

December 8, 2023  
220106

Carolyn Eyerman, Town Planner  
Town of Gorham  
75 South Street, Suite 1  
Gorham, Maine 04038

**Site Plan Application Submission, Core X Cold Storage Warehouse Facility  
Gorham Industrial Park, Core X Partners.**

Dear Ms. Eyerman:

This letter, attachments, and revised Plans are provided in response to the staff notes from the Town of Gorham. The following document was received with comments regarding the site plan review application on 11/06/2023 prior to the Planning Board meeting of 11/06/2023:

- ITEM 1 – Core X Cold Storage

We have organized the responses to restate each outstanding review comment (*italics*) followed by our response, in **bold** font.

**STAFF REVIEWS**

***Fire Department 10/05/2023***

1. *The Main Sprinkler Room shall have an exterior door leading in the space.*

**Response: Acknowledged.**

2. *The Building needs to have State Building Permit from the State of Maine. A stamped approved set of plans (All pages Stamped approved) submitted to the Fire Chief's Office prior to start of construction.*

**Response: Acknowledged.**

3. *The actual hydrant locations shall be determined by the Fire Chief at the time of installation. Hydrants will remain private hydrants and will need a winter maintained contract on them.*

**Response: Acknowledged. The plan shows proposed locations for the fire hydrants.**

4. *Fire Alarm System – Shall have 2 annunciators for Fire Use. 1 in the Sprinkler Room and 1 at the main entrance to the building.*

**Response: Acknowledged.**



**Planning Department 10/31/2023**

- *The site plans show wetlands will be impacted by the development. The applicant needs to demonstrate that efforts have been made to avoid adverse impacts on wetlands, and create a plan to offset impacts that cannot practicably be avoided, dependent on the total impacted area per State of Maine requirements.*

**Response: An avoidance and minimization statement has been included with this letter.**

- *The plan does not show any connections to the Cross Town Trail/ potential Hutcherson Drive extension adjacent to the southern edge of the site. Connections to the Crosstown trail should be considered. The town has created a trail easement on an adjacent parcel that it owns directly to the south of this site which will allow for a connection directly to the Cross Town Trail. The primary goal of the connection would be for employee recreational and transportation use.*

**Response: The property does not directly abut the Cross Town Trail. For safety and security concerns the potential future trail should be routed around the proposed development.**

- *A letter from IF&W staff dated March 3, 2023 indicated that no significant wildlife habitat would be directly affected by the project.*

**Response: Acknowledged.**

**Town Engineer 10/30/2023**

1. *Please provide auto-turn analysis of wb-67 entering and exiting the truck entrance to confirm the curb return radii of 50' is sufficient for trucks to not encroach into oncoming traffic.*

**Response: An Access Plan has been added to the plan set showing the turning movements for a WB-67.**

2. *Per Chapter 4: Site Plan Review, subsection 4-9: Approval Criteria and Standards, of the Town of Gorham Land Use & Development Code, access into a site will be "located to avoid hazardous conflicts with existing turning movements and traffic flows".*

*The applicants' traffic analysis was reviewed with the Town's consultant traffic engineer. The consultant highlighted the characteristics of the large truck traffic and identified concern with turning movements into and out of the facility.*

*It is the Town's desire for the applicant to provide a left turn lane of sufficient length to facilitate turning movements into this facility. Due to the proximity of the Route 237 / Route 25 intersection and the commuter traffic in the area, a left turn lane will ensure there are no hazardous conflicts with existing traffic and will reduce the likelihood of queueing extending back to the Route 237 Intersection.*

**Response: The plans have been updated to show the addition of a left turn lane for trucks through the widening of Route 25. The included Access Plan shows how a wb-67 would use the left turn lane to safely enter the site. Please see the traffic comment response letter provided by Sebago Technics and the included plans for more information.**

**Wright Pierce 10/26/2023**  
*General Standards of Performance*

1. *Environmental:*

- a. *The proposed project is not located within the 100-year floodplain or shoreland overlay district.*

**Response: Acknowledged.**

- b. *Wetland impacts are proposed. We recommend the Applicant provide Maine Department of Environmental Protection (DEP) Site Law and Natural Resources Protection Act (NRPA) permits along with the US Army Corps of Engineers permit to the Town when approved.*

**Response: Maine DEP Site Law and NRPA permits were approved for the proposed development on 11/17/2023. A copy of the permits are included with this letter.**

- c. *The project is in the Municipal Separate Storm Sewer System (MS4) urbanized area and will disturb more than an acre, therefore, compliance with Chapter 2 of Gorham's Stormwater Ordinance (Post-Construction Stormwater Management) is necessary. An Inspection, Maintenance, and Housekeeping Plan has been submitted.*

- i. *The reference to the City of Waterville under During Construction, Section 3 Documentation should be updated.*

**Response: Section 3 of the Inspection, Maintenance, and Housekeeping Plan has been updated to reference the Town of Gorham.**

- ii. *Post-Construction, Section 3 Documentation, part A should be updated to meet the requirements outlined in Section 6.1.C of the Post-Construction Stormwater Management Ordinance. We recommend the signed certification be submitted to the Stormwater Compliance Officer at Public Works in addition to the Code Enforcement Office.*

**Response: Post-Construction, Section 3 Documentation, part A has been updated to be compliant with Section 6.1.C of the Post-Construction Stormwater Management Ordinance. The section has been revised to require copies of the certification to be submitted to the Public Works Department as well as the Code Enforcement Office.**

- iii. *Under Post-Construction, Section 4 Re-Certification, the Plan notes that the 5-year recertification should be submitted to the "Department". "Department" should be clearly defined as the Maine Department of Environmental Protection, so it is not confused with the Town's Public Works Department, which is also referenced in the document.*

