



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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DEER PARK REALTY TRUST) SITE LOCATION OF DEVELOPMENT ACT
Milford, Penobscot County) NATURAL RESOURCES PROTECTION ACT
DEER PARK VILLAGE) FRESHWATER WETLAND ALTERATION
L-28984-87-A-N (approval)) WATER QUALITY CERTIFICATION
L-28984-TE-B-N (after-the-fact approval)) FINDINGS OF FACT AND 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, 335, 373, 375 and 500 of the Department’s rules, the Department of Environmental Protection (Department) has considered the application of DEER PARK REALTY TRUST (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 is seeking approval for the construction of a 146-condominium development including residential duplex buildings, utilities, paved accessways and maneuvering areas and stormwater management facilities. The proposed project will result in the creation of approximately 12.53 acres of new developed area, of which 8.41 acres will be new impervious area. The proposed project is shown on a set of plans titled “Deer Park Village,” prepared by Haley Ward, and dated May 23, 2023. The project site is located off Route 178 in the Town of Milford.

The applicant also requests after-the-fact approval for the permanent alteration of 10,722 square feet of freshwater wetlands. The applicant further proposes to permanently fill 6,271 square feet of forested freshwater wetlands and restore 6,858 square feet of previously disturbed wetlands to its former natural state for a cumulative amount of permanent freshwater wetland impacts for the proposed project of 10,135 square feet. Wetland impacts are discussed in greater detail in Finding 16.

The proposed site contains two streams, one Significant Vernal Pool (SVP), one non-Significant Vernal Pool and freshwater wetland areas. Some of the wetland areas are considered Wetlands of Special Significance (WOSS). Impacts are not proposed within WOSS.

The applicant also proposes to permanently alter approximately 53,433 square feet of vegetation within the 250-foot critical terrestrial habitat (CTH) of the SVP, which is designated as Significant Wildlife Habitats pursuant to the Natural Resources Protection Act (NRPA), and approximately 3,000-square feet of permanent alteration is proposed within the 75-foot riparian buffer of the stream as further discussed in Finding 6. The proposed project also will require one stream crossing.

The applicant submitted a Permit by Rule notification form (PBR #71981) pursuant to Chapter 305, Natural Resources Protection Act Permit Rule, §§ 2, 10, and 17 (06-096 Chap. 305F as amended June 8, 2012) for activities adjacent to protected natural resources, stream crossings and activities in, on or over significant vernal pool habitat. The Department accepted PBR # 78317 on November 28, 2023.

B. ^{N O T} Current Use of the Site: ^{N O T} The site of the proposed project is a 56.5-acre parcel consisting of fields, woodland, and wetland. The parcel is largely vacant except for several ^{O F F I C I A L} gravel roads that span the lot. Approximately 400 linear feet of the property boundary abuts the ^{C O R P O R A T E} Penobscot River. The parcel is identified as Lot 2A on Map 15 of the Town of Milford's tax maps.

2. FINANCIAL CAPACITY:

The total cost of the project is estimated to be \$1.8 million. The applicant submitted a bank statement dated March 15, 2023, indicating sufficient funds to self-finance the project.

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

3. TECHNICAL ABILITY:

The applicant provided resume information for key persons involved with the project and a list of projects successfully constructed by the applicant. The applicant also retained the services of Haley Ward, 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:

Noise from the routine operation of a residential development is exempt from regulation per Department Rules, Chapter 375, § 10 (C)(5)(e).

The applicant proposes to construct the project between 7:00 a.m. and 7:00 p.m., or during daylight hours, whichever is longer. Noise from the construction of developments between the hours of 7:00 a.m. to 7:00 p.m. or during daylight hours, whichever is longer, 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: N O T
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The proposed project area is abutted by residential lots, a commercial storage facility, a vacant lot owned by the Town of Milford and the Penobscot River. The project will be visually buffered from adjacent parcels by existing woodland, including a 25-foot wooded buffer, that will be maintained along the residential lots on Sandy Point Road and Route 178 and a restricted buffer along the Penobscot River.

