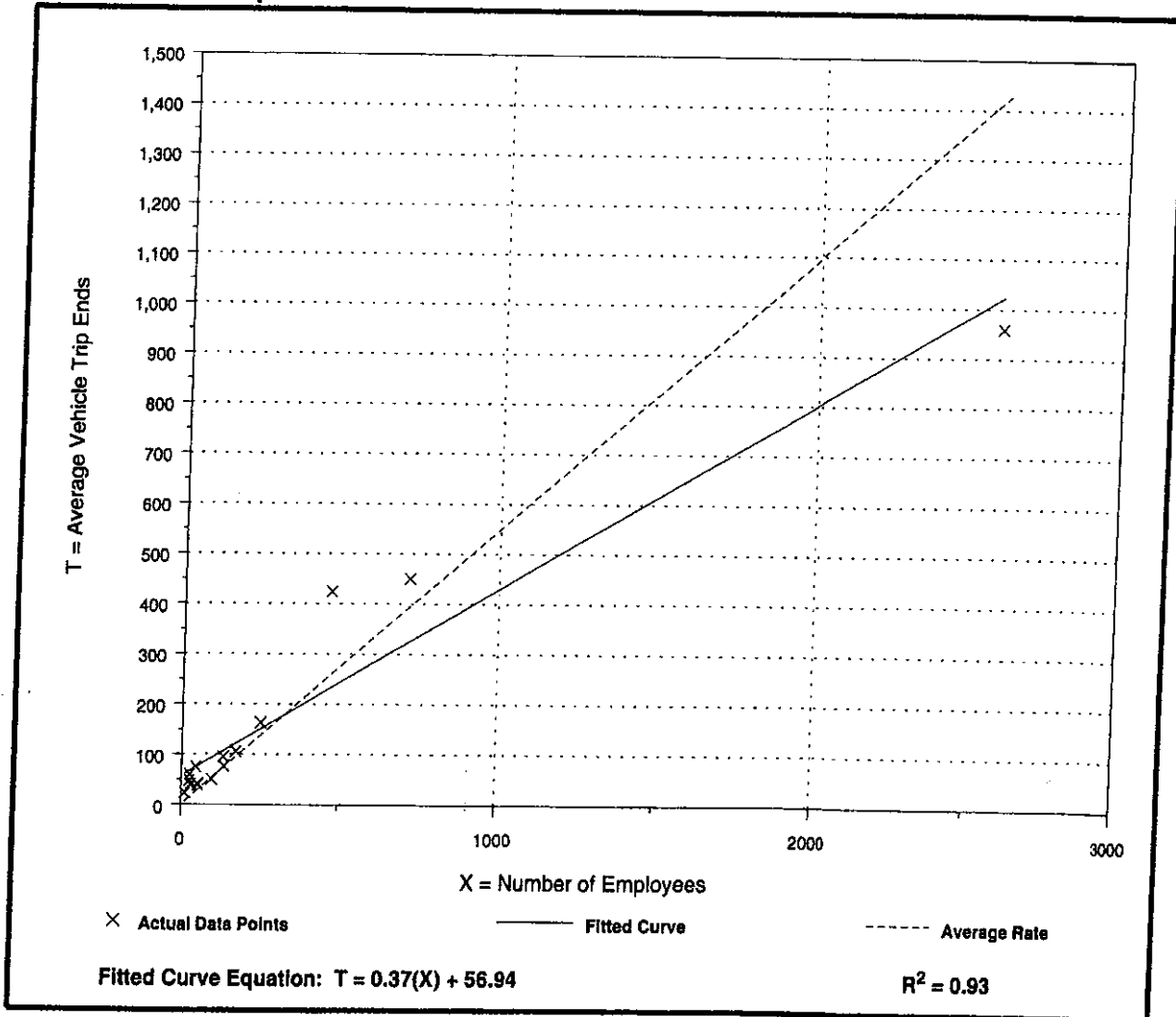
Average Vehicle Trip Ends vs: Employees
On a: Weekday,
A.M. Peak Hour of Generator

Number of Studies: 15
 Avg. Number of Employees: 322
 Directional Distribution: 50% entering, 50% exiting

Trip Generation per Employee

Average Rate	Range of Rates	Standard Deviation
0.55	0.37 - 2.14	0.79

Data Plot and Equation



Warehousing (150)

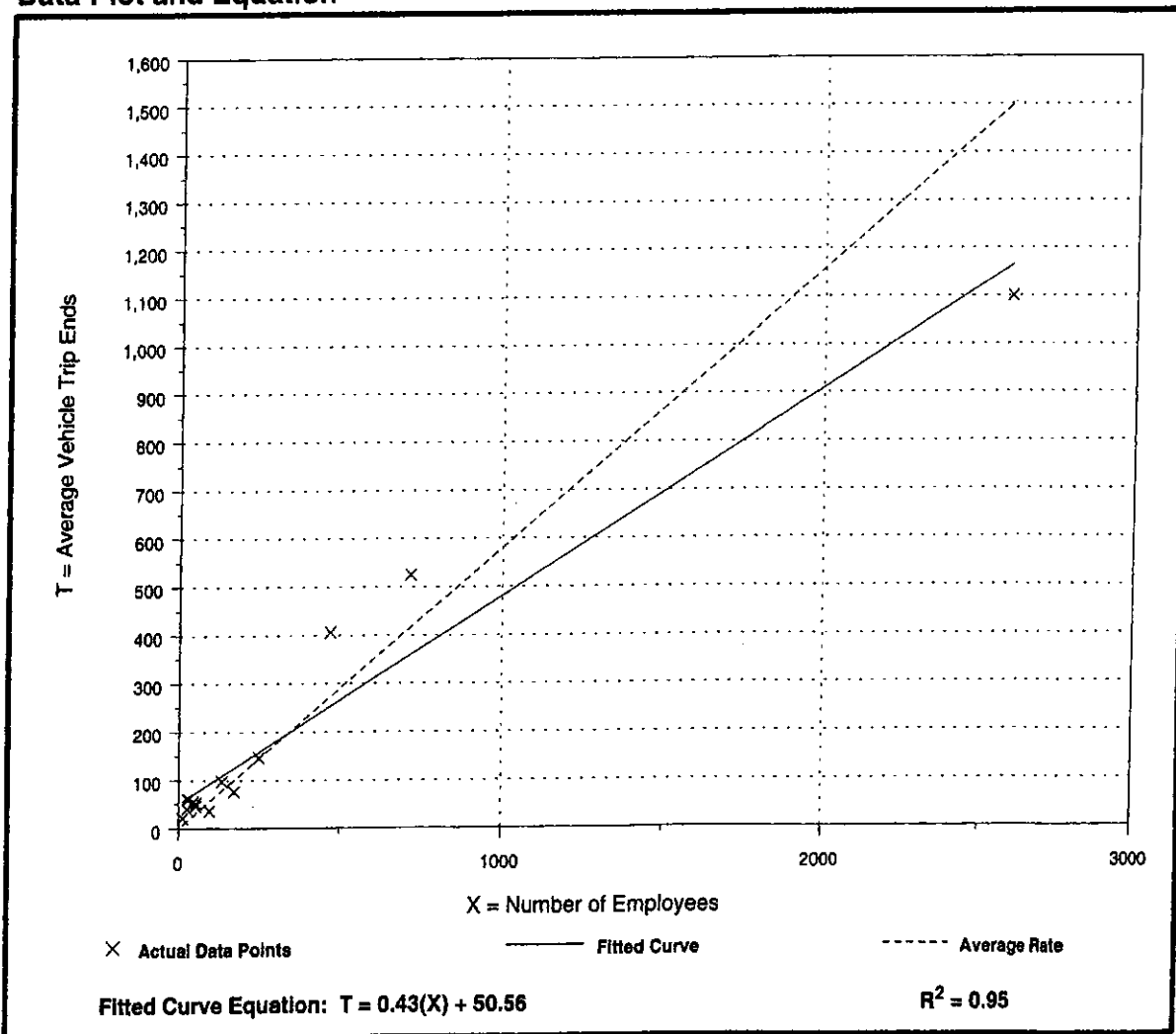
Average Vehicle Trip Ends vs: Employees
On a: Weekday,
P.M. Peak Hour of Generator