**Response: Post-Construction, Section 4 Re-Certification has been updated to reference the Maine Department of Environmental Protection.**

- iv. *The Post-Construction Stormwater Management Ordinance currently allows the inspection to be completed by a Person owning, operating, leasing, or having control over the stormwater management facilities or a Qualified Post-Construction Stormwater Inspector; however, we recommend inspections of post-construction stormwater facilities be completed by a Qualified Post-Construction Stormwater Inspector as defined in the Ordinance. We recommend incorporating this into the Inspection and Maintenance Plan.*

**Response: The IM&H plan has been revised to require post construction stormwater inspections be completed by a Qualified Post Construction Stormwater Inspector as defined by the Town of Gorham Stormwater Ordinance.**

- d. *The project proposes over one acre of disturbance and will require a Maine Construction General Permit.*

**Response: Acknowledged. The Maine DEP Site Location of Development permit application includes a notice to carry out work which meets the requirements of the Maine Construction General permit. Therefore, the CGP is approved concurrent with the Site Law application.**

- e. *Proposed erosion controls appear adequate and undue environmental impacts are not anticipated. Filter barrier is proposed along the perimeter downgradient of proposed disturbances. Stone check dams are proposed in ditches and catch basin inlet protection are proposed in catch basins. Riprap inlet/outlet protection is proposed at culverts and storm drain discharge locations. A stabilized construction entrance is proposed off Main Street at the eastern entrance/exit.*

**Response: Acknowledged.**

## 2. Parking, Loading, and Traffic

- a. *A waiver request was submitted to reduce the number of required parking spaces from 106 to 62. The justification is that the employee count is much lower than the required number of parking spaces and it would preserve greenspace. The nature of the business requires a large amount of building storage space that may not correlate with the number of employees. We find no exception with this waiver.*

**Response: Acknowledged.**

- b. *The van accessible parking spaces should have a second sign noting they are van accessible. The ADA Accessible Signs detail on Sheet 15 does not show nor note this.*

**Response: The ADA accessible sign detail has been revised to include the “Van” sign.**

- c. *It is our understanding the Town will have Barton & Loguidice review traffic for this project. WP has not reviewed the traffic impact study included in the Site Plan application.*

**Response: Acknowledged.**

*Site Plan Requirements*

1. Access Into the Site – A -2.0% slope is maintained for 5 feet into the site, but the required maximum of -3.0% slope for 40 feet beyond this is exceeded. For example, the western entrance has a slope of 3.75%.

**Response: The driveway grading has been revised to comply with the driveway grading requirements.**

2. Internal Vehicle Circulation – Please submit a vehicle turning analysis showing delivery vehicles and fire truck circulation is adequate.

**Response: An Access Plan has been added to the plan set showing how a Fire Truck and WB-67 would access the site.**

3. Stormwater Management

- a. Two wet ponds are proposed for stormwater treatment. A cursory review of the MDEP General Standard Calculations shows adequate treatment is provided. The proposed wet ponds will treat 97.2% of the new impervious area and 84.7% of the newly developed area, exceeding the minimum treatment area requirements of 95% and 80%, respectively. MDEP will review for compliance with their standard in more detail during the Site Location of Development Permit Application review.

**Response: Acknowledged.**

- b. Wet Pond 1 emergency spillway was modeled with a 17' breadth but the Spillway Section shows 16'.

**Response: A table has been added to the Spillway Section that shows a spillway breadth of 17' for Wet Pond 1.**

- c. Wet Pond 2 emergency spillway was modeled with an 18' breadth but the Spillway Section shows 16'.

**Response: A table has been added to the Spillway Section that shows a spillway breadth of 18' for Wet Pond 2.**

4. Water Supply – The project proposes connection to municipal water on Main Street for water and fire services. Applicant to provide a statement/letter from the Portland Water District (PWD) regarding per Section 4-9.H of the Town's Land Use Development Code and as outlined in the Checklist for Site Plan Review under Utilities in the Site Plan Application.

**Response: Acknowledged. An ability to serve letter from PWD will be provided upon receipt.**

5. Sewage Disposal – The project proposes connection to a future extension of municipal sewer along Main Street, which is currently under design by the Town of Gorham. The Grading & Utility Plan 1 shows a 6" gravity sewer service with a clean out to Main Street, a future PWD pump station with a proposed sewer easement adjacent to Main Street, and a force main on the northeastern side of the building to a sewer pump station located near the guard house.

Applicant should provide clarification and more detail on the sewer servicing the proposed development, including the connection to the future extension of municipal sewer, and confirm with PWD and/or the Town there will be adequate capacity for this project. Applicant to provide a letter from Portland Water District as outlined in the Checklist for Site Plan Review under Utilities in the Site Plan Application.

**Response: The guard house and its associated utilities have been removed from the proposed development. Additional invert labels have been added to the proposed sewer service on the revised Grading and Utility Sheet. The Town of Gorham is in the final design process for the sewer extension. The pump station has been designed for the flows from the proposed development. The proposed sewer service has been coordinated with the proposed sewer extension.**

6. Exterior Lighting – Exterior Lighting information has not been submitted. The applicant stated it will be submitted later. Town to determine if a formal lighting review is required.

**Response: Acknowledged. An exterior photometric plan is included in the revised Plans.**

7. Landscaping - It is our understanding the Town will have Barton & Loguidice review landscaping for this project. WP has not reviewed the landscape plan included in the plan set.


**Response: Acknowledged.**

We are hopeful that we have adequately addressed the review comments. Upon your review of this response letter, the enclosed plans, and associated exhibits, please call me with any questions or if you require additional information. Thank you for your consideration.

Sincerely,



Remington McDonald, P.E.  
Project Engineer  
SEBAGO TECHNICS, INC.