In accordance with Chapter 315, Assessing and Mitigating Impacts to Scenic and Aesthetic Uses (66-596 C.M.R. ch. 315, effective June 29, 2003), the applicant submitted a copy of the Department's Visual Evaluation Field Survey Checklist as Appendix A to the application along with a description of the property and the proposed project. The applicant also submitted several photographs of the proposed project site and surroundings.

The proposed project is located along the Penobscot River, which is a scenic resource visited by the general public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities. The proposed residential development is similar in design and scale to other nearby developments.

Additionally, the Department staff utilized the Department's Visual Impact Assessment Matrix in its evaluation of the proposed project. The Matrix shows an acceptable potential visual impact rating for the proposed project. Based on the information submitted in the application and the visual impact rating, the Department determined that the location and scale of the proposed activity is compatible with the existing visual quality and landscape characteristics found within the viewshed of the scenic resource in the project area.

The Department reviewed this information. 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 proposed site contains two streams, one SVP, one non-SVP and freshwater wetland areas. Some of the wetland areas are considered WOSS. Impacts are not proposed within WOSS. The streams drain to the Penobscot River, which borders the project site to the west. The proposed project will require one stream crossing, impacts within the CTH of the SVP and impacts adjacent to a stream.

The applicant submitted a site conditions report prepared by Burman Land & Tree, LLC and dated June of 2020 that presented the results of field surveys performed at the project site.

The Maine Department of Inland Fisheries and Wildlife (MDIFW) reviewed the proposed project and stated that based on historical evidence it is likely that several bat

species occur within the project area during migration and/or the breeding season; however, MDIFW does not anticipate significant impacts to any of the bat species as a result of this project.

The applicant stated that the proposed development will maintain a 250-foot buffer along the Penobscot River, with the exceptions described below, and will not perform clearing between June 1 and July 31, as to not impact potential bat populations on site.

MDIFW stated that there is one significant vernal pool within the project area and agrees that impacts to SVPs have been avoided and minimized to the extent practicable.

MDIFW recommended and the applicant agreed, that the 250-foot CTH area, defined by a 250-foot buffer around the defined SVP, with the exception of the approved developed areas, be deed restricted in perpetuity to prevent future impacts.

The applicant proposes to permanently alter approximately 53,433 square feet of vegetation within the 250-foot CTH of the SVP, which is designated as a Significant Wildlife Habitat pursuant to the Natural Resources Protection Act (NRPA). Activities in this area include new access roads and portions of three of the condominium units. All of the impacts within the CTH are located within upland areas. The proposed construction impacts less than 25% of the critical terrestrial habitat of the significant vernal pool.

The proposed clearing amount of 53,433 square feet represents 21% of the 250-foot CTH. The Department determined that the project conforms to the habitat management standards contained in Chapter 335 Significant Wildlife Habitat rules and qualifies for a Permit-By-Rule under Chapter 305. As a result of that determination, the applicant submitted a Permit by Rule Notification Form (PBR #71981) as described in Finding 1. The applicant minimized impacts to the CTH by revising the proposed building layout along the western property line by removing buildings 52 and 53. Additionally the applicant proposes that clearing within the CTH will be avoided during the period of April 1 through June 30.

In its review, MDIFW also noted occurrences of brook floaters, a state-threatened species, within the project vicinity. In its comments, MDIFW recommended a 250-foot restricted buffer along the Penobscot River, with no new no development or permanent habitat conversion within this zone. MDIFW recommends that the riparian buffer be deed restricted in perpetuity to prevent future impacts from additional cumulative development. Deed language must include restrictions to maintain permanent open space in a forested condition and preclude any future development activity.

The applicant submitted a map depicting a 250-foot riparian buffer along the Penobscot River overlaid on the proposed development layout. The map also included the 100-year floodplain boundary, wetland boundaries including WOSS located on site, stream locations and vernal pool boundaries. Natural resources and boundary lines were depicted according to data provided by Burman Land and Tree Company wetland report dated March 2021.