Number of Studies: 14
 Avg. Number of Employees: 335
 Directional Distribution: 22% entering, 78% exiting

Trip Generation per Employee

Average Rate	Range of Rates	Standard Deviation
0.58	0.37 - 2.22	0.80

Data Plot and Equation





CITY OF
Gardiner
Moving Forward

January 25, 2021

Dear James,

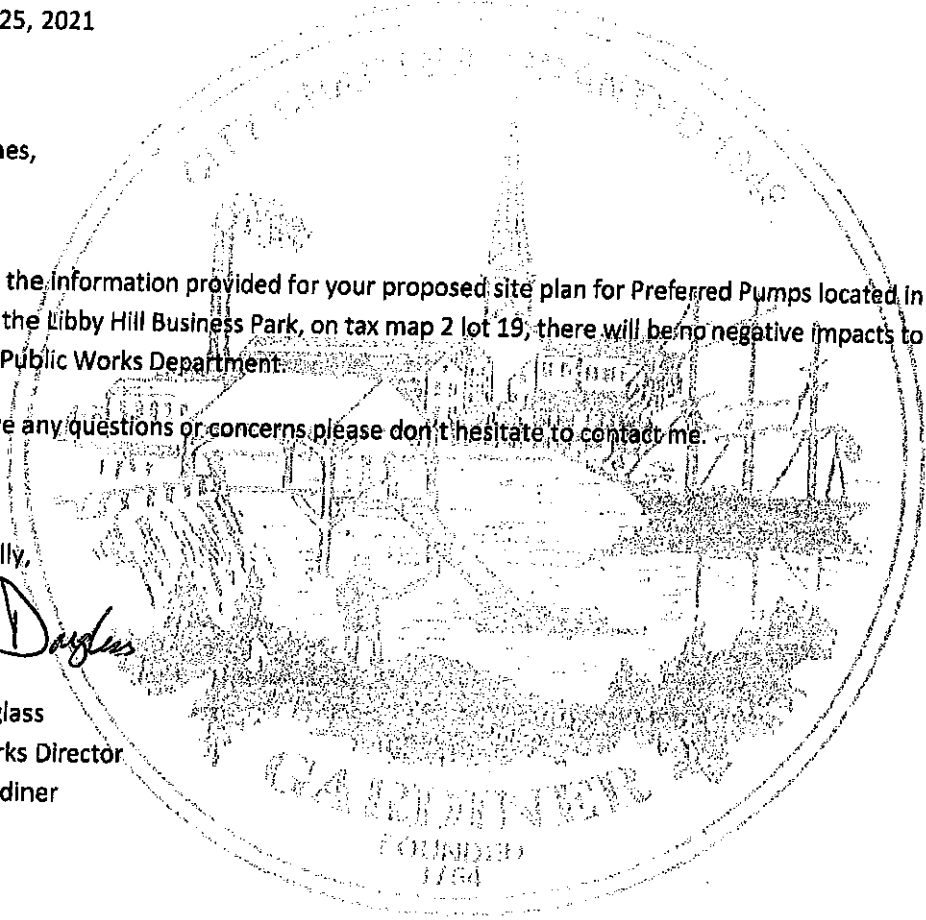
Based on the information provided for your proposed site plan for Preferred Pumps located in Gardiner Maine at the Libby Hill Business Park, on tax map 2 lot 19, there will be no negative impacts to the Gardiner Public Works Department.

If you have any questions or concerns please don't hesitate to contact me.

Respectfully,



Jerry Douglass
Public Works Director
City of Gardiner



Department of Public Works
6 Church Street | Gardiner, ME 04345
207-582-4800 | 207-582-6895 (fax) | jdouglass@gardinermaine.com
www.GardinerMaine.com

Planning Board
City of Gardiner
6 Church Street
Gardiner, ME 04345

February 1, 2021

Dear Planning Board,

Please be advised that the proposed sanitary sewerage flow addition for up to 10 employees for the proposed Preferred Pump building in Lot #19 at the end of First Left Road in the Libby Hill Business Park can be adequately handled by the City of Gardiner wastewater transport and treatment system. This is based on data from the New England Interstate Water Pollution Control Commission (NEIWPCC) TR-16 Design Guide Manual For Wastewater Treatment Systems. TR-16 calls for 70 gallons per person per day for residential customers and I use half that amount or 35 gallons per person per day for business/office/warehouse establishments. The North Carolina Manual uses 25 gallons per person per day. (8 hour shift)

Please let me know if you need any further information.

Best regards,

Douglas E. Clark
Wastewater Director
City of Gardiner, Maine



GARDINER WATER DISTRICT


February 1, 2021

James Coffin
E.S. Coffin Engineering
432 Cony Rd
PO Box 4687
Augusta Me. 04330

Dear Jim,

In reference to the Preferred Pump development to be located at lot #19 in the Libby Hill Business Park. The Gardiner Water District has the hydraulic capacity to serve and we do not see any adverse effects to operations of the Gardiner Water District.

Sincerely,



Paul Gray Supt. GWD



Chief James M. Toman

GARDINER POLICE DEPARTMENT
POLICE * COMMUNICATIONS



February 8, 2021

Gardiner Code Enforcement
Gardiner Planning Board
6 Church Street
Gardiner, Maine 04345

Gardiner Planning Board Members:

I have recently reviewed the site plan as submitted by E.S. Coffin Engineering & Surveying, Inc. as it pertains to the proposed development and new construction, of 10,000 sf building in Lot 19 in the Libby Hill Business Park.

