



March 24, 2016

Town of Manchester
c/o Mr. Keegen Ballard, CEO
12 Readfield Road,
Manchester, ME 04351

Re: Land Use and Development Ordinance Application for Manchester Motors (MM-01) Project

Dear Members of the Planning Board:

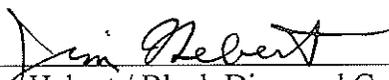
On behalf of Mr. Mike Saucier, I am pleased to submit this application for the proposed construction of a commercial car and tractor sales and service facility on property owned by Mr. Saucier and located off of Route 202 in Manchester and identified on Map U-15 as Lots 1 and 1A.

This submission includes (9) copies of the Application and other exhibits and material as well as (1) full size copy of the Site Plan drawings and (9) additional reduced size Site Plan copies. Please let me know if you require additional copies.

The Application previously submitted to the Planning Board in 2015 has been revised to address the storm water and phosphorus control analysis conducted by Mr. Steve Roberge and approved by the State of Maine Department of Environmental Protection (DEP) on March 7, 2016.

Thank you for your consideration of this application.

Respectfully submitted,



Jim Hebert / Black Diamond Consultants, Inc.
Duly Authorized Agent for Maine RSA #1, Inc.
d/b/a U.S. Cellular

Town of Manchester

**Land Use and Development Ordinance Application
for Major Site Development**

Application

For

Mr. Mike Saucier, Owner
Manchester Motors Project

Western Avenue, Route 202
(Map U-15, Lot 1 & 1A)

Applicant

Mr. Mike Saucier, Owner

By the Project's Duly Authorized Agent

Black Diamond Consultants, Inc.

312 Water Street

Gardiner, ME 04345



INDEX FOR MANCHESTER MOTORS APPLICATION

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ATTACHMENT # 1

**CONDITIONAL USE PERMIT APPLICATION
&
LAND USE AND DEVELOPMENT ORDINANCE
APPLICATION**

Town of Manchester

Application for a Site Review or Special Exception Permit

General Submission Information.

1. Name(s), address(es) and phone number(s) of record owner(s) and of applicant, if different.

	Owner	Applicant
Name	<u>Mr. Mike Saucier</u>	<u>Black Diamond Consultants, Inc.</u>
Address	<u>22 Stone Hill Drive, Winthrop, ME 04364</u>	<u>312 Water Street, Gardiner, ME 04345</u>
Phone Number	<u>754-0332</u>	<u>582-0056</u>

2. The name of the proposed development.

Manchester Motors

Location (road) Tax Map U-15, Lot 001, 1565 feet west from McArdle Road

Zoning District General Development District

Minor Project _____ Major Project X _____

3. Use / Use(s) proposed for approval . List and provide a short narrative.

Use additional attached sheet of paper, if necessary.

The proposed project is for the development of a commercial car and tractor sales and service facility. Electric and phone utilities are presently available at or adjacent to the site. Site existing sewer line to Manchester sewer system will be used to service the new facility. The facility intends to connect to new site well water system.

- Names and addresses of all property owners within five hundred (500) feet of the edge of the property lines of the proposed development.

(Attach List) Please refer to Attachment (2) of Application.

- Sketch map showing general location of the site within the Town
Please refer to Attachment (2) of Application.
- (This may be a tax map with property highlighted, google map, or Delorme type map.)
Please refer to Attachment (2) of Application. Lot 1 & 1A
- Boundaries of all contiguous property under the control of the owner or applicant, regardless of whether all or part is being developed at this time.

(Include on Site Plan) Please refer to Site Plan

- The tax map and lot number of the parcel or parcels.

Map

Lot

Map U-15

Lots 1 & 1A

- A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant. Please refer to Attachment (2) of Application.
- The name, registration number and seal of the land surveyor, architect, engineer and/or similar professional who prepared any plan.

(Include on Site Plan) Please refer to Site Plan

- The name of any proposed road, roadway, or street according to the addressing standards as established in the Town of Manchester Addressing Ordinance.

Please refer to Site Plan

The following information is usually included on the Site Plan. The maps or drawings shall be at a scale sufficient to allow review of the items listed under approved criteria, but in no case shall be more than fifty (50) feet to the inch for that portion of the tract of land being proposed for development. Plan views of both existing and proposed conditions are necessary. If proposed conditions are not significantly different than existing conditions, one plan may be sufficient with proposed conditions indicated with dashed lines. Site plans may be hand drawn but should be to scale and legible. Major projects may require the services of a registered land surveyor or professional engineer to prepare the plan.

Existing Conditions Please refer to Site Plan for information below.