Christopher Taylor, P.E.  
Project Manager  
SEBAGO TECHNICS, INC.

CPT/REM

Cc: Core X

Enc.

## **Attachment 2 Avoidance & Minimization**

### **Avoidance & Minimization:**

The proposed parcel of land is located along Main Street Gorham within the industrial zoning district. Wetland resources were mapped throughout the parcel with the majority of the wetlands being located in the southern portion of the parcel. A vernal pool was also located at the southern property boundary. The site contains narrow finger-like strips of wetlands that extend into the central and northern portions of the parcel.

Every effort was made to avoid or minimize impacts on the natural resources located on the subject parcel. To minimize impacts on wetland resources the proposed development has been located in the large northern portion of the lot to maximize the use of the upland area. Development has been avoided for the southern portion of the parcel where the majority of wetlands and the vernal pool are located. The proposed development is a cold storage warehouse. Due to the nature of the business and operations, a large flat rectangular area is needed for the development. This has been located in the area with the least amount of wetlands. The proposed driveways entrances on Main Street have been located to avoid the small pocket wetlands adjacent to Main Street.

The proposed wet pond which provides stormwater treatment for the proposed development is located south of the development due to existing drainage patterns and to accommodate the elevation drop from north to south. The shape of the wet pond is required to be long and narrow as it increases the pollutant removal efficiency.



DEPARTMENT ORDER

IN THE MATTER OF

CORE X COMPLETE MAINE	) SITE LOCATION OF DEVELOPMENT ACT
REGIONAL LLC	) NATURAL RESOURCES PROTECTION ACT
Gorham, Cumberland County	) FRESHWATER WETLAND ALTERATION
STORAGE FACILITY	) WATER QUALITY CERTIFICATION
L-30283-25-A-N (approval)	)
L-30283-TC-B-N (approval)	) FINDINGS OF FACT AND ORDER
*CORRECTED ORDER	

Pursuant to the provisions of 38 M.R.S. §§ 481–489-E, §§ 480-A–480-JJ, Section 401 of the Clean Water Act (33 U. S. C. § 1341) and Chapters 310, 315, 373, 375 and 500 of Department rules, the Department of Environmental Protection (Department) has considered the application of CORE X COMPLETE MAINE REGIONAL LLC (applicant) with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. Summary: The applicant proposes to construct a cold storage facility that includes a 104,000-square foot building with 14 tractor trailer loading docks, 27 truck parking spaces, and a one-way 16-foot wide and 770-foot-long access drive on an approximately 41.4-acre parcel. The proposed project will result in the creation of approximately \*12.28 acres of new developed area of which \*5.73 acres will be new impervious area. The proposed project is shown on a set of plans, the first of which is titled “RLS Cold Storage,” prepared by Sebago Technics, and dated November 17, 2022. The project site is located off Main Street in the Town of Gorham.

The applicant is seeking concurrent approval under the Natural Resources Protection Act to permanently fill 12,873 square feet of freshwater wetlands in order to construct the cold storage facility.

B. Current Use of the Site: The site of the proposed project is a 41.4-acre parcel of undeveloped land consisting of tall brush and low-growth trees. The parcel is identified as Lot 1 on Map 30 of the Town of Gorham’s tax maps.

2. FINANCIAL CAPACITY:

The total cost of the project is estimated to be \$33,200,000. The applicant submitted a letter of support from Sculptor Real Estate Acquisitions LP, dated January 4, 2023, indicating that it intends to provide financing for this project.



Prior to the start of construction, the applicant must submit evidence that it has been granted a line of credit or a loan by a financial institution authorized to do business in this State or evidence of any other form of financial assurance consistent with Department Rules, Chapter 373(1), to the Bureau of Land Resources (BLR) for review and approval.

The Department finds that the applicant has demonstrated adequate financial capacity to comply with Department standards provided that the applicant submits, for review and approval, final financial information prior to the start of construction.

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 Sebago Technics, Inc, a professional engineering firm, to assist in the design and engineering of the project.

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

4. NOISE:

The proposed project involves the construction of a cold storage facility. It is anticipated that the daily operation of the facility will generate minimal noise, mostly derived from truck movements to and from the site. The proposed project is located within an existing industrial park and any noise generated will be consistent with allowable amounts allowed in Town of Gorham ordinances.

The applicant proposes to limit construction on the site to the hours between 7:00 A.M. and 7:00 P.M. Construction noise generated during these hours is not regulated pursuant to 38 M.R.S. § 484(3)(A).

The Department finds that no regulated sources of noise have been identified.

5. SCENIC CHARACTER:

The proposed project involves the construction of a cold storage facility within a town industrial park. The site is bounded by existing commercial development to the east and the Portland Water District Utility to the west. All structures have been designed to be in keeping with town requirements. The proposed site layout preserves existing tree cover surrounding the development, including along Main Street.

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

6. WILDLIFE AND FISHERIES:

The project consists of former agricultural land that has since been overgrown with shrubby vegetation, hardwood and softwood forest, and wetlands.

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

The Department finds that the activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

7. HISTORIC SITES AND UNUSUAL NATURAL AREAS:

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 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 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. SOILS:

The applicant submitted a Class B High Intensity soil survey map and report based on the soils found at the project site. This report was prepared by a certified soils scientist and reviewed by staff from the BLR.

Blasting will likely be required in some areas to break up bedrock for the purpose of leveling the ground for the building pad and proposed roadways. The applicant stated that any blasting during construction of the project will be conducted in compliance with 38 M.R.S. § 490-Z.