After reviewing the plans, I find that the planned construction/development of the lay down area appears to meet the site distance for traffic entering and exiting the proposed facility as required by MDOT standards. As long as all, established, traffic standards are met by the developers, the Gardiner Police Department has no concerns with the proposed placement and development of the lay down area.

If you have any further questions or concerns, please let me know.

Sincerely,

Chief James M. Toman
Gardiner Police Department
City of Gardiner

#L- _____
 ATS # _____
 Fees Paid _____
 Date Received _____

CONDITION COMPLIANCE APPLICATION

This form shall be used to comply with a condition(s) on an Order that require approval from the Board or Department of Environmental Protection (Department).

Current fee schedule information can be found by contacting the Department or on the Department's website at: <http://www.maine.gov/dep/feeschedule.pdf>. The fee schedule is updated every November 1. Fees are payable to "Treasurer, State of Maine", and **MUST** accompany the application.

Please type or print in black ink only

1. Name of Applicant:	Lyne Realty LP (Preferred Pump)	5. Name of Agent:	ES Coffin Engineering & Surveying
2. Applicant's Mailing Address:	2201 Scott Ave. Fort Worth, TX 76103	6. Agent's Mailing Address:	PO Box 4687 Augusta, ME 04330
3. Applicant's Daytime Phone #:	210-602-9086	7. Agent's Daytime Phone #:	207-623-9475
4. Applicant e-mail address (REQUIRED):	eddie.linnartz@gmail.com	8. Agent e-mail address (REQUIRED):	jcoffin@coffineng.com
LOCATION OF ACTIVITY			
9. Name of Project:	Preferred Pump		
10. Name of Town where project is located:	Gardiner	11. County:	Kennebec
REQUIRED INFORMATION			
12. Existing Department Order number:	L-19861-39-F-A	13. Order condition number(s):	1-24
14. Summary of the information being provided:	Water, Sewer and Public Works have provided letters indicating that the LHBP Phase II has adequate services available.		
15. Project Manager, if known:	Unknown		

This completed application form, fee, and all supporting documents summarized above shall be sent to the appropriate Department Office in Augusta, Portland, or Bangor.

Department of Environmental Protection 17 State House Station Augusta, ME 04333 Tel: (207) 287-7688	Department of Environmental Protection 312 Canco Road Portland, ME 04103 Tel: (207) 822-6300	Department of Environmental Protection 106 Hogan Road Bangor, ME 04401 (207) 941-4570
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CERTIFICATIONS / SIGNATURES on PAGE 2

IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.

By signing below, the applicant (or authorized agent), certifies that he or she has read and understood the following:

CERTIFICATIONS / SIGNATURES

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

Further, I hereby authorize the Department to send me an electronically signed decision on the license I am applying for with this application by e-mailing the decision to the electronic address located on the front page of this application (see #4 and #8)"

Signed: Jim Coffey Title: Civil Engineer Date: February 3, 2021

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



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

February 02, 2021

Mr. Jim Beyer
DEP Bureau of Land Resources
17 State House Station
Augusta, Maine 04333-0017

Subject: Lyne Realty, LP.
Conditional Compliance Narrative
Lot 19 Libby Hill Business Park-Phase 2
DEP #L-19861-L6-G-N

Dear Jim,

Lyne Realty, LP., herein called the applicant has purchased Lot 19 in the Libby Hill Business Park from the City of Gardiner. The parcel is shown as Lot 20-19 on Tax Map 2 in the City of Gardiner tax maps. The project will consist of a new warehouse (10,000 sf) to be located on Lot #19 along with a 1,920 sf lean-to and laydown area to support their operation. The new building will contain three overhead doors, offices, bathrooms, storage and a mezzanine. The applicant distributes submersible pumps and accessories and will employ up to 10 people at this location.

The Site Location of Development Permit Application (SLODA) for Libby Hill Business Park-Phase 2 was approved on March 11, 2008 with 24 Conditions of Approval. Many of these Conditions are not applicable to this project, but the ones that are include the following:

22. Prior to occupancy of light industrial facilities on each lot, the applicant shall submit specific build-out plans to the Bureau of Land and Water Quality for review and approval. The information shall include, but not limited to, the following:

a. Information on the nature of the facility operations, the use and storage of potential contaminants, and proposed measures to protect groundwater quality.

This section is not applicable as the applicant is building an office/warehouse building with no contaminants on site.

b. Estimated volume of additional wastewater discharges to the municipal system.

An engineering report by Milone & MacBroom entitled "Libby Hill Business Park-Phase II Sanitary Sewer Pumping Station". This report indicates that the sanitary system is designed to handle 18,000 gallons per day (GPD) for Phase II, which includes 12 lots. With ten employees based on the 35 GPD per employee

Professionals Delivering Quality Solutions

mentioned by the letter included from Doug Clark (City of Gardiner Wastewater Director) there will be 350 GPD used as the design capacity for the facility. There will not be any floor drains in the proposed warehouse.

- c. Information on estimated quantities and disposal of special, hazardous, or process wastes other than general solid waste to be produced by operations.
There are not any special, hazardous, or process wastes other than solid wastes associated with this project.
 - d. Information identifying all point source air emissions and evidence that an air emissions license has been obtained or is not required.
An air emission license is not required with this project.
 - e. Information on the nature of and potential sources of odors from the development, including estimates of the affected areas and method of control.
This section is not applicable as there will not be any odors associated with the project.
 - f. Information identifying potential large-scale water vapor emission from the development that may cause a change in local climate.
There will not be any large scale vapor emissions associated with the project and this section is not applicable.
23. Any changes to the approved assumptions regarding lot development and stormwater management, water supply, wastewater, groundwater, air emissions, odors, or water vapor described in the Order shall be submitted to the Bureau of Land and Water Quality for review and approval.
- a. Stormwater Management: **The applicant is only developing Parcel #19, which has a maximum impervious area of 139,281 sf and developed area of 262,570 sf that is allowed to be routed to the existing wet pond (#310). The proposed project will result in 119,605 sf of impervious area and 173,760 sf of developed area, which are both below the two thresholds mentioned above.**
 - b. Water Supply: **a letter is attached from Paul Gray of the Gardiner Water District indicating that they have adequate hydraulic capacity for the proposed project.**
 - c. Wastewater: **as mentioned above in 22b, the proposed project is well under the design capacity in regard wastewater generation.**
 - d. Groundwater: **the project will not store or use any potential contaminants on site and this section is not applicable.**
 - e. Air Emissions: **as mentioned in 22d, an air emissions license is not required with this project.**

f. Odors: **as mentioned in 22e, this section is not applicable.**

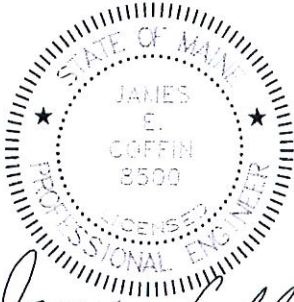
g. Water Vapor: **As mentioned in 22f, this section is not applicable.**

In addition there will not be any wetlands impacted as a result of this project. This concludes the conditional compliance narrative for Lyne Realty, LP. and if you should have any questions or concerns, please do not hesitate to contact me at 623-9475.