1. The bearings and distances of all property lines of the property to be developed and the source of this information.
2. Location and size of any existing sewer and water mains, culverts and drains that will serve the development whether on or off the property, along with the direction of existing surface water drainage across the site.
3. Location, names, and present widths of existing streets and rights-of-way within or adjacent to the proposed development.
4. The location, dimensions and ground floor elevations Above Ground Level (AGL) of all existing buildings on the site.
5. The location and dimensions of existing driveways, streets, parking and loading areas and walkways on the site.
6. Location of intersecting roads or driveways within two hundred (200) feet of the site.
7. The location of open drainage courses, wetlands, stands of trees, and other important natural features, with a description of such features to be retained.
8. The location, front view and dimensions of existing signs.
9. The location and dimensions of any existing easements and copies of existing covenants or deed restrictions.

Please refer to Site Plan and Application information for information requested below.

C. Proposed Development Activity.

1. The location of all building or other setbacks, yards and buffers, required by this or other Town Ordinances.
2. The location, dimension, and ground flood elevations (AGL) of all proposed buildings.

3. The location and dimensions of proposed driveways, parking and loading areas, and walkways.
4. The plan for any proposed road, roadway, or street shall contain lines or dots at fifty (50) foot intervals in the center of any proposed road, roadway, or street to aid in the assignment of numbers to structures subsequently constructed according to the addressing standards as established in the Town of Manchester Addressing Ordinance.
5. Name of any proposed road, roadway, or street according to the addressing standards as established in the Town of Manchester Addressing Ordinance.
6. The location and dimensions of all provisions for water supply and wastewater disposal.
7. The direction and route of proposed surface water drainage.
8. The location, front view, and dimensions of proposed signs.
9. The location and type of exterior lighting.
10. The proposed landscaping and buffering.

Additional Information and Requirements

1. Demonstration of any applicable State applications, or permits which have been or may be issued or pending. Please refer to Attachment (3) of Application.
2. A schedule of construction, including anticipated beginning and completion dates.
(Include on separate sheet)
Construction expected to commence in spring of 2016, upon approval of Building Permit Application, and to complete by fall of 2016.
3. Nine copies of the original signed application and the site plans shall be submitted by the applicant.

Nine copies submitted to Town of Manchester and additional of Site Plan information provided to Manchester Sanitary District.

Additional Requirements for Major Developments

Applicants of major developments are required to submit an electronic scan of the site plan. Applications for major developments shall include the following additional information:

1. Existing and proposed topography of the site at two (2) foot contour intervals, or such other intervals as the Planning Board may determine.
(Include on Site Plan)

Please refer to Site Plan

2. A storm water drainage and erosion control program showing:

(This is usually a separate document prepared by a profession engineer or land use consultant) Please refer to Attachment (3) of Application.

- a. The existing and proposed method of handling storm-water run-offs.
 - b. The direction of flow of the run-off.
 - c. The location, elevation, and size of all catch basins, drywells, drainage ditches, swales, retention basins, and storm sewers.
 - d. Engineering calculations used to determine drainage requirements based upon the 25-year, 24-hour storm frequency, but only if the project will significantly alter the existing drainage pattern, due to such factors as increased impervious surfaces from paving and building.
 - e. Methods of controlling erosion and sedimentation during and after construction.
3. A groundwater impact analysis prepared by a groundwater hydrologist for projects located within the Aquifer Management Overlay District, or involving common on-site water supply or sewage disposal facilities with a capacity of two-thousand (2,000) gallons per day.
 4. A utility plan showing the location and nature of electrical, telephone, and any other utility services to be installed on the site. **Please see Site Plan**
 5. A planting schedule, keyed to the Site Plan, indicating the varieties and sizes of trees, shrubs, and other plants to be planted. **No new trees or shrubs proposed.**
 6. Analysis of the solid or hazardous waste to be generated and a plan for its recycling and disposal, along with evidence of disposal arrangements.

Any petroleum products will be disposed of in appropriate containers and licensed disposal facilities. Other solid waste, such as packaging, wood, paper will also be disposed at licensed facilities.

7. A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets.

Expect no more than 20 vehicles to site daily. No impact on present area traffic conditions.

8. Construction drawings for streets, sanitary sewers, water and storm drainage systems, which are designed and prepared by a professional engineer who is registered in the State of Maine. Please see Site Plan

9. The location of any pedestrian ways, lots, easements, open spaces and other areas to be reserved for, or dedicated to, common or public use and/or ownership. For any proposed easement, the developer shall submit the proposed easement language with a signed statement certifying that the easement will be executed upon approval of the development. The location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks. Please see Site Plan

(Locations may be indicated on the site plan)

10. A copy of any covenants or deed restrictions intended to cover all, or part of, the property. Such covenants or deed restrictions shall be referenced on the plan.