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

9. STORMWATER MANAGEMENT:

The proposed project includes approximately 12.28 acres of new developed area of which 5.73 acres is new impervious area. It lies within the watershed of the Stroudwater River. The applicant submitted a stormwater management plan based on the Basic and General Standards contained in Chapter 500 of the Department's Stormwater Management rules pursuant to 38 M.R.S. § 420-D. The proposed stormwater management system consists of two wet ponds and associated drainage infrastructure.

A. Basic Standards:

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

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

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

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

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

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

B. General Standards:

The applicant's stormwater management plan includes general treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater, and mitigate potential temperature impacts. This mitigation is being achieved by using Best Management Practices (BMPs) that will control runoff from no less than 95% of the impervious area and no less than 80% of the developed area.

The stormwater management system proposed by the applicant was reviewed by BLR. After a final review, BLR commented that the proposed stormwater management system is designed in accordance with the Chapter 500 General Standards, and recommended that the applicant retain the design engineer or other qualified professional to oversee the construction of the stormwater management structures according to the details and notes specified on the approved plans. Within 30 days of completion of the entire system, as-built plans must be submitted to the Department. If the project takes more than one year to complete, at least once per year, the applicant must submit a log of inspection reports detailing the items inspected, photographs taken, and dates of each inspection to the BLR for review.

Based on the stormwater system's design and BLR's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the General Standards contained in Chapter 500 (4)(C) provided the applicant meets the inspection and reporting requirements outlined above.

C. Flooding Standard:

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

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

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

10. 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 Department finds, after review of the information discussed in Findings 11 and 12, that the proposed project will not have an unreasonable adverse effect on ground water quality or quantity.

11. WATER SUPPLY:

When completed, the proposed project is anticipated to use 981 gallons of water per day. Water will be supplied by the Portland Water District. The applicant is working with the District to determine the best design option for proposed project's needs. The applicant submitted an email from the District, dated October 17, 2023, indicating that it will be capable of servicing this project regardless of which of the two design options is chosen.

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

12. WASTEWATER DISPOSAL:

When completed, the proposed project is anticipated to discharge 981 gallons of wastewater per day to Portland Water District's wastewater treatment facility in Westbrook. The applicant is currently working with the Town of Gorham and the Portland Water District to accommodate the sewer generation from the proposed development, existing developments in the area, and future growth. Prior to occupancy, the applicant must submit plans for the sewer extension to the BLR for review and approval.

The Division of Water Quality Management (DWQM) of the Bureau of Water Quality reviewed the proposed project and commented that Portland Water District's Westbrook treatment facility has the capacity to treat the additional wastewater flows and is operating in substantial compliance with Maine's water quality regulations.

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 prior to occupancy, the applicant submits to the BLR for review and approval design plans for the sewer extension.

13. SOLID WASTE:

When completed, the proposed project is anticipated to generate 1.54 cubic yards of solid waste per day. All general solid wastes from the proposed project will be disposed of through contract with an independent waste hauler that will provide waste pick up services each week. Solid wastes will be transported to the Old Town Landfill, which is currently in substantial compliance with the Maine Solid Waste Management Rules.

The proposed project will generate approximately 4,400 cubic yards of stumps and grubbings. Marketable logs will be removed from the site. Other stumps and grubbings generated will be processed on site and used for erosion control during construction, in compliance with the Maine Solid Waste Management Rules.

The proposed project will generate approximately 205 tons of construction debris and demolition debris. All construction and demolition debris generated will be disposed of at Old Town Landfill, which is currently in substantial compliance with the Maine Solid Waste Management Rules.

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

14. FLOODING:

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

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

15. WETLAND IMPACTS:

The applicant proposes to fill 12,873 square feet of scrub shrub and wet meadow freshwater wetland to construct a cold storage facility as shown on the set of plans referenced in Finding 1. The applicant has avoided and minimized wetland impacts to the greatest extent practicable by locating the development in the northern portion of the lot to maximize the use of the upland area. The proposed development is a cold storage warehouse, and due to the nature of the business and operations, a large flat rectangular area is needed for the development. This has been located in the area with the least amount of wetlands. The proposed driveway entrance on Main Street has been located to avoid the small pocket wetlands adjacent to Main Street.

According to the Department's Geographic Information System (GIS), there are no mapped essential or significant wildlife habitats associated with the project site.

The Department finds that the applicant has avoided and minimized freshwater wetland 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.

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

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

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

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

that final financial evidence is submitted to the BLR for review and approval as outlined in Finding 2.

- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.
- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- D. The proposed development meets the standards for storm water management in 38 M.R.S. § 420-D and the standard for erosion and sedimentation control in 38 M.R.S. § 420-C provided that the applicant meets the requirements outlined in Finding 9.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.
- F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities and solid waste disposal required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities in the municipality or area served by those services provided that the applicant meets the requirements outlined in Finding 12.
- 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 CORE X COMPLETE MAINE REGIONAL LLC to construct a cold storage facility and alter freshwater wetlands as described in Finding 1, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

4. The applicant shall retain the design engineer or other qualified professional to oversee the construction of the stormwater management structures according to the details and notes specified on the approved plans. Within 30 days of completion of the entire system, as-built plans shall be submitted to the Department. If the project takes more than one year to complete, at least once per year, the applicant shall submit a log of inspection reports detailing the items inspected, photographs taken, and dates of each inspection to the BLR for review.
5. Storm sewer grit and sediment materials removed from stormwater control structures during maintenance activities shall be disposed of in compliance with the Maine Solid Waste Management Rules.
6. Prior to occupancy, the applicant shall submit plans for the sewer extension to the BLR for review and approval.
7. Prior to starting construction, the applicant shall submit evidence that it has been granted a line of credit or a loan by a financial institution authorized to do business in this State or evidence of any other form of financial assurance determined by Department Rules, Chapter 373(1), to be adequate to the BLR for review and approval.