Sincerely,



James E. Coffin, P.E.





GARDINER WATER DISTRICT

1000 WEST MAIN STREET • GARDINER, ME 04843 • TEL: 603-883-7774 • FAX: 603-883-7802

February 1, 2021

James Coffin
E.S. Coffin Engineering
432 Cony Rd
PO Box 4687
Augusta Me. 04330

Dear Jim,

In reference to the Preferred Pump development to be located at lot #19 in the Libby Hill Business Park. The Gardiner Water District has the hydraulic capacity to serve and we do not see any adverse effects to operations of the Gardiner Water District.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Gray", with a long, sweeping horizontal line extending to the right.

Paul Gray Supt. GWD

Planning Board
City of Gardiner
6 Church Street
Gardiner, ME 04345

February 1, 2021

Dear Planning Board,

Please be advised that the proposed sanitary sewerage flow addition for up to 10 employees for the proposed Preferred Pump building in Lot #19 at the end of First Left Road in the Libby Hill Business Park can be adequately handled by the City of Gardiner wastewater transport and treatment system. This is based on data from the New England Interstate Water Pollution Control Commission (NEIWPCC) TR-16 Design Guide Manual For Wastewater Treatment Systems. TR-16 calls for 70 gallons per person per day for residential customers and I use half that amount or 35 gallons per person per day for business/office/warehouse establishments. The North Carolina Manual uses 25 gallons per person per day. (8 hour shift)

Please let me know if you need any further information.

Best regards,

Douglas E. Clark
Wastewater Director
City of Gardiner, Maine



CITY OF
Gardiner
Moving Forward

January 25, 2021

Dear James,

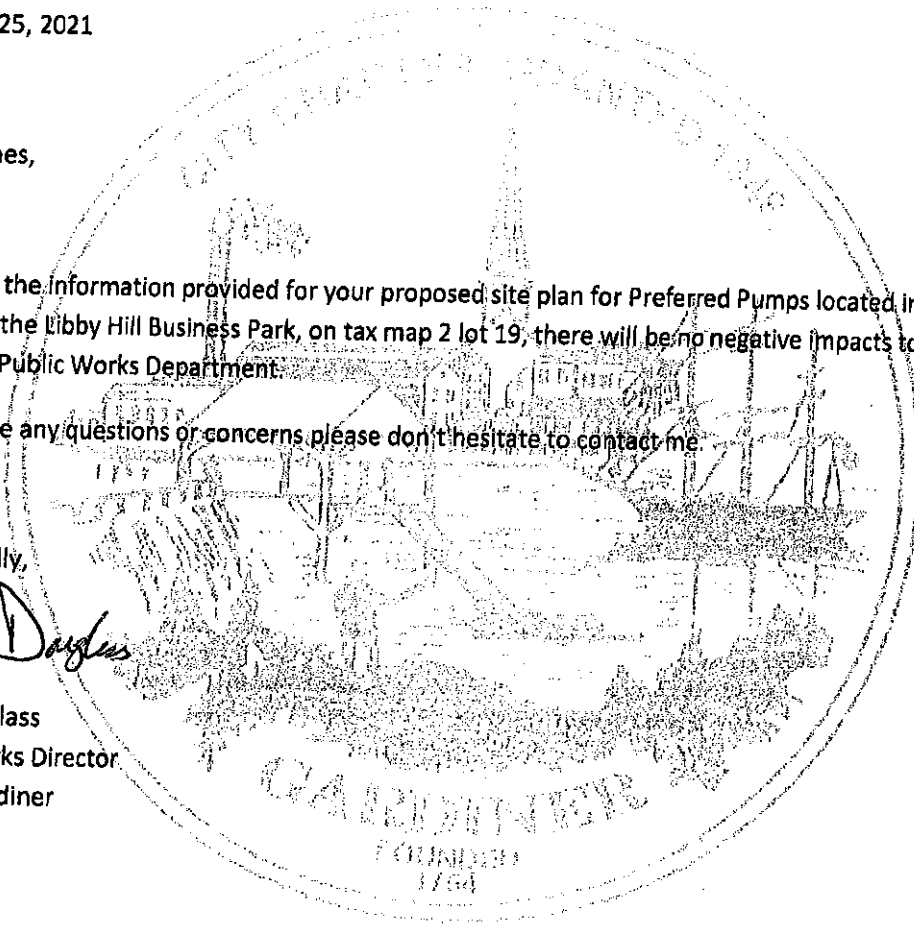
Based on the information provided for your proposed site plan for Preferred Pumps located in Gardiner Maine at the Libby Hill Business Park, on tax map 2 lot 19, there will be no negative impacts to the Gardiner Public Works Department.

If you have any questions or concerns please don't hesitate to contact me.

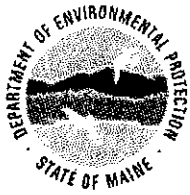
Respectfully,



Jerry Douglass
Public Works Director
City of Gardiner



Department of Public Works
6 Church Street | Gardiner, ME 04345
207-582-4800 | 207-582-6895 (fax) | jdouglass@gardinermaine.com
www.GardinerMaine.com



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

CITY OF GARDINER) SITE LOCATION OF DEVELOPMENT ACT
Gardiner, Kennebec County) NATURAL RESOURCES PROTECTION ACT
LIBBY HILL BUSINESS PARK-PHASE 2) WATER QUALITY CERTIFICATION
L-19861-39-F-A/L-19861-L6-G-N (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 481 *et seq.* and 480-A *et seq.*, and Section 401 of the Federal Water Pollution Control Act, the Department of Environmental Protection has considered the application of the CITY OF GARDINER 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 Routes 201 and Interstate 295 in the City of Gardiner.

B. Summary: The applicant proposes to develop Phase 2 of Libby Hill Business Park on 121.1 acres south Phase 1. The project will create 12 lots (Lots 17-28). The proposed lots range in size from approximately 2.8 acres to 19.9 acres with an average lot size of 9.5 acres. The applicant proposes to construct an extension of Technology Drive, a Phase 1 interior roadway, and will construct three additional interior roads to access the proposed lots. Sixty percent of the building space within the park is expected to be occupied by office uses and the remaining space is expected to be light industrial. The development is shown on a set of plans the first of which is entitled "Boundary Survey, Libby Hill Business Park, Phase 2, Weeks Road and Enterprise Avenue, Gardiner Maine," prepared by Milone & MacBroom and dated March 6, 2007, with a last revision date of on any sheet of September 10, 2007.