No covenants or deed restrictions exist for proposed site

11. If any legal interest in land is to be dedicated to the Town for public use, then a copy of a written offer of dedication or conveyance to the Town, in a form satisfactory to the Town Attorney, for all such land shall be included.

12. Evidence of adequate provision for maintenance of the development.

Please see Attachment (3) for provisions for site maintenance.

13. Cost estimates of the proposed development and evidence of financial capacity to complete it. This evidence should include a letter from a bank, or other source of financing, indicating the name of the project, amount of financing proposed, and the means of financing the project.

To be provided by Mr. Saucier on request of information.

14. A narrative and/or plan describing how the proposed development scheme relates to the Site Inventory and Environmental Assessment.

Please see Attachment (4) to Application.

Applications for Special Exception Permits.

In addition to the foregoing requirements, applications for Special Exception Permits shall include:

1. An alternative sites analysis identifying and analyzing other reasonable alternative sites and justification of how the proposed site is the most suitable; and
2. A neighborhood environmental impact report evaluating the potential impacts on neighboring properties and environs and presenting mitigation measures that alleviate adverse effects.

Applications for Wireless Telecommunication Facilities and Sexually Oriented Businesses

There are additional application requirements. The applicant should refer to pages 140 to 144 of the ordinance for WTF and pages 144 to 146 for SOB.

Criteria for Review and Approval of Site Plans and Subdivisions

All standards should be addressed in writing. Failure to do so could make your application incomplete and will delay approval of the project. Supporting documents or data may be referenced to address criteria. If the standard is not applicable to your project indicate N/A and give reasons why you believe the standard is not applicable. Use a separate sheet of paper to address the standards, if necessary.

A. Aesthetic, Cultural and Natural Values.

The proposed activity will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

B. Erosion.

The proposed activity will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;

Note: You may reference an erosion control plan if one was submitted. This is required for all major projects.

C. Financial Burden on Town.

The proposed activity will not cause an unreasonable financial burden on the Town for provision of public services and facilities.

D. Financial and Technical Ability

1. Financial Capacity. The applicant has adequate financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of these regulations. When the applicant proposes to construct the building as well as any subdivision improvements, the applicant shall have adequate financial resources to construct the total development. In making the above determinations, the Board shall consider the proposed time frame for construction and the effects of inflation.

2. Technical Ability. In determining the applicant's technical ability, the Planning Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations of previous approvals granted to the applicant.

E. Flood Areas

Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the application whether the activity is in a flood-prone area. If the activity, or any part of it, is in such an area, the applicant shall determine the 100-year flood elevation and flood hazard boundaries within the lot(s). The proposed project plan must include a condition of plan approval requiring that principal structures within the lot(s) will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

Note: You should check with the CEO to determine whether your proposal falls within a flood zone. The Town has flood areas mapped on GIS. The flood zone areas should be included on the site plan.

F. Freshwater Wetlands.

All freshwater wetlands within the proposed site have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

Note: Wetlands may be indicated on the Site Plan or a separate map can be provided.

G. Groundwater.

The proposed activity will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

Note; Depending upon the proposal, you may need a statement or analysis from a hydrologist or professional engineer.

H. Municipal Solid Waste Disposal.

The proposed activity will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized.

I. Municipal Water Supply.

The proposed activity will not cause an unreasonable burden on an existing water supply, if one is to be used;

J. Neighborhood Compatibility

1. The proposed activity will be compatible and sensitive to the character of the site and neighborhood relative to land uses; scale, bulk and building height; neighborhood identity and historical character; and orientation on lot.
2. The proposed activity maximizes the opportunity for privacy by the residents of the immediate area.
3. The proposed activity ensures safe and healthful conditions within the neighborhood.
4. The proposed activity will minimize any detrimental effects on the value of adjacent properties.

K. Pollution.

The proposed activity will not result in undue water or air pollution. In making this determination, the Planning Board shall at least consider:

1. The elevation of the land above sea level and its relation to the flood plains;
2. The nature of soils and subsoils and their ability to adequately support waste disposal;
3. The slope of the land and its effect of effluents;
4. The availability of streams for disposal of effluents;
5. The applicable State and local health and water resource rules and regulations; and
6. The impact of phosphorous export, and other pollutants, on water bodies.

L. River, Stream or Brook.

Any river, stream or brook within or abutting the proposed project has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, Section 480-B, Subsection 9.