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

DONE AND DATED IN AUGUSTA, MAINE, THIS 20<sup>th</sup> DAY OF NOVEMBER 2023.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CORRECTING THE ORDER DATED NOVEMBER 17<sup>th</sup> 2023. The effective date and expiration date remain the same as in the original.

BY:   
 For: Melanie Loyzim, Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

SS/L30283ANBN/ATS#90703/90704

<p><b>FILED</b>          November 20<sup>th</sup>, 2023          State of Maine          Board of Environmental Protection</p>
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**Department of Environmental Protection**  
**SITE LOCATION OF DEVELOPMENT (SITE)**  
**STANDARD CONDITIONS**

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

**(2/81)/Revised December 27, 2011**



## Natural Resources Protection Act (NRPA) Standard Conditions

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THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCES PROTECTION ACT, 38 M.R.S. § 480-A ET SEQ., UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

- A. Approval of Variations From Plans. The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. Compliance With All Applicable Laws. The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. Erosion Control. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. Compliance With Conditions. Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other the specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. Time frame for approvals. If construction or operation of the activity is not begun within four years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- F. No Construction Equipment Below High Water. No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- G. Permit Included In Contract Bids. A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- H. Permit Shown To Contractor. Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.

## STORMWATER STANDARD CONDITIONS

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

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

- (1) Approval of variations from plans. The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the permittee. Any variation from these plans, proposals, and supporting documents must be reviewed and approved by the department prior to implementation. Any variation undertaken without approval of the department is in violation of 38 M.R.S. §420-D(8) and is subject to penalties under 38 M.R.S. §349.
- (2) Compliance with all terms and conditions of approval. The applicant shall submit all reports and information requested by the department demonstrating that the applicant has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
- (3) Advertising. Advertising relating to matters included in this application may not refer to this approval unless it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
- (4) Transfer of project. Unless otherwise provided in this approval, the applicant may not sell, lease, assign, or otherwise transfer the project or any portion thereof without written approval by the department where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval may only be granted if the applicant or transferee demonstrates to the department that the transferee agrees to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant. Approval of a transfer of the permit must be applied for no later than two weeks after any transfer of property subject to the license.
- (5) Time frame for approvals. If the construction or operation of the activity is not begun within four years, this approval shall lapse and the applicant shall reapply to the department for a new approval. The applicant may not begin construction or operation of the project until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- (6) Certification. Contracts must specify that "all work is to comply with the conditions of the Stormwater Permit." Work done by a contractor or subcontractor pursuant to this approval may not begin before the contractor and any subcontractors have been shown a copy of this approval with the conditions by the permittee, and the permittee and each contractor and subcontractor has certified, on a form provided by the department, that the approval and conditions have been received and read, and that the work will be carried out in accordance with the approval and conditions. Completed certification forms must be forwarded to the department.

- (7) Maintenance. The components of the stormwater management system must be adequately maintained to ensure that the system operates as designed, and as approved by the Department. If maintenance responsibility is to be transferred from the permittee to another entity, a transfer request must be filed with the Department which includes the name and contact information for the person or entity responsible for this maintenance. The form must be signed by the responsible person or agent of the responsible entity.
- (8) Recertification requirement. Within three months of the expiration of each five-year interval from the date of issuance of the permit, the permittee shall certify the following to the department.
- (a) All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.
  - (b) All aspects of the stormwater control system are operating as approved, have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the system, or portions of the system, as necessary.
  - (c) The stormwater maintenance plan for the site is being implemented as approved by the Department, and the maintenance log is being maintained.
  - (d) All proprietary systems have been maintained according to the manufacturer's recommendations. Where required by the Department, the permittee shall execute a 5-year maintenance contract with a qualified professional for the coming 5-year interval. The maintenance contract must include provisions for routine inspections, cleaning and general maintenance.
  - (e) The Department may waive some or all of these recertification requirements on a case-by-case basis for permittees subject to the Department's Multi-Sector General Permit ("MSGP") and/or Maine Pollutant Discharge Elimination System ("MEPDES") programs where it is demonstrated that these programs are providing stormwater control that is at least as effective as required pursuant to this Chapter.
- (9) Transfer of property subject to the license. If any portion of the property subject to the license containing areas of flow or areas that are flooded are transferred to a new property owner, restrictive covenants protecting these areas must be included in any deeds or leases, and recorded at the appropriate county registry of deeds. Also, in all transfers of such areas and areas containing parts of the stormwater management system, deed restrictions must be included making the property transfer subject to all applicable terms and conditions of the permit. These terms and conditions must be incorporated by specific and prominent reference to the permit in the deed. All transfers must include in the restrictions the requirement that any subsequent transfer must specifically include the same restrictions unless their removal or modification is approved by the Department. These restrictions must be written to be enforceable by the Department, and must reference the permit number.
- (10) Severability. The invalidity or unenforceability of any provision, or part thereof, of this permit shall not affect the remainder of the provision or any other provisions. This permit shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.



# DEP INFORMATION SHEET

## Appealing a Department Licensing Decision

**Dated: August 2021**

**Contact: (207) 314-1458**

### **SUMMARY**

This document provides information regarding a person's rights and obligations in filing an administrative or judicial appeal of a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner.

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

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

### **I. ADMINISTRATIVE APPEALS TO THE BOARD**

#### **LEGAL REFERENCES**

A person filing an appeal with the Board should review Organization and Powers, [38 M.R.S. §§ 341-D\(4\)](#) and [346](#); the Maine Administrative Procedure Act, 5 M.R.S. § [11001](#); and the DEP's [Rule Concerning the Processing of Applications and Other Administrative Matters \(Chapter 2\)](#), 06-096 C.M.R. ch. 2.