The applicant is also seeking approval under the Natural Resources Protection Act to construct four stream crossings and impact 14,601 square feet of associated wetland to complete the proposed subdivision roadways. An additional 4,443 square feet of temporary impacts will occur to install the sanitary sewer and water mains for the project. Wetland and stream impacts are discussed further in Finding 16.

C. Current Use of Site: The site of the proposed project is currently undeveloped woodland. There are no structures on the property. The property contains a stream and associated wetland system with tributary stream channels that flow generally north to south through the property.

2. FINANCIAL CAPACITY:

The total cost of the project is estimated to be \$3,050,000. The City of Gardiner has been awarded a grant from the U.S. Department of Commerce Economic Development Administration to apply to infrastructure costs including road construction and sewer and water utilities. The applicant is also pursuing additional grant money. The remainder of the project will be funded by municipal bonds.

Prior to the start of construction, the applicant must submit for review and approval a construction phasing plan with evidence that it has secured funding for either the entire project or for a clearly identified first phase of construction. If financing will be phased, the applicant must submit an update on available funds for review and approval prior to construction of each subsequent phase.

The Department finds that the applicant has demonstrated adequate financial capacity to comply with Department standards provided that a construction phasing plan and evidence of available funds is submitted for each phase as described above.

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 Milone & MacBroom, a professional engineering firm, to assist in the design and engineering of the project. The applicant also retained Stantec Consulting Services, Inc. (formerly Woodlot Alternatives, Inc.) to provide wetland and natural resources services.

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

4. NOISE:

The City of Gardiner Land Use Ordinance includes Performance Standards that address continuous, regular, frequent, and intermittent sources of sounds and establishes maximum permissible sound levels that are not higher than the sound level limits contained in Chapter 375 of Department regulations. Therefore, sound from the proposed development is exempt from further review by the Department.

5. SCENIC CHARACTER:

The City of Gardiner identified the project site as a strategic location for high-tech businesses and other uses because of its location near transportation facilities and the availability of utilities and communications infrastructure.

The project area is bounded by Interstate 295 to the west and Phase 1 of Libby Hill Business Park to the north. A power line easement runs from north to south along the eastern property boundary. Residential development is located along Weeks Road to the south and the east but in most areas it is separated by the power line easement and wooded areas. The proposed layout of the business park is such that streams, wetlands, and associated undisturbed buffers fall along proposed interior lots lines and along the project perimeter to the extent practicable. In addition, the building area on each lot will meet or exceed local requirements for setbacks and design standards.

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

6. WILDLIFE AND FISHERIES:

Preliminary contact with the Maine Department of Inland Fisheries and Wildlife indicated that the site contains an indeterminate deer wintering area (DWA#021028). The applicant submitted the results of a Deer Wintering Area Survey prepared by Woodlot Alternatives and dated February 8, 2005. The assessment considered the quality of shelter available, the intensity of observed deer use, and the overall size of the deer wintering area. Based on these factors, the assessment concluded that the DWA was of low value and therefore was not considered a significant wildlife habitat. MDIFW reviewed the assessment and concurred with the results.

The applicant submitted a Vernal Pool Survey for the project site, prepared by Woodlot Alternatives, Inc. and dated June 4, 2007. The purpose of the survey was to evaluate potential vernal pool habitat within three wetland areas identified during the initial wetland delineation on the property. The field work for the survey was completed on May 1 and May 8 of 2007. Only one of the areas (Vernal Pool 1) supported breeding amphibians; however the pool did not contain a sufficient number of egg masses to meet the criteria for a significant vernal pool as defined by Chapter 335 of Department regulations. No disturbance is proposed within the pool or adjacent to it. MDIFW reviewed the Vernal Pool Survey report and accepted its conclusions.

MDIFW commented that the proposed development will affect a small watershed that is a subdrainage to the Abagadasset River. The wetland delineation report noted that small fish (Family Cyprinidae) were observed on the site in several locations during field visits. MDIFW commented that a 2004 survey revealed minnows inhabiting the stream

immediately downstream of the project area; and that while no brook trout or other sport fish were captured in the project area, they do inhabit downstream waters. MDIFW identified the culvert under Weeks Road as a likely barrier to fish migration. MDIFW recommended maintenance of an undisturbed buffer in the vicinity of the brook to provide shading and cover for cool water temperatures and minimal tree removal at proposed stream crossings. The project layout combined with the proposed wetland and stream mitigation, described further in Finding 16, will provide stream buffers ranging in width from 75 to 250 feet.

To minimize impacts to fisheries at the proposed crossings, two of the four crossings will be constructed with a concrete arch bridge to maintain the natural bottom of the stream and encourage fish passage. In addition, the applicant proposes to replace the Weeks Road culvert to improve capacity and restore fish passage as part of its wetland mitigation plan, described further in Finding 16. MDIFW commented that the applicant has taken measures to incorporate their suggestions.

Based on the project design and MDIFW's review, the Department finds that the applicant has made adequate provision for the protection of wildlife and fisheries.

7. HISTORIC SITES AND UNUSUAL NATURAL AREAS:

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

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

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

8. BUFFER STRIPS:

The applicant is proposing buffers to shield adjacent properties, provide stormwater treatment, and protect on-site streams and wetlands. Visual buffers are described further in Finding 5. Stormwater buffers are described further in Finding 10. Natural resource buffers are described further in Findings 6 and 16. Stormwater buffers will be protected from alteration through the execution of Deed Restrictions and natural resource buffers will be protected by a Declaration of Restrictions and Covenants.

Within 30 days from the date of this Order, the applicant must submit an overall buffer plan that shows all proposed stormwater and natural resource buffers on one plan sheet to be recorded with the overall subdivision plan. Prior to the start of construction, the location of all designated buffers must be permanently marked on the ground. The deed for each lot that contains any portion of the designated buffer must contain deed restrictions relative to the buffer and have attached to it a plot plan for the lot, drawn to scale, that specifies the location of the buffer on the lot.

The Department finds that the applicant has made adequate provision for buffer strips provided that the applicant submits an overall buffer plan and marks all designated buffers on the ground as described above and protects all buffers from alteration as described in Findings 5,6, and 16.

9. SOILS:

The applicant submitted a soil survey map and report based on the soils found at the project site. Additional soils information was provided for the stormwater management pond locations and along the proposed roadway alignment. This information was prepared by a registered professional engineer and reviewed by staff from the Division of Environmental Assessment of the Bureau of Land and Water Quality (DEA).

The application states that further geotechnical investigations will be necessary for the design of the future building foundations on the Phase 2 lots. Future geotechnical investigations must be submitted to the Bureau of Land and Water Quality for review and approval at least 45 days prior to the start of construction on the affected lot.

In response to DEA's comments regarding the separation between groundwater and stormwater in the proposed stormwater ponds, the applicant revised the pond details of DET410 (Lot 21), DET420 (Lot 17), and DET510 (Lot 26) to include installation of a polyethylene geomembrane liner. DEA further commented that a liner must be installed in the additional basins if ledge is encountered in the pond area during construction.