The applicant stated that a few of the proposed units are partially within the 250-foot riparian buffer of the Penobscot River, along the flat elevated ridge that runs along the banks of the river and at a point will be closer than 215 feet from the river. The applicant explained that the natural slope of the land increases dramatically at a distance of 120 to 150 feet from the edge of the river. The land rises about 14 feet in elevation over a distance of approximately 25 to 60 feet along the entire western front of the property. The applicant further stated that the clearing limits around the units will be minimized, grading will be limited, and no lawn areas will be created between the proposed units and the river. The applicant believes that given these design elements, land within 250 feet of the river is not going to be significantly, negatively impacted by the development and therefore the main goal of the recommended 250-foot riparian buffer will be achieved without a formal deed restriction.

MDIFW agreed that several of the lots overlapping the buffer will likely not have as much of an impact on the brook floater habitat due to topography; however, given the number of lots proposed within this buffer, MDIFW predicts some adverse habitat impacts and recommends eliminating two structures located within/adjacent to both the riparian buffer and the CTH, both of which are likely to have a disproportionate fragmenting effect. As a result, the applicant redesigned the project to remove these two structures.

The applicant also explained that they own only approximately 460 feet of the project's 2,000 feet of shoreline on the Penobscot River. The town of Milford owns the majority of the land between the floodplain line and the river.

Also, on the northwestern side of the property, along Sandy Point Road and within the 250-foot riparian buffer area, the applicant proposes an access easement for a six-foot-wide walking path to allow pedestrian access over their land to the town of Milford's land for passive recreational purposes. The access easement is shown on the plan referenced in Finding 1. The proposed easement will be 25 feet wide, located on an old roadway base, that has been allowed to grow-up over the years and will restrict the method of access to walking only, while also providing for maintenance of the walking path.

The applicant will maintain a 250-foot-wide restricted buffer along the Penobscot River with the exception of land owned by the town of Milford, a portion of three units described above, and the new walking path easement. The applicant will also maintain a 250-foot-wide restricted buffer around the defined SVP, with the exception of the approved developed areas. The applicant submitted draft deed restrictions and easement language for the 250-foot CTH area and the 250-foot-wide restricted buffer along the Penobscot River to the Department for review and approval.

The applicant must execute and record the required deed restrictions and easement, within 60 days of the date of this Order. The applicant shall submit a copy of the recorded easement, including the plot plan, to the BLR within 60 days of its recording.

MDIFW recommended that a 100-foot buffer be maintained along all streams and that stream crossings should be avoided if possible. The proposed project includes one stream crossing. A culvert currently exists at the crossing and will be improved as a part of the project. Any necessary in-stream work will occur between July 15 and October 1 and during periods of low water and will adhere to all standards and conditions outlined under Section 10 of Chapter 305, Permit by Rule Standards and the Department's Erosion and Sediment Control BMPs.

The applicant also proposes to permanently alter approximately 3,000-square feet of vegetation within the 75-foot riparian buffer of the stream as described in Permit by Rule Notification Form (PBR #71981) as discussed in Finding 1. The proposed vegetation clearing is for portions of five housing units and approximately 150 linear feet of access road. With the exception of 3,000 square feet of permanent alteration, the applicant will maintain a 75-foot undisturbed vegetated riparian stream buffer.

The applicant stated that housing unit locations were selected that required less earthwork and reduced the area of impact. Additionally, the housing units and access road areas adjacent to the stream are located on relatively level terraces away from side ravines and other slopes. Options that resulted in additional road length per unit and disturbance of bank slopes that caused impact to the stream were discarded. It was found that some areas outside the 75-foot riparian buffer contained ravines that were more important to the stream than adjacent level meadow areas within the 75-foot setback. The final proposed layout has more portions of residential units within the setback but retains key drainage and slope areas that are outside of the setback area. The applicant stated that the final layout results in less environmental impact to the stream and wetland areas and protects important unregulated areas that provide benefit to the natural resources of the site beyond the impacts from structures within the setback.

Prior to occupancy, the location of the 75-foot-wide riparian buffer, the 250-foot CTH buffer and the 250-foot-wide restricted buffer along the Penobscot River must be permanently marked on the ground.

Based on the MDIFW comments and the applicant's responses, 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 provided that prior to occupancy the location of 75-foot riparian buffer, the 250-foot CTH buffer and the 250-foot-wide restricted buffer along the Penobscot River are permanently marked on the ground; the deed has attached to it a plot plan, drawn to scale, that specifies the location of these buffers and the deed restriction and easement are executed and submitted as described above; there is no clearing performed between June 1 and July 31 and clearing within the CTH will be avoided during the period of April 1 through June 30.