#### **DEADLINE TO SUBMIT AN APPEAL TO THE BOARD**

Not more than 30 days following the filing of a license decision by the Commissioner with the Board, an aggrieved person may appeal to the Board for review of the Commissioner's decision. The filing of an appeal with the Board, in care of the Board Clerk, is complete when the Board receives the submission by the close of business on the due date (5:00 p.m. on the 30<sup>th</sup> calendar day from which the Commissioner's decision was filed with the Board, as determined by the received time stamp on the document or electronic mail). Appeals filed after 5:00 p.m. on the 30<sup>th</sup> calendar day from which the Commissioner's decision was filed with the Board will be dismissed as untimely, absent a showing of good cause.

#### **HOW TO SUBMIT AN APPEAL TO THE BOARD**

An appeal to the Board may be submitted via postal mail or electronic mail and must contain all signatures and required appeal contents. An electronic filing must contain the scanned original signature of the appellant(s). The appeal documents must be sent to the following address.

Chair, Board of Environmental Protection  
c/o Board Clerk  
17 State House Station  
Augusta, ME 04333-0017  
[ruth.a.burke@maine.gov](mailto:ruth.a.burke@maine.gov)

The DEP may also request the submittal of the original signed paper appeal documents when the appeal is filed electronically. The risk of material not being received in a timely manner is on the sender, regardless of the method used.

At the time an appeal is filed with the Board, the appellant must send a copy of the appeal to: (1) the Commissioner of the DEP (Maine Department of Environmental Protection, 17 State House Station, Augusta, Maine 04333-0017); (2) the licensee; and if a hearing was held on the application, (3) any intervenors in that hearing proceeding. **Please contact the DEP at 207-287-7688 with questions or for contact information regarding a specific licensing decision.**

### **REQUIRED APPEAL CONTENTS**

A complete appeal must contain the following information at the time the appeal is submitted.

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

### **OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD**

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, and is made accessible by the DEP. Upon request, the DEP will make application materials available to review and photocopy during normal working hours. There may be a charge for copies or copying services.

2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing the appeal.* DEP staff will provide this information upon request and answer general questions regarding the appeal process.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed, the license normally remains in effect pending the processing of the appeal. Unless a stay of the decision is requested and granted, a licensee may proceed with a project pending the outcome of an appeal, but the licensee runs the risk of the decision being reversed or modified as a result of the appeal.

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

The Board will acknowledge receipt of an appeal, and it will provide the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials admitted by the Board as supplementary evidence, any materials admitted in response to the appeal, relevant excerpts from the DEP's administrative record for the application, and the DEP staff's recommendation, in the form of a proposed Board Order, will be provided to Board members. The appellant, the licensee, and parties of record are notified in advance of the date set for the Board's consideration of an appeal or request for a hearing. The appellant and the licensee will have an opportunity to address the Board at the Board meeting. The Board will decide whether to hold a hearing on appeal when one is requested before deciding the merits of the appeal. The Board's decision on appeal may be to affirm all or part, affirm with conditions, order a hearing to be held as expeditiously as possible, reverse all or part of the decision of the Commissioner, or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, the licensee, and parties of record of its decision on appeal.

## **II. JUDICIAL APPEALS**

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

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

### **ADDITIONAL INFORMATION**

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board Clerk at 207-287-2811 or the Board Executive Analyst at 207-314-1458 [bill.hinkel@maine.gov](mailto:bill.hinkel@maine.gov), or for judicial appeals contact the court clerk's office in which the appeal will be filed.

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**Note: This information sheet, in conjunction with a review of the statutory and regulatory provisions referred to herein, is provided to help a person to understand their rights and obligations in filing an administrative or judicial appeal. The DEP provides this information sheet for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.**

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**INSPECTION, MAINTENANCE, AND HOUSEKEEPING PLAN**  
**RLS Cold Storage**  
**Gorham, Maine**

**Prepared by Christopher P. Taylor, P.E.**

**Introduction**

The following plan outlines the anticipated inspection and maintenance procedures for the erosion and sedimentation control measures as well as stormwater management facilities for the project. This plan also outlines several housekeeping requirements that shall be followed during and after construction. These procedures shall be followed in order to ensure the intended function of the designed measures and to prevent unreasonably adverse impacts to the surrounding environment.

The procedures outlined in this Inspection, Maintenance and Housekeeping Plan are provided as an overview of the anticipated practices to be used on this site. In some instances, additional measures may be required due to unexpected conditions. For additional detail on any of the erosion and sedimentation control measures or stormwater management devices to be utilized on this project, refer to the most recently revised edition of the "Maine Erosion and Sedimentation Control BMP" manual and/or the "Stormwater Management for Maine: Best Management Practices" manual as published by the Maine Department of Environmental Protection (MDEP).

**During Construction**

1. **Inspection:** During the construction process, it is the Contractor's responsibility to comply with the inspection and maintenance procedures outlined in this section. These responsibilities include inspecting disturbed and impervious areas, erosion control measures, materials storage areas that are exposed to precipitation, and locations where vehicles enter or exit the site. These areas shall be inspected at least once a week as well as before and after a storm event of 0.5" of rainfall in a 24-hour period, and prior to completing permanent stabilization measures. A person with knowledge of erosion and stormwater control, including the standards and conditions in any applicable permits, shall conduct the inspections.
2. **Maintenance:** All measures shall be maintained in an effective operating condition until areas are permanently stabilized. If Best Management Practices (BMPs) need to be maintained or modified, additional BMPs are necessary, or other corrective action is needed, implementation must be completed within 7 calendar days and prior to any rainfall event.
3. **Documentation:** A log summarizing the inspections and any corrective action taken must be maintained on-site. The log must include the name(s) and qualifications of the person making the inspections, the date(s) of the inspections, and major observations about the operation and maintenance of erosion and sedimentation controls, material storage areas, and vehicle access points to the site. Major observations must include BMPs that need maintenance, BMPs that failed to operate as designed or proved inadequate for a particular location, and locations where additional BMPs are needed. For each BMP requiring maintenance, BMP needing replacement, and location needing additional BMPs, note in the log the corrective action taken and when it was taken. The log must be made accessible to the Town of Gorham and MDEP upon request. The permittee shall retain a copy of the log for a period of at least three years from the completion of permanent stabilization.