The application states that blasting will be required for installation of the underground sanitary sewer lines. It is estimated that 3100 cubic yards of rock will need to be removed for infrastructure. Additional rock removal may be required for lot development; however, the extent of rock removal required will be determined by the individual development plans for each lot. The applicant submitted Blasting Specifications to be included in all contract documents for development of the site infrastructure as well as lot development. DEA reviewed the specifications and commented that they are consistent with Department standards for ground vibration, airblast, flyrock, and blast record-keeping. If a rock crusher is being utilized on site, the applicant must insure that the crusher is licensed by the Department's Bureau of Air Quality and is being operated in accordance with that license.

The Department finds that, based on the submitted soils information and blasting plan and DEA's review, the soils on the project site present no limitations to the proposed project that cannot be overcome through standard engineering practices provided that copies of additional geotechnical investigations are submitted; liners are installed in stormwater management ponds; and blasting is completed in accordance with the submitted blasting specifications, all as described above.

10. STORMWATER MANAGEMENT:

The majority of the project site drains from north to south to the Abagadasset River via an unnamed tributary stream. The northwest corner of the site drains to the west towards a culvert under Interstate 295 and eventually to the Cobbosseecontee Stream. The applicant submitted a stormwater management plan based on the basic, general, and flooding standards contained in Department Rules, Chapter 500. The proposed stormwater management system consists of wooded buffers and several stormwater management ponds.

The proposed project includes approximately 25.5 acres of impervious area and 55.6 acres of developed area. This includes 4,800 linear feet of access roadways and assumed build-outs on each proposed lot. Assumed build-out areas are shown on a plan entitled, "Site-Plan-proposed Conditions TR-20 Watershed Map, Libby Hill Business Park, Phase 2," prepared by Milone & MacBroom and last revised on September 10, 2007 and are stated in tabular form in Section 12 of the application. Any changes to the assumptions on each lot require Department review and approval.

A. Basic Standards:

(1) Erosion and Sedimentation Control: The applicant submitted an Erosion and Sedimentation Control Plan in Section 14 of the application and on Plan Sheets 5, 6, and 23 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 BMP Manual 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. The erosion control narrative and plan sheets containing erosion control details were reviewed by, and revised in response to the comments of the Division of Watershed Management (DWM) of the Bureau of Land and Water Quality (BLWQ).

DWM commented that the most critical areas for erosion control are the four wetland/stream crossings for the subdivision roadways. DWM further commented that construction of the crossings will require daily inspections and maintenance of erosion and sediment controls. Once started, each of the crossing's embankments should proceed quickly to final stabilization. Each crossing must be permanently stabilized immediately upon completion.

Other critical areas for stabilization include roadway ditches and stormwater management ponds. Roadway ditches must be constructed in sections and must be temporarily stabilized at all times. Once roadway ditch sections are brought to final grade, they must be permanently stabilized within one week. DWM recommended that the stormwater management ponds be built early in the growing season (May-June) to guarantee a well-established cover of vegetation on the embankments prior to winter. Construction of these ponds must not be done in the fall or winter.

Prior the start of construction, the applicant must conduct a pre-construction meeting to discuss the construction schedule and the erosion and sediment control plan with the appropriate parties. This meeting must be attended by the applicant's representative, Department staff, the design engineer, and the site contractor.

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

The applicant will be responsible for the maintenance of all common facilities including the stormwater management system. At the time of sale of individual lots containing detention ponds (Lots 17, 19,20,21,22,24,26,27, and 28), the applicant intends to transfer responsibility for maintenance of each of the detention ponds to the respective lot owner. The transfer will contain a provision that allows the City to enter and maintain the facility if the lot owner defaults on its obligation. The applicant must notify the Bureau of Land and Water Quality at least 30 days prior to transfer of any portion of maintenance responsibility to a lot owner. Notification must include a copy of the deed or maintenance transfer document, which must clearly identify which portion(s) of the stormwater management system are being transferred; must reference this Department Order by number; and must reference and incorporate the approved maintenance plan for the stormwater management facilities.

Storm sewer grit and sediment materials removed from stormwater control structures during maintenance activities must be disposed of in compliance with the Department's Solid Waste Management Rules.

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

Based on DWM's review of the erosion and sedimentation control plan and the maintenance plan, the Department finds that the proposed project meets the Basic Standards contained in Chapter 500(4)(A) provided that the project is constructed and stabilized as described above; the applicant holds a pre-construction meeting; the

applicant disposes of storm sewer grit and sediment materials as described above; and the applicant notifies the Bureau of Land and Water Quality prior to transfer of detention pond maintenance as described above.

B. General Standard: The applicant's stormwater management plan includes best management practices (BMPs) 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.

The Phase II roadway will create 2.76 acres of new impervious area and 8.42 acres of developed area on the site. The applicant will construct four stormwater management ponds and preserve 13 roadway buffers to treat runoff from 2.08 acres (75%) of the roadway impervious area and 5.76 (68%) of the roadway developed area. DWM commented that this meets the linear exception to the General Standard.

Development of the proposed lots is expected to create up to 22.74 acres of new impervious area and 47.20 acres of new developed area on the site. The applicant will construct ten stormwater management ponds and preserve two buffers on the site to treat runoff from 21.78 acres (96%) of the lot impervious area and 37.98 acres (81%) of the developed area. DWM commented that this meets the requirements of General Standard.

Stormwater management buffers for the roadway are shown most clearly on Roadway Plan and Profile Sheets 9-13, last revised September 10, 2007. Roadway buffers are located on Lots 19, 20, and 24-28. Stormwater management buffers for lot development are located on Lots 25 and 27 and are shown on a plan entitled, "Site Plan-Proposed Conditions TR-20 Watershed Map," last revised September 10, 2007.

Stormwater buffers will be protected from alteration through the execution of a deed restriction. The applicant proposes to use the deed restriction language for forested, limited disturbance buffers contained in Appendix G of Chapter 500 and submitted a draft deed restriction that meets Department standards. The applicant must execute and record the stormwater buffer deed restrictions prior to sale of any lot and no later than 60 days from the date of this Order and must submit an executed and recorded copy to the Bureau of Land and Water Quality within 90 days from the date of this Order.

The applicant must retain the services of a professional engineer to inspect the construction and stabilization of the stormwater management basins to be built on the site. Inspections shall consist of at least weekly visits to the site by the engineer to inspect each pond's embankment foundation preparation, embankment construction, underdrain gravel outlet installation, outlet control structure installation, emergency spillway construction, and outfall stabilization from initial ground disturbance to final stabilization with vegetation. Upon completion of each pond construction, the engineer must notify the Department in writing to state that the pond has been completed. The notification must include a log of engineer inspections giving the dates of each

inspection; the items inspected on each date; a summary of observations and recommendations made; and photographs of the completed basin.