Note: River, stream, or brook locations are typically indicated on site plan.

M. Sewage Disposal.

The proposed activity will provide for adequate sewage/waste disposal as outlined in the Maine Subsurface Waste Water Disposal Rules (144 CMR 241) and provide the same protection as in Section 6(O). Also, the proposed sewage/waste water disposal will not cause an unreasonable burden on municipal services if they are utilized.

N. Storm Water.

The proposed activity will provide for adequate storm water management.

Note: You may reference a stormwater management plan if one was submitted. This is required for all major projects.

O. Sufficient Water.

The proposed activity has sufficient water available for the reasonably foreseeable needs of the project.

P. Traffic.

The proposed activity will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed;

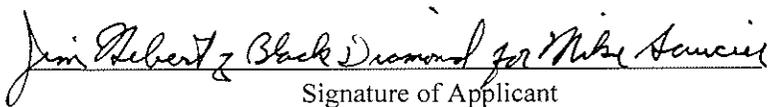
Q. Conformity with Ordinances and Plans.

The proposed activity conforms with this Ordinance, other duly adopted ordinances and the Manchester Comprehensive Plan.

Additional Performance Standards

The project may have general performance standards or site specific standards in addition to the performance standards considered for site plan approval. The general performance standards are in Article II, Section 6 of the Ordinance. Site specific standards are in Article II, Section 8. You do not necessarily have to address each standard in writing but are expected to follow these standards as conditions of your permit. There may be setback requirements for specific activities which should be indicated on the site plan. You need to be aware of all of these standards so that you will not be in violation of Manchester's Land Use Ordinance.

By virtue of the signature below, I hereby verify that all materials contained within the Site Plan Application are true and accurate to the best of my knowledge and understand that intentional misrepresentations could be reason for denying or revoking this permit.


Signature of Applicant

3/23/16
Date

Permit Fee _____ Received (Date) _____ Signed _____
Codes Officer

MANCHESTER MOTORS –
MANCHESTER - LAND USE AND DEVELOPMENT ORDINANCE
APPLICATION

Section 7 – Site Plan Review Application

A. General Submission Information:

1. The Applicant for the Proposed Manchester Motors Project is Mr. Mike Saucier, of 22 Stone Hill Drive, Winthrop, ME 04364. Phone number is 754-0332.

The present consultant working on the project is Black Diamond Consultants, Inc. of 312 Water Street, P.O. Box 57, Gardiner, ME 04345. Phone Number is (207) 582-0056 with e-mail address of jrhebert@blckdiamond.net.

2. Manchester Motors is the name of the proposed facility.

3. Adjacent property owners:

Gary and Ginger Jackson
David and Nina Guillemette
Beth Nasberg
Larry and Chrystal Violette

4. Please see attached Site Plan drawings for location of site within the Town of Manchester.
5. Please see attached Site Plan for information on contiguous property.
6. Please see Attachment (2) for tax map information.
7. Please see Attachment (2) for property deed information.
8. Please see Site Plan drawings for surveyor and engineer information.
9. Please see Site Plan drawings for road information.

B. Existing Conditions:

Items 1 through 9: Please see attached Site Plan information for information on site existing conditions.

C. Proposed Development Activity:

Items 1 through 6: Please see attached Site Plan information for information relative to these items.

7. Direction and route of proposed surface water drainage is provided in Attachment (3).
8. Information on the proposed sign is to be provided the Owner of the development.
9. Exterior lighting to be provided by the Owner of the development.
10. Proposed landscaping and buffering is provided by the Site Plan. The west side adjacent property will continue to use the existing trees and shrubs for screening of the proposed facility and an aesthetic fence is proposed to provide facility screening to the easterly adjacent property.
11. Proposed project storm water and phosphorus control analysis has been developed by Mr. Steve Roberge of SJR Engineering. The Analysis has been approved by the State of Maine Department of Environmental Protection (DEP). Please see Attachment (3) for Analysis info and DEP approval.
12. Site construction is expected to begin as soon as the Application is approved by the Town of Manchester. With 2016 start of spring construction, completion is expected by fall of 2016.

D. Applications for Major Developments:

1. Please see attached Site Plan for site topography information.
2. Please see Attachment (3) for information relative to site storm water assessments and control measures. Please see attached Site Plan for erosion and sedimentation control measures.
3. Sewage disposal to Manchester Sanitary District system.
4. Proposed site utilities are shown on the attached Site Plan drawings.
5. The west side adjacent property will continue to use the existing trees and shrubs for screening of the proposed facility and an aesthetic fence is proposed to provide facility screening to the easterly adjacent property.
6. All solid and hazardous wastes from the operation of the facility will be disposed of at State licensed facilities.
7. Under 20 site visits per day are expected to the facility, these site visits are not expected to impact existing Route 202 road traffic.