7. HISTORIC SITES AND UNUSUAL NATURAL AREAS:

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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.

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The Maine Historic Preservation Commission (MHPC) reviewed the proposed project and requested a Phase I archaeological survey in project areas within 500 feet of the Penobscot River, to determine whether any prehistoric archaeological sites are present. The agency has also requested photos of adjacent buildings that appear fifty years or older. The applicant subsequently submitted the requested information.

In a letter, dated May 23, 2021, MHPC concurred with the findings of the Phase I survey and stated that the proposed project 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. BUFFER STRIPS:

A 75-foot riparian buffer along the stream and the 250-foot-wide restricted buffer along the Penobscot River will be maintained as discussed in Finding 6.

The project will be visually buffered from adjacent parcels by existing woodland, including a 25-foot wooded buffer, that will be maintained along the residential lots on Sandy Point Road and Route 178.

The Department finds that the applicant has made adequate provision for buffer strips provided that the 75-foot riparian buffer of the stream and the 250-foot-wide restricted buffer are protected from future disturbance as outlined in Finding 6.

9. 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 Bureau of Land Resources (BLR).

The Department finds that, based on this report 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.

10. STORMWATER MANAGEMENT: N O T
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The proposed project includes approximately 12.5 acres of new developed area, of which 8.41 acres is new impervious area. It lies within the watershed of Penobscot River. The applicant submitted a stormwater management plan based on the Basic, General and Flooding 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 three gravel wetlands, 28 bioretention cells, and eight drip edge filters.

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 Bureau of Land Resources (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.

Given the size and nature of the project site, the applicant must retain the services of a third-party inspector in accordance with the Special Condition for Third Party Inspection Program, which is attached to this Order. Prior to 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, the contractor, and the third-party inspector.

(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 all common facilities including the stormwater management system.

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

Based on 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) provided the applicant meets the Third-Party Inspection Program requirements and conducts a pre-construction meeting as outlined above.

B. General Standards: N O T
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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 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.

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.

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.

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The applicant proposes that each unit will be serviced by electric heat pumps with individual propane or heating oil tanks as backup. It is expected that each unit will have an appropriate, individually sized container located adjacent to, and exterior of, their unit. There is no proposal for emergency power for the development. Based on this information, the storage of any liquid petroleum fuels will be limited to storage tanks commonly sized and approved for individual, residential use.

The Department finds that the proposed project will not have an unreasonable adverse effect on ground water quality.

12. WATER SUPPLY:

When completed, the proposed project is anticipated to use 10,512 gallons of water per day. Water will be supplied by the Old Town Water District. The applicant submitted a letter from the District, dated December 17, 2020, indicating that it will be capable of servicing this project.

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

13. WASTEWATER DISPOSAL:

When completed, the proposed project is anticipated to discharge 10,512 gallons of wastewater per day. The proposed project includes sewer mains and a pump station that will connect all the proposed residences into the existing pump station on Sandy Point Road that is owned and maintained by the Town of Milford. The wastewater within the Town of Milford's system ultimately leads to the City of Old Town's wastewater treatment facility.

The Town of Milford has a contract with the City of Old Town to treat the wastewater generated from Milford. Both communities are Combined Sewer Overflow (CSO) communities and have requirements in their Waste Discharge Permits and DEP Chapter 570 Section 8 - Addition of New Wastewater in communities with active CSOs, that need to be addressed before additional flows can be added to sections of the sewer collection system that attribute to CSO discharges.

This project was reviewed by the Division of Water Quality Management (DWQM) of the Department's Bureau of Water Quality, which commented that the City of Old Town's Wastewater Treatment Facility is reported to be operating in compliance with its Waste Discharge Permit (ME#0100471) and has the capacity to treat the proposed flow.

DWQM also stated that in order to meet the Department's rules for combined sewer overflow abatement, the Town of Milford must expand its inflow and infiltration abatement program to offset the proposed project's wastewater flows. This will require the Town of Milford to complete 17 separation projects prior to occupation.