4. **Specific Inspection and Maintenance Tasks:** The following is a list of erosion control and stormwater management measures and the specific inspection and maintenance tasks to be performed during construction.

A. Sediment Barriers:

- Hay bale barriers, silt fences, and filter berms shall be inspected immediately after each rainfall and at least daily during prolonged rainfall.
- If the fabric on a silt fence or filter barrier should decompose or become ineffective prior to the end of the expected usable life and the barrier is still necessary, it shall be replaced.
- Sediment deposits should be removed after each storm event. They must be removed before deposits reach approximately one-half the height of the barrier.
- Filter berms shall be reshaped as needed.
- Any sediment deposits remaining in place after the silt fence or filter barrier is no longer required should be dressed to conform to the existing grade, prepared, and seeded.

B. Riprap Materials:

- Once a riprap installation has been completed, it should require very little maintenance. It shall, however, be inspected periodically to determine if high flows have caused scour beneath the riprap or dislodged any of the stone.

C. Erosion Control Blankets:

- Inspect these reinforced areas semi-annually and after 0.5" rainfall events for slumping, sliding, seepage, and scour. Pay close attention to unreinforced areas adjacent to the erosion control blankets, which may experience accelerated erosion.
- Review all applicable inspection and maintenance procedures recommended by the specific blanket manufacturer. These tasks shall be included in addition to the requirements of this plan.

D. Stabilized Construction Entrances/Exits:

- The exit shall be maintained in a condition that will prevent tracking of sediment onto public rights-of-way.
- When the control pad becomes ineffective, the stone shall be removed along with the collected soil material. The entrance should then be reconstructed.
- Areas that have received mud-tracking or sediment deposits shall be swept or washed. Washing shall be done on an area stabilized with aggregate, which drains into an approved sediment-trapping device (not into storm drains, ditches, or waterways).

E. Temporary Seed and Mulch:

- Mulched areas should be inspected after 0.5" rain events to check for rill erosion.
- If less than 90% of the soil surface is covered by mulch, additional mulch shall be applied in bare areas.

- In applications where seeding and mulch have been applied in conjunction with erosion control blankets, the blankets must be inspected after 0.5" rain events for dislocation or undercutting.
- Mulch shall continue to be reapplied until 95% of the soil surface has established temporary vegetative cover.

F. Stabilized Temporary Drainage Swales:

- Sediment accumulation in the swale shall be removed once the cross section of the swale is reduced by 25%.
- The swales shall be inspected after 0.5" rainfall events. Any evidence of sloughing of the side slopes or channel erosion shall be repaired and corrective action should be taken to prevent reoccurrence of the problem.
- In addition to the stabilized lining of the channel (i.e. erosion control blankets), stone check dams may be needed to further reduce channel velocity.

5. **Housekeeping:** The following general performance standards apply to the proposed project.

- A. Spill prevention: Controls must be used to prevent pollutants from being discharged from materials on-site, including storage practices to minimize exposure of the materials to stormwater, and appropriate spill prevention, containment, and response planning and implementation.
- B. Groundwater protection: During construction, liquid petroleum products and other hazardous materials with the potential to contaminate groundwater may not be stored or handled in areas of the site draining to an infiltration area. An "infiltration area" is any area of the site that by design or as a result of soils, topography and other relevant factors, accumulates runoff that infiltrates into the soil. Dikes, berms, sumps, and other forms of secondary containment that prevent discharge to groundwater may be used to isolate portions of the site for the purposes of storage and handling of these materials.
- C. Fugitive sediment and dust: Actions must be taken to ensure that activities do not result in noticeable erosion of soils or fugitive dust emissions during or after construction. Oil may not be used for dust control.
- D. Debris and other materials: Litter, construction debris, and chemicals exposed to stormwater must be prevented from becoming a pollutant source.
- E. Trench or foundation dewatering: Trench dewatering is the removal of water from trenches, foundations, cofferdams, ponds, and other areas within the construction area that retain water after excavation. In most cases, the collected water is heavily silted and hinders correct and safe construction practices. The collected water must be removed from the ponded area, either through gravity or pumping, and must be spread through natural wooded buffers or removed to areas that are specifically designed to collect the maximum amount of sediment possible, like a cofferdam sedimentation basin. Avoid allowing the water to flow over disturbed areas of the site. Equivalent measures may be taken if approved.