C. Proposed Development Activity:

Items 1 through 6: Please see attached Site Plan information for information relative to these items.

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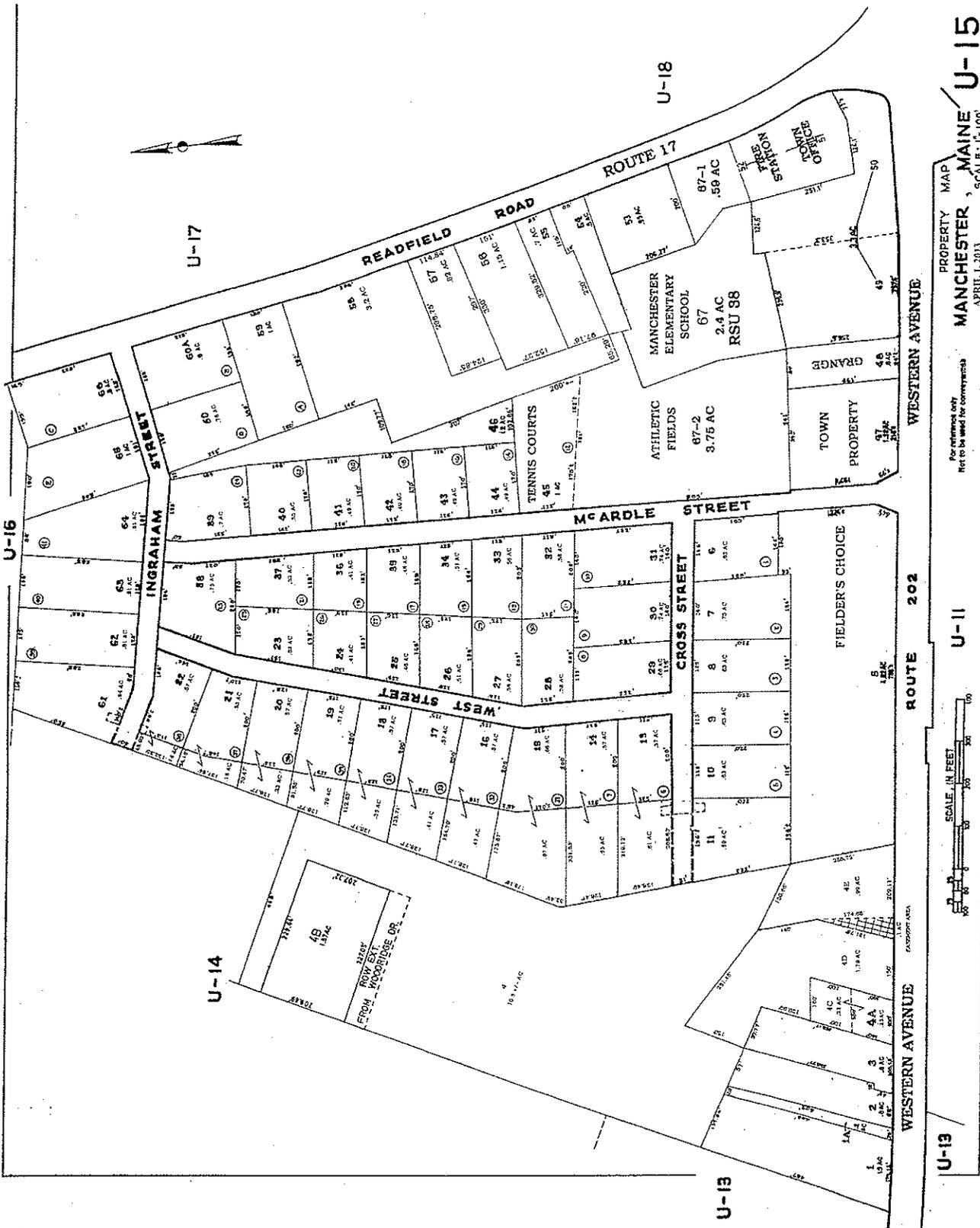
6. All solid and hazardous wastes from the operation of the facility will be disposed of at State licensed facilities.

7. Under 20 site visits per day are expected to the facility, these site visits are not expected to impact existing Route 202 road traffic.