The stormwater management system proposed by the applicant was reviewed by, and revised in response to, comments from DWM. After a final review, DWM commented that the proposed stormwater management system is designed in accordance with the Chapter 500 General Standard.

Based on DWM's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500, General Standards provided that the applicant executes and records stormwater buffer deed restrictions and retains a professional engineer to monitor and inspect construction of the stormwater ponds as described above.

C. **Flooding Standard:** The proposed stormwater management system is 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 and the peak flow of the receiving waters will not be increased as a result of stormwater runoff from the development site. No new discharges of concentrated runoff will be created onto adjacent properties. DWM commented that the proposed system is designed in accordance with the Chapter 500 Flooding Standard.

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

The Department further finds that the proposed project will meet the Chapter 500 standards for easements and covenants, management of stormwater discharges and discharge to freshwater or coastal wetlands.

11. GROUNDWATER:

The project site is not located over a mapped sand and gravel aquifer. The proposed project does not propose any withdrawal from, or discharge to, the groundwater. The application states that no hazardous materials, fuel, solvents or other chemicals will be handled, stored, or disposed of on-site.

Prior to occupancy of any light industrial facility or facility that intends to use or store potential contaminants, the applicant or lot owner must submit information on the nature of the facility operations, the use and storage of potential contaminants, and proposed

measures to protect groundwater quality to the Bureau of Land and Water Quality for review and approval.

Based on this information, the Department finds that the proposed project will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur. Therefore the Department further finds that the proposed project will not have an unreasonable adverse effect on ground water quality provided that information on all potential use or storage of potential contaminants on developed lots is submitted as described above.

12. WATER SUPPLY:

At maximum build-out, the proposed project is anticipated to use 50,000 gallons of water per day. Water will be supplied by the Gardiner Water District. The applicant submitted a letter from the District, dated February 27, 2007 indicating that it will be capable of providing water for this project. The applicant also submitted a letter from the Gardiner Fire and Rescue Department, dated March 9, 2007, stating that the project design, water supply and hydrant locations are acceptable.

The Department finds that the applicant has made adequate provision for securing and maintaining a sufficient and healthful water supply.

13. WASTEWATER DISPOSAL:

At maximum build-out, the proposed project is anticipated to discharge 18,000 gallons of wastewater per day to the City of Gardiner's wastewater treatment facility. The applicant submitted a letter from the City of Gardiner Waste Water Treatment Plant Superintendent stating that it will accept these flows. This project was reviewed by the Division of Water Quality Management of the Bureau of Land and Water Quality (DWQM), which commented that the City of Gardiner has the capacity to treat these flows and is operating in compliance with the water quality laws of the State of Maine.

DWQM commented that the following conditions must be met for all occupants of the business park:

- a. All wash bays, storage bays and floor drains entering the sanitary sewer must be equipped with a sand trap and an oil/grease interceptor. All floor drains must be registered with the Department's Underground Injection Control (UIC) program.
- b. All commercial food preparation facilities shall maintain an appropriately sized grease interceptor prior to discharge into the sanitary sewer unless given a written exclusion by the City of Gardiner.

- c. No cooling water discharge from refrigeration or air conditioner units may enter the sanitary sewer.
- d. All discharges must be sanitary in nature with strength of 250 mg/L or less for both biological oxygen demand (BOD) and total suspended solids (TSS). No industrial strength wastewaters or process waters discharged by businesses in Phase 2 unless otherwise approved by the Department and the City of Gardiner as an Industrial User.
- e. Rain, storm, or groundwater will not be discharged to the sanitary sewer.
- f. Any changes to current plans and specifications must be submitted to the Bureau of Land and Water Quality for review and approval.

Based on DWQM's comments, the Department finds that the applicant has made adequate provision for wastewater disposal at a facility that has the capacity to ensure satisfactory treatment provided that discharges to the sanitary sewer comply with the conditions described above.

14. SOLID WASTE:

When completed, the proposed project is anticipated to generate 24 tons or 120 cubic yards of general solid waste per year. All general solid wastes from the proposed project will be transported by a Department-licensed Category A non-hazardous waste transporter for disposal at the Hatch Hill Landfill in Augusta, Maine, which is currently in substantial compliance with the Solid Waste Management Regulations of the State of Maine.

All stumps and grubblings generated during site preparation will be chipped and used on site for erosion control and excess material will be sold to landscapers for re-use in compliance with Solid Waste Management Regulations of the State of Maine.

Construction of the proposed project is anticipated to generate approximately 10 cubic yards per week of construction debris. The applicant estimates that five cubic yards of this total will be demolition debris such as masonry, unpainted lumber, and metal and plastic pipe cuttings. Lot development is expected to produce approximately five cubic yards per week of solid waste and 10 cubic yards per week of demolition materials. All construction and demolition debris generated will be disposed of at the Hatch Hill Landfill in Augusta, Maine, which is currently in substantial compliance with the Solid Waste Management Regulations of the State of Maine.

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

15. FLOODING:

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

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

16. WETLAND IMPACTS:

The applicant proposes to construct four roadway stream crossings that together will culvert 200 linear feet of stream and impact 14,601 square feet of associated forested and scrub shrub wetland. In addition, 4,443 square feet of temporary impacts will occur to install sanitary sewer and water mains at each crossing. The locations of the roadway crossings are shown on Sheets 5 and 6 of the submitted plan set entitled, "Sedimentation Control Plan, Libby Hill Business Park Phase 2," last revised September 10, 2007. The details for construction of wetland crossings 2-4 are shown on Plan Sheets 15, 17, 18, and 19 of the submitted plan set. Details for Wetland Crossing 1 are shown on two figures entitled, "Libby Hill Business Park Wetland Crossing No. 1-Plan," and "Libby Hill Business Park Wetland Crossing No. 1-Elevation," both prepared by Milone & MacBroom and dated October 18, 2007. Crossings 2 and 3 will consist of precast reinforced concrete arch structures. Crossings 1 and 4 will be constructed with reinforced concrete pipes with concrete headwalls.

The Department's Wetlands and Waterbodies Protection Rules, Chapter 310, require the applicant to meet the following standards:

A. Avoidance and Minimization: No activity may be permitted if there is a practicable alternative to the project that would be less damaging to the environment. In addition, the amount of wetland and waterbody must be kept to the minimum amount necessary for meeting the overall purpose of the project. Each application for a stream and wetland alteration permit must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist. The applicant submitted an alternative analysis for the proposed project completed by Milone & MacBroom.

The purpose of the proposed crossings is to facilitate development of Phase 2 of Libby Hill Business Park. Alternative locations for the development were not considered because of its direct relationship to Phase 1. The applicant did consider alternate configurations for the development and selected the proposed layout because it had the fewest wetland and stream crossings while maximizing the amount of usable area per lot. The proposed design removed 4 wetland/stream crossings and 2 lots from the initial design. Further reductions in wetland impacts would have eliminated access to substantial upland building areas and was not considered practicable.