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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 prior to occupancy of the condominium development, the applicant submits proof of the Town's completion of the combined sewer separation projects for Department review.

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14. SOLID WASTE
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When completed, the proposed project is anticipated to generate 745 pounds of municipal solid waste per day. All general solid wastes from the proposed project will be transported and disposed of by Pine Tree Waste Services, which is currently in substantial compliance with the Maine Solid Waste Management Rules.

The proposed project will generate approximately 400 tons of dry biomass or 700 tons of green biomass. All stumps and grubblings generated will be disposed of on site, either chipped or burned, with the remainder to be worked into the soil, in compliance with the Maine Solid Waste Management Rules.

The proposed project will generate approximately 400 tons of construction debris and demolition debris. All construction and demolition debris generated will be transported by Casella Waste Services to Juniper Ridge Secured Landfill Facility located in West Old Town, which is currently in substantial compliance with the Maine Solid Waste Management Rules.

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

15. FLOODING:

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

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

16. WETLAND IMPACTS:

Wetland delineations were conducted by Burman Land & Tree, LLC in June of 2020, and March of 2021.

In 2021, the applicant installed gravel accessways through the property and permanently altered 10,722 square feet of freshwater wetland without first obtaining a permit from the Department, as required by 38 M.R.S. § 480-C of the NRPA. The applicant is further proposing to permanently fill approximately 6,271 square feet of forested and scrub-shrub freshwater wetland to construct the proposed project including access roads, portions of buildings and infrastructure such as utility lines. As proposed, and taken

together with previous alterations, the cumulative amount of freshwater wetland impacts for the proposed project will be 16,993 square feet. The proposed impacts are shown on the set of plans referenced in Finding 1.

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The Wetland and Waterbodies Protection Rules, 06-096 C.M.R. ch. 310 (last amended November 11, 2018), interpret and elaborate on the Natural Resources Protection Act (NRPA) criteria for obtaining a permit. The rules guide the Department in its determination of whether a project's impacts would be unreasonable. A proposed project would generally be found to be unreasonable if it would cause a loss in wetland area, functions and values and there is a practicable alternative to the project that would be less damaging to the environment. Each application for a NRPA permit that involves an alteration of a freshwater wetland must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist.

A. Avoidance. An applicant must submit an analysis of whether there is a practicable alternative to the project that would be less damaging to the environment and this analysis is considered by the Department in its assessment of the reasonableness of any impacts. The applicant submitted an alternatives analysis for the proposed project completed with the application. The purpose of the project is to construct a condominium development. The applicant determined that some wetland impacts are unavoidable if the project is constructed at a viable size.

The applicant examined alternate locations; however, the applicant has owned this property for a number of years, and they do not own any other significantly sized properties in Milford. The applicant contemplated several development scenarios for the site, including industrial uses; however, given the terrain, lot size, proximity to the river, natural resources on site and demand within the area, they decided that a residential use would be the best option. Therefore, the Town of Milford re-zoned the property from Industrial to Residential. The applicant also stated that the positioning of duplex units and roadways is more flexible than larger industrial use complexes and is another reason a residential development was chosen for this property.

After site selection and throughout the review process, the applicant examined multiple layout plans and selected the proposed project because it will result in the least amount of wetland alteration while still meeting the project goals and being economically viable. The currently proposed site layout takes advantage of upland areas for the positioning of the residential units, while, for the most part, avoiding wetland areas, except for access roadway and utility crossings.

The applicant utilized existing gravel roadways where practical to avoid new wetland impacts and the roadways and duplex units are positioned to balance avoidance and minimization of impacts to natural areas, efficiency in construction, and safety and attractiveness for the residents.

The applicant determined that based on the location of the protected natural resources on the parcels there was no other practicable alternative to the project that would avoid impacts to freshwater wetlands.

B. Minimal Alteration. The amount of freshwater wetland to be altered must be kept to the minimum amount necessary for meeting the overall purpose of the project. The applicant designed the project with as little impacts to wetlands as possible. Proposed wetland impacts are mostly limited to the construction of roadways and utilities. To minimize permanent wetland impacts the applicant is proposing narrow, private roadways with side slopes that are as steep as possible while still providing a practical road base without the need for additional reinforcement and utilization of existing gravel roads to the greatest extent possible. Prior to the start of construction, the location of wetlands will be permanently marked on the ground. The applicant designed the project with as little impacts to wetlands as possible.