8. Please see Site Plan drawings for driveway, sewage, water, storm water design information.
9. The project does not propose site areas to be dedicated to common or public use or ownership.
10. Please see Attachment (2) for property deed information.
11. No property areas are being dedicated to the Town for public use.
12. Site has been designed to provide adequate utilities, storm water controls, and snow removal capability.
13. Cost estimates of the proposed development and evidence of financial capacity to complete project to be provided by Owner of the development.
14. Please see attached Site Inventory and Environmental Assessment, Attachment (4).

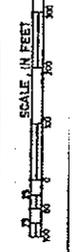
ATTACHMENT # 2

**TAX MAP INFORMATION
&
PROPERTY DEED INFORMATION**



PROPERTY MAP
 MANCHESTER, MAINE
 APRIL 1, 2013
 SCALE: 1" = 100'

For reference only
 Not to be used for conveyance





**TRANSFER
TAX
PAID**

**WARRANTY DEED
Maine Statutory Short Form**

KNOW ALL BY THESE PRESENTS, That We, **Brian D. Jackson and Evelyn Jackson**, of Manchester, Maine, for consideration paid, grant to:

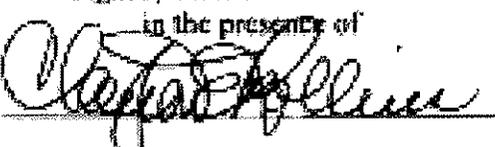
Michael R. Saucier

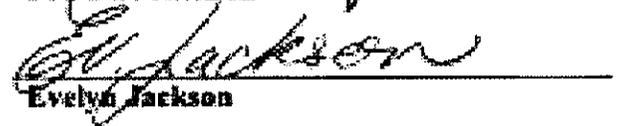
whose mailing address is: 22 Stone Hill Drive, Winthrop, Maine 04364, with warranty covenants, the real estate situated in Manchester, County of Kennebec, and State of Maine, described as follows:

A certain lot or parcel of land, together with any buildings and improvements thereon, situated in the Town of Manchester, County of Kennebec, and State of Maine being more particularly described in Exhibit A attached hereto and made a part hereof.

Witness our hands and seals this 16th day of April, 2015.

Signed, Sealed and Delivered
in the presence of


to both


Brian D. Jackson

Evelyn Jackson

State of Maine
County of Kennebec

April 16, 2015

Then personally appeared before me the above named Brian D. Jackson and Evelyn Jackson and acknowledged the foregoing instrument to be their free act and deed.

Before me

Attorney at Law/Notary Public
Printed Name: **CLAUDINE ROLLINS**
NOTARY PUBLIC, MAINE
COMMISSION EXPIRES
MARCH 24, 2019

② Douglas Title

EXHIBIT A
1031 Western Avenue, Augusta, Maine

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

Commencing at an iron pin on the north side of the Augusta-Winthrop highway at the southwest corner of land now or formerly of Roland B. Jackson and Constance B. Jackson and the southeast corner of land now or formerly of Whitney; thence continuing in an easterly direction along the northerly side of said highway 174.12 feet, more or less, to an iron pin, thence continuing in a northeasterly direction 405 feet, more or less, to an iron pin set in a stone wall by the southerly line of one Guillemette; thence continuing N 55° 26' W along said stone wall and said southerly line of Guillemette 139.84 feet, more or less, to an iron pin at the northeast corner of the aforesaid Whitney land; thence continuing S 30° 26' W a distance of 467.62 feet, more or less, to the iron pin at the point of beginning.

Meaning and intending to convey all of Lot No. 1 and a portion of Lot No. 2 as described in a certain plan recorded in the Kennebec County Registry of Deeds in Plan Book 20, Page 96. The portion of Lot No. 2 herein conveyed measures 70.15 feet on said Augusta-Winthrop highway and 77 feet along the aforesaid stone wall along the property of Guillemette.

Excepting and reserving rights to State of Maine for highway purposes recorded in said Registry of Deeds in Book 1070, Page 62.

Being the same premises conveyed by warranty deed from Roland B. Jackson and Constance B. Jackson to Brian D. Jackson and Barbara A. Jackson dated July 7, 1978 and recorded in the Kennebec County Registry of Deeds in Book 2125, Page 121 and the premises conveyed by deed from Brian Jackson to Brian Jackson and Evelyn Jackson dated December 20, 2013 and recorded in the Kennebec County Registry of Deeds in Book 11602, Page 48.

Also conveying a certain lot or parcel of land, with any buildings or improvements thereon, situated in the Town of Manchester, County of Kennebec and State of Maine, being a portion of Lot No. 2 as shown on plan recorded in the Kennebec County Registry of Deeds in Plan Book 20, Page 96, said portion herein conveyed measures 30 feet on said Augusta-Winthrop highway and 20 feet along the stone wall of the property of Guillemette as described in said Registry in Book 2125, Page 121.

Excepting and reserving rights to State of Maine for highway purposes recorded in said Registry of Deeds in Book 1070, Page 62.

Being the same premises conveyed by warranty deed from Roland B. Jackson and Constance B. Jackson to Brian D. Jackson and Barbara A. Jackson, as tenants in common, dated June 19, 1985 and recorded in the Kennebec County Registry of Deeds in Book 2815, Page 85. Barbara A. Jackson died on August 26, 2011, survived by her husband, Brian D. Jackson and her daughters, Melissa J. Hickey and Katie L. Jackson, as her sole heirs at law. Further reference is made to deed from Melissa J. Hickey and Katie L. Jackson to Brian D. Jackson to be recorded herewith. Further reference is made to a Memorandum of Highway Entrance Permit Waiver from Maine Department of Transportation dated April 10, 2015 to be recorded herewith.

Received Kennebec SS.
01/02/2014 11:28AM
Pages 2 Attest:
REVERLY BUSTIN-HATHEWAY
REGISTER OF DEEDS

**NO TRANSFER
TAX PAID**

**QUITCLAIM DEED
STATUTORY SHORT FORM**

KNOW ALL BY THESE PRESENTS, That I, **Brian Jackson**, of Manchester, Maine, grant to **Brian Jackson** of Manchester, Maine and **Evelyn Jackson** of Manchester, Maine, as joint tenants, and not as tenants in common, a certain parcel of land situated in Manchester, County of Kennebec and State of Maine, described as follows:

See Exhibit A Attached Hereto

Meaning and intending to convey that property described in a deed from Constance B. Jackson to Brian D. Jackson and Barbara A. Jackson dated October 22, 2010 and recorded in the Kennebec County Registry of Deeds at Book 2125, Page 121. Barbara A. Jackson died on August 26, 2011 leaving Brian Jackson surviving joint tenant.

Witness my hand and seal this 20th day of December, 2013.

Witness:

Michelle L. Veillevax

Brian Jackson
Brian Jackson

STATE OF MAINE
County of KENNEBEC, ss.

On December 20, 2013, personally appeared the above-named Brian Jackson and acknowledged the foregoing instrument to be his free act and deed.

Before me,
Melissa R. O'Dea
Notary Public/Attorney at Law
Printed Name: Melissa R. O'Dea
My commission: N/A #8308

② Lipman & Katz

Know all Men by these Presents,

10767

That we, Roland B. Jackson and Constance B. Jackson

NO TRANSFER
TAX PAID

of Winthrop, County of Kennebec, State of Maine

~~being executed~~, for consideration paid, grant to Brian D. Jackson and Barbara A. Jackson

of Manchester, County of Kennebec, State of Maine

whose mailing address is Box 224 Manchester, Maine 04351

with warranty covenants, the land in Manchester, County of Kennebec

State of Maine, described as follows:

A portion of Lot #2 as shown in Kennebec County Registry of Deeds in Plan Book 20, Page 96. The portion of lot No. 2 herein conveyed measures 30 feet on said Augusta-Winthrop highway and 20 feet along the stone wall of the property of Guillemette as described in Book 2125, Page 121.

and
Meaning/intending hereby to convey a portion of the premises conveyed to us by warranty deed of Mary L. Hunt recorded in Kennebec County Registry of Deeds in Book 854, Page 278.

Excepting and reserving rights to State of Maine for highway purposes recorded in Book 1070, Page 62.

This transfer of the f~~inal~~ portion of Lot No. 2 to Brian D. Jackson and Barbara A. Jackson gives them ownership to all of Lot. No. 2.

And

husband/wife of said grantor, joins as grantor, and releases all rights by descent and all other rights.

Witness hand and seal this 19th day of the month of June, 1985.

Signed, Sealed and Delivered

in presence of

James J. O'Mara
.....
T.O. Both

Roland B. Jackson
.....
Constance B. Jackson
.....
CONSTANCE B. JACKSON

State of Maine, County of Kennebec ss. June 19, 1985

Then personally appeared the above named Roland B. Jackson
Constance B. Jackson

and acknowledged the foregoing instrument to be his free act and deed.
her

Before me,

James J. O'Mara
.....
Notary Public
James J. O'Mara
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES FEBRUARY 10, 1989

RECEIVED KENNEBEC SS.
1985 JUN 19 PM 3:27
RECORDED FROM ORIGINAL

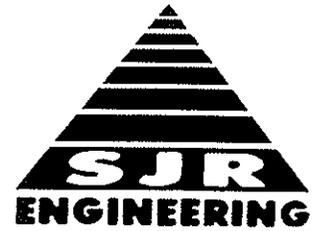
ATTACHMENT # 3

STORM WATER/PHOPHORUS CONTROL ANALYSIS BY STEVE ROBERGE, DATED DECEMBER 7, 2015

(This Attachment contains the Project Narrative for the Storm Water/Phosphorus Calculations provided as item (8) in the above complete Analysis Report. The complete Storm Water/Phosphorus Control Analysis submitted to DEP for approval is provided to you under separate cover).