## Post-Construction

1. **Inspection:** After construction, it is the responsibility of the owner or assigned heirs to comply with the inspection and maintenance procedures outlined in this section. All measures must be maintained in effective operating condition. The inspection shall be conducted by a Qualified Post-Construction Stormwater Inspector as defined by the Town of Gorham Stormwater Ordinance.
2. **Specific Inspection and Maintenance Tasks:** The following is a list of permanent erosion control and stormwater management measures and the inspection and maintenance tasks to be performed after construction.
  - A. Vegetated Areas:
    - Inspect vegetated areas, particularly slopes and embankments, early in the growing season or after 0.5" rainfall events to identify active or potential erosion problems.
    - Replant bare areas or areas with sparse growth. Where rill erosion is evident, armor the area with an appropriate lining or divert the erosive flows to on-site areas able to withstand the concentrated flows.
  - B. Ditches, Swales and Other Open Channels:
    - Inspect ditches, swales, level spreaders and other open stormwater channels in the spring, in the late fall, and after 0.5" rainfall events to remove any obstructions to flow. Remove accumulated sediments and debris, remove woody vegetative growth that could obstruct flow, and repair any erosion of the ditch lining.
    - Vegetated ditches must be mowed at least annually or otherwise maintained to control the growth of woody vegetation and maintain flow capacity.
    - Any woody vegetation growing through riprap linings must also be removed. Repair any slumping side slopes as soon as practicable.
    - If the ditch has a riprap lining, replace riprap in areas where any underlying filter fabric or underdrain gravel is showing through the stone or where stones have dislodged.
  - C. Winter Sanding:
    - Clear accumulations of winter sand along access road at least once a year, preferably in the spring.
    - Accumulations on pavement may be removed by pavement sweeping.
    - Accumulations of sand along road shoulders may be removed by grading excess sand to the pavement edge and removing it manually or by a front-end loader or other acceptable method.
  - D. Culverts:
    - Inspect culverts in the spring, in the late fall, and after 0.5" rainfall events to

remove any obstructions to flow.

- Remove accumulated sediments and debris at the inlet, at the outlet, and within the conduit.
- Inspect and repair any erosion damage at the culvert's inlet and outlet.

E. Wet Pond

- The pond outlet structure and outlet of the pond should be checked periodically to ensure that flow structures are not blocked by debris. All ditches or pipes connecting ponds in series should be checked for debris that may obstruct flow. Inspections should be conducted monthly during wet weather conditions from March to November.
- The wet pond and outlet should be inspected annually for erosion, destabilization of side slopes, embankment settling and other signs of structural failure. Any signs of erosion shall be immediately repaired to assure stability and proper function.
- The wet pond will be inspected on an annual basis to assure that significant sediment accumulation has not occurred in the pond outlet structure. Whenever the sump is 25% inundated with sediment, the accumulated sediment shall be removed and properly disposed of.
- The underdrained gravel trench shall be inspected after every major storm in the first few months to ensure proper function. Thereafter, the gravel trench should be inspected at least once every six months. Inspection consists of verifying that the pond is slowly emptying thorough the gravel filter for short time (12-24 hours) after a storm and that potential clogging material such as accumulations of decaying leaves are removed.
- The top several inches of the gravel in the underdrained trench must be replaced with fresh material when water ponds above the permanent pool for more than 72 hours. The removed sediments shall be disposed of in an acceptable manner.
- Wet ponds lose 0.5-1.0% of their volume annually due to sediment accumulation. Dredging is required when accumulated volume loss reaches 15%, or approximately every 15-20 years.

G. Outlet Control Structures:

- Inspect outlet structures two times per year (preferably in spring and fall) to ensure that the outlet structures are working in their intended fashion and that they are free of debris.
- Clean structures when sediment depths reach 12 inches from invert of outlet.
- At a minimum, remove floating debris and hydrocarbons at the time of the inspection.

**3. Documentation:**

- A. The owner or operator of a BMP shall, on or by May 1 of each year, provide a completed and signed certification to the Stormwater Compliance Officer at the Department of Public Works (PWD) and the Code Enforcement Officer in a form provided by PWD, certifying that a Qualified Post Construction Stormwater Inspector has inspected the BMP(s) and that they

are adequately maintained and functioning as intended by the approved post-construction stormwater management plan, or that they require maintenance/repair, including the record of the deficiency and corrective action(s) taken. If a BMP requires maintenance the owner or operator must provide to the municipality a record of the deficiency and corrective action(s) taken no later than 60 days following the date the deficiency was identified. If the corrective action(s) cannot be completed within 60 days, then an expeditious schedule to complete the maintenance shall be established and provided along with the record of the deficiency and corrective action(s) taken.

- B. A log summarizing the inspections and any corrective action taken must be maintained. The log must include the name(s) and qualifications of the person making the inspections, the date(s) of the inspections, and major observations about the operation and maintenance of controls. Major observations must include BMPs that need maintenance, BMPs that failed to operate as designed or proved inadequate for a particular location, and locations where additional BMPs are needed. For each BMP requiring maintenance, BMP needing replacement, and location needing additional BMPs, note in the log the corrective action taken and when it was taken. The log must be made accessible to the appropriate regulatory agency upon request. A sample "Stormwater Inspection and Maintenance Form" has been included as Attachment 1 of this Inspection, Maintenance, and Housekeeping Plan.

**4. Re-Certification:** Submit a certification of the following to the Maine Department of Environmental Protection (MDEP) within three months of the expiration of each five-year interval from the date of issuance of the permit.

- A. All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.
- B. All aspects of the stormwater control system have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the system, or portions of the system.
- C. The erosion and stormwater maintenance plan for the site is being implemented as written, or modifications to the plan have been submitted to and approved by the MDEP, and the maintenance log is being maintained.

**5. Duration of Maintenance:** Perform maintenance as described and required for any associated permits unless and until the system is formally accepted by a municipality or quasi-municipal district, or is placed under the jurisdiction of a legally created association that will be responsible for the maintenance of the system. If a municipality or quasi-municipal district chooses to accept a stormwater management system, or a component of a stormwater system, it must provide a letter to the MDEP stating that it assumes responsibility for the system. The letter must specify the components of the system for which the municipality or district will assume responsibility, and that the municipality or district agrees to maintain those components of the system in compliance with MDEP standards. Upon such assumption of responsibility, and approval by the MDEP, the municipality, quasi-municipal district, or association becomes a co-permittee for this purpose only and must comply with all terms and conditions of the permit.

**Attachments**

Attachment 1 – Sample Stormwater Inspection Maintenance and Housekeeping Form

Attachment 2 – Wet Pond Inspection Form