C. Compensation. In accordance with Chapter 310 §5(C), compensation may be required to achieve the goal of no net loss of wetland functions and values. This project will result in over 15,000 square feet of fill or alteration in a freshwater wetland not of special significance which is the threshold over which compensation is generally required. The applicant submitted an assessment of the functions and values for the impacted wetlands, completed by Burman Land & Tree, LLC and dated March 17, 2021. The assessment identified groundwater recharge/discharge, flood flow alteration and wildlife habitat as principal functions of wetlands at the proposed project site. The wetlands consist of scrub shrub, and forested wetlands and proposed impacts include the construction of access roads, buildings, and associated infrastructure, such as utilities. The project proposes impacts only to the exterior edges of the wetlands, preserving the functions and values of the larger wetland complex. The functions and values assessment stated that outside of the alteration area, the principal functions are not anticipated to be significantly impacted and no wetland-specific wildlife species are anticipated to be impacted.

To mitigate for lost functions and values of impacted wetlands, the applicant proposes to restore 6,858 square feet of freshwater wetland, according to the "Wetland Restoration Plan", prepared by Haley Ward and dated August 31, 2023.

The applicant's wetland restoration plan consists of the removal of roadway surface, base, and sub-base gravel materials down to native soils; the retrieval of similar native soil from the spoil piles for ponds one and two and the proposed multipurpose building; the installation of native soil where roadway gravels were removed and the application of wetland seed mixture and proper erosion control products to temporarily stabilize the area until permanent vegetation is realized. Additionally, the soil will be graded to create a pit and mound topography within the restoration area, to match existing wetland soil grades on either side of restoration area.

Restoration of freshwater wetlands shall begin no later than June 15 following occupancy of the project and must be completed no later than September 15 of that same year. The

applicant shall submit as-built plans of the completed wetland restoration work to the Department for review no later than November 30 of the same year. The applicant must further obtain the services of a professional wetland scientist to inspect and monitor the wetland restoration area over a period of five years following completion of restoration efforts. Prior to December 31 of each subsequent year, the applicant shall submit annual monitoring reports to the Department.

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Monitoring reports shall consist of photo documentation and a report on the progress of the restoration efforts. A functional assessment of the restored wetland areas must be performed by a professional wetland scientist and provided to the Department within 60 days following the end of the five-year monitoring period. If the functions and values of the restored wetland area is not successfully equal to or better than the functions lost due to the proposed project, then additional mitigation may be required.

The cover percent of the herbaceous and woody vegetation will be restored to at least 80% estimated areal cover of native wetland vegetation. Mortality of planted shrubs will be no more than 15% and invasive species coverage will be no more than 5% areal cover. If the Department determines the restoration has not been successful, additional mitigation may be required.

Prior to occupancy, the locations of the wetland restoration area must be permanently marked on the ground.

For the impacts resulting from the project after avoidance and minimization and restoration, the applicant proposes to make a contribution into the In-Lieu Fee program of the Maine Natural Resource Conservation Program in the amount of \$43,479.15. Prior to the start of construction, the applicant must submit a payment in the amount of \$43,479.15, payable to "Treasurer, State of Maine," and directed to the attention of the In-Lieu Fee Program Administrator at 17 State House Station, Augusta, Maine 04333.

The Department finds that the applicant has avoided and minimized impacts to the freshwater wetlands to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project provided that prior to project construction, the applicant submits the In-Lieu Fee payment as described above; adheres to the timeframe to complete restoration; submits an as-built of the completed wetland restoration work; conducts a five year inspection and monitoring plan of the restored wetlands area; and the location of the wetlands and wetland restoration area are permanently marked on the ground prior to the start of construction.

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 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 meets the requirements described in Findings 6 and 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. § 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. §§ 481–489-E:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.
- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.
- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- D. The proposed development meets the standards for storm water management in 38 M.R.S. § 420-D and the standard for erosion and sedimentation control in 38 M.R.S. § 420-C provided that the applicant meets the requirements outlined in Finding 10.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.