&

DEP APPROVAL OF STORM WATER/PHOPHORUS CONTROL ANALYSIS



December 7, 2015

Mr. Mike Saucier
Manchester Motors
1011 Western Avenue
Manchester, Maine 04351

Re: Manchester Motors, Western Avenue, Manchester, Maine
Stormwater and Phosphorus Analysis

Dear Mike,

Manchester Motors is proposing to construct a new 80' by 116' long building with parking lots and traffic maneuvering areas along the sides of the new building. The 7,240 sf building is to be a combination retail sales/auto repair facility. It is anticipated that this project will be constructed during next construction season (2016).

We have prepared the plans and details in order to properly evaluate existing and proposed stormwater impacts from the proposed development. Upslope stormwater runoff flows through a wooded area adjacent to the site and eventually enters into a catch basin at the corner of the lot. These flows then discharge into a wooded ditch area that eventually flows into Cobbossee Lake. In the proposed condition, stormwater flows will be attenuated by diverting and capturing stormwater flows from the new construction into a wet pond and two soil filter ponds. In summary, the proposed stormwater flows are less than the existing condition. No downstream impacts from stormwater flows are expected with this proposal.

21 Mayflower Road, Augusta, Maine 04330 T: Fax: 207-622-1676 Email: steve@sjreng.com

Stormwater calculations - Existing Site Conditions

The existing site being proposed for new construction is a mixture of a developed 1 acre residential home, and undeveloped property consisting of woods and grass areas. The developed portion consists of an existing building, garage, and canopy area with an existing driveway/parking area. Existing conditions have been surveyed by Capitol Surveying Services. The topography of the proposed developed site is shown at a one foot contour interval. The slope of the property varies from 2% along the flatter areas to 10% along the steeper slopes.

Soils mapping was taken from "National Cooperative Soil Survey" medium intensity mapping. These soils have been overlaid onto the site development plan. Soils are identified as being Woodbridge and Ridgebury fine sandy loams (hydro group "C", K= 0.32-0.20).

The K number is an erodibility index number which is a value assigned to the soil based on a no erosion potential of .10 to a high erosion potential of .64. An index number greater than .32 indicates a high level of erosion control measures must be taken in order to control erosion of this soil. The hydrological group rating is a rating system of the relative permeability of the soil with Group "A" being extremely permeable such as a beach sand, to Group "D" being slow draining such as a wetland area.

I have reviewed the drainage characteristics of the site which includes proposed buildings and gravel aprons, future paved and lawn areas, and remaining woods. The analysis requires post construction stormwater flow rates to be approximately equal to or less than the existing stormwater rates.

I have used the SCS TR-20 (HydroCad 8.5 computer model) method of computing stormwater runoff peak flow rates. This method accounts for soil types, existing land uses, topography, vegetative cover, and proposed land use for the parcel to be developed. The proposed conditions were analyzed using data for a type III, 24 hour storm distribution with a design frequency of occurrence of 2/10/25 years. One day precipitation values of 2.8"/4.2"/5.2" have been used for each respective event. All supporting calculations and data are submitted with this report.

The existing and proposed site conditions were analyzed using information taken from the Black Diamond Consulting prepared plan of the parcel to be developed. Impervious areas, lawns, meadows, and woods areas for each hydrological soil

condition were measured by planimeter in order to calculate a weighted curve number that typifies the drainage condition of the site.

We have calculated the existing stormwater flows to a common design point (CB located at the easterly front corner of the lot). Existing flows are calculated to be 2.23/5.34/7.84 cfs for the 2/10/25 year storm events.

In the proposed condition, we have broken the proposed watershed into several separate sub-areas. We are proposing to install a CB along the westerly corner of the lot and connect into the MDOT stormdrain system in similar fashion to what already exists with the CB at the easterly lot corner.

Region A drains to the wet pond and includes a portion of the proposed building with parking lot pavement, and some grassed swales. The wet pond is controlled by a stormwater