The proposed roadway crossings were designed to cross streams and wetlands at the narrowest locations. No impacts to wetlands or streams are proposed for lot development, and buffers to all on-site streams and wetlands will be maintained.

The Department finds that the applicant has avoided and minimized wetland and waterbody impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project.

B. Compensation: The cumulative wetland impact for Phases 1 and 2 of Libby Hill Business Park will be 34,600 square feet. The applicant submitted a functional assessment of on-site wetlands and streams that identified floodwater alteration, fish habitat, sediment/toxicant retention, nutrient removal, shoreline stabilization as primary functions of the wetlands to be impacted in Phase 2. The functional assessment identified similar functions of the wetlands previously impacted in Phase 1; however, none were identified as primary functions. The Department required compensation for the project because is likely to impact wetland and waterbody functions on the site. The applicant submitted a compensation plan that includes habitat restoration and on-site preservation.

The applicant proposes to replace the culvert at Weeks Road at the downstream southern end of Phase 2. MDIFW stated that water temperatures in the project area are adequate for holding brook trout and identified the culvert as a likely barrier to upstream fish passage. In addition, the applicant performed hydraulic computations on the existing 30-inch reinforced concrete pipe and determined that the culvert does not have adequate capacity to convey the flows currently draining to it. As a result, Weeks Road is occasionally flooded during severe storm events.

Details for the new crossing are shown on Sheet 20 of the submitted plan set entitled, "Weeks Road Culvert Crossing," dated June 12, 2007. The applicant proposes to replace the existing culvert with a 36-foot long, 14-foot wide, and 3-foot high three-sided precast concrete box culvert. This will restore the natural stream bottom and restore fish passage to upstream habitat. In addition, the new culvert will have adequate capacity to pass the 25-year storm with a minimum of 1 foot of freeboard to the road surface. Removal of this barrier to flood flows will improve the hydrology of the wetland and stream system and its ability to attenuate floodflows. The applicant proposes to complete the culvert replacement concurrent with Phase 2 road and infrastructure construction. The applicant must notify the Bureau of Land and Water Quality upon completion of the culvert replacement. The notification must include photographs of culvert installation and permanent stabilization of the area.

The applicant also proposes to preserve 25 acres of upland and 17.5 acres of wetland on site as shown on Sheet 3 of the submitted plan set entitled, "Overall Site Plan, Libby Hill Business Park Phase 2". The preservation area will protect all remaining wetlands,

wetland drainages and tributary streams on the site. It includes undisturbed buffer areas ranging in size from 75 to 250 feet for the main stem of the stream and its tributaries.

In addition, the applicant proposes to preserve a 9.1-acre parcel containing 4.5 acres of forested wetland, two perennial streams and adjacent upland. The preservation area is located off of Weeks Road southeast of Phase 1 of Libby Hill Business Park and is shown on a plan entitled, "Overall Plan, Libby Hill Business Park, Gardiner, Maine," prepared by Oest Associates, Inc. as part of Phase 1 of the development.

The preservation areas must be protected from alteration through the execution of a Declaration of Covenants and Restrictions. The applicant has submitted draft restriction language consistent with Department requirements. The applicant must execute, record, and submit a recorded copy of the final Declaration to the Bureau of Land and Water Quality prior to the sale of any lot and no later than 90 days from the date of this Order.

The Department finds that the applicant has presented adequate compensation that meets the criteria outlined in Chapter 310, provided that the compensation plan is implemented as described above.

17. AIR QUALITY:

No significant source of air emissions has been identified associated with office uses and development of the subdivision roadway and infrastructure. Development of light industrial and office uses must comply with all applicable air emissions laws. Prior to occupancy of any development expected to generate significant air emissions, the applicant must submit information to the Bureau of Land and Water Quality that identifies all point source air emissions and evidence that an air emissions license has been obtained or is not required.

18. ODORS:

No significant sources of odors have been identified associated with office uses and subdivision infrastructure. Prior to occupancy of light industrial facilities expected to generate significant odors, the applicant must submit to the Bureau of Land and Water Quality information on potential sources of odors from the development, including estimates of the affected areas and methods of control for review and approval.

19. ALTERATION OF CLIMATE/WATER VAPOR:

No significant sources of water vapor emissions have been identified associated with office uses and infrastructure installation. Prior to occupancy of light industrial facilities, the applicant shall submit to the Bureau of Land and Water Quality information on potential large-scale water vapor emission from the development for review and approval.

20. 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.A. Sections 480-A et seq. and Section 401 of the Federal Water Pollution Control Act:

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life provided that the applicant submits an overall buffer plan and marks all designated buffers on the ground as described in Finding 8 and protects all buffers from alteration as described in Findings 5,6, and 16 and implements the wetland compensation plan as described in Finding 16.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in 38 M.R.S.A. Section 480-P.

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.A. Sections 481 et seq.:

- 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 the CITY OF GARDINER to develop Libby Hill Business Park Phase 2, 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 or other responsible party shall, within three months of the expiration of each five-year interval from the date of this Order, submit a report certifying that the items listed in Department Rules, Chapter 500, Appendix B(4) have been completed in accordance with the approved plans.
5. The applicant shall include in all conveyances of subdivision lots deed restrictions making the conveyance subject to all terms and conditions of this Department permit and any applicable municipal approval. These terms and conditions may be incorporated by specific and prominent reference to the permit in the deed. All conveyances required by this approval to contain restrictions shall include in the restrictions the requirement that any subsequent conveyance shall specifically include the same restrictions.
6. The applicant shall give a copy of this permit, including the standard conditions, and a copy of the approved subdivision plan to each lot buyer at least 14 days prior to the date of closing on the sale or lease of the lot. The applicant also shall maintain a file containing signed and dated statements by lot buyers or lessees acknowledging that they have received and read their copy of this permit and the subdivision plan prior to the closing on their lot. The file shall also contain a copy of the signed and dated deed or lease containing the restrictive covenants required under this approval. The applicant shall make this file available for inspection upon request by the Department.
7. Prior to the start of construction, the applicant shall submit for review and approval a construction phasing plan with evidence that it has secured funding for either the entire project or for a clearly identified first phase of construction. If financing will be phased,

- e. Information on the nature of and potential sources of odors from the development, including estimates of the affected areas and methods of control.
 - g. Information identifying potential large-scale water vapor emission from the development that may cause a change in local climate.
23. Any changes to the approved assumptions regarding lot development and stormwater management, water supply, wastewater, groundwater, air emissions, odors, or water vapor described in this Order shall be submitted to the Bureau of Land and Water Quality for review and approval.
24. 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 AT AUGUSTA, MAINE, THIS 11th DAY OF March, 2008.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: 
DAVID P. LITTELL, COMMISSIONER

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application June 14, 2007
Date of application acceptance July 2, 2007

Date filed with Board of Environmental Protection
KC/ATS65555&65556/L19861FA&GN