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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 13.

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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.

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THEREFORE, the Department APPROVES the application of DEER PARK REALTY TRUST to construct a condominium development 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. Restoration of freshwater wetlands shall begin no later than June 15 following occupancy of the project and must be completed no later than September 15 of that same year. The applicant shall submit as-built plans of the completed wetland restoration work to the Department for review no later than November 30 of the same year.
5. The applicant shall retain the services of a professional wetland scientist to inspect and monitor the wetland restoration areas over a period of five years following completion of restoration efforts. Prior to December 31 of each year, the applicant shall submit annual monitoring reports to the Department. Monitoring reports shall consist of photo documentation and a narrative on the progress of the restoration efforts. A functional assessment of the restored wetland areas must be performed by a professional wetland scientist and provided to the Department within 60 days following the end of the five-year monitoring period.
6. The applicant must execute and record the required deed restrictions and easement, within 60 days of the date of this Order. The applicant shall submit a copy of the recorded easement, including the plot plan, to the BLR within 60 days of its recording.
7. 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.

8. The applicant will not perform clearing between June 1 and July 31 or clearing within the CTH during the period of April 1 through June 30 and any necessary instream work will occur between July 15 and October 1, during periods of low water.
9. The applicant shall retain the services of a third-party inspector in accordance with the Special Condition for Third Party Inspection Program, which is attached to this Order.
10. Prior the start of construction, the applicant shall conduct a pre-construction meeting. This meeting shall be attended by the applicant's representative, Department staff, the design engineer, the contractor, and the third-party inspector.
11. Prior to occupancy, the location of the 75-foot-wide riparian buffer, the 250-foot CTH buffer and the 250-foot-wide restricted buffer along the Penobscot River must be permanently marked on the ground.
12. Prior to the start of construction, the location of wetlands will be permanently marked on the ground.
13. Prior to occupancy, the location of the wetland restoration area shall be permanently marked on the ground.
14. Prior to occupancy of any unit, the applicant shall submit proof of the Town's completion of the required combined sewer separation abatement projects to the Department for review.
15. Prior to the start of construction, the applicant shall submit a payment in the amount of \$43,479.15, payable to "Treasurer, State of Maine", to the attention of the In-Lieu Fee Program Administrator at 17 State House Station, Augusta, Maine 04333. A copy of this Order shall be included or referenced with payment submittal.

N O T A R I A L
Department of Environmental Protection
 A T T O R N E Y G E N E R A L
 N I T E L O C A T I O N O F D E V E L O P M E N T S I T E
 O F F I C I A L STANDARD CONDITIONS C I A L

- C O P Y C O P Y
- 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



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N A T U R A L R E S O U R C E S P R O T E C T I O N A C T (N R P A)
O F F I C I A L C O P Y O F F I C I A L C O P Y
S T A N D A R D C O N D I T I O N S

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 N

- 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.

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(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.

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(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.

N THIRD-PARTY INSPECTION PROGRAM
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O F F I C I A L O F F I C I A L
1.0 THE PURPOSE OF THE THIRD-PARTY INSPECTION C O P Y

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

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

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

2.0 SELECTING THE INSPECTOR

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

3.0 THE INSPECTOR'S QUALIFICATIONS

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

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

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4.0 INITIATING THE INSPECTOR'S SERVICES

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

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5.0 TERMINATING THE INSPECTOR'S SERVICES

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

6.0 THE INSPECTOR'S DUTIES AND RESPONSIBILITIES

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

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

Third Party Inspection Form

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

Only Department staff may make that determination.

O F F I C I A L O F F I C I A L

TO: PM, Maine DEP (@maine.gov) COPY		FROM: COPY	
PROJECT NAME & LOCATION:			DEP #:
DATE OF INSPECTION:		DATE OF REPORT:	
WEATHER:		CONDITIONS:	

CONTRACTOR:	
CONTACT NAME:	PHONE NUMBER:
LANDOWNER:	PHONE NUMBER:

SITE CHARACTERISTICS:

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

PROGRESS OF WORK:

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

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

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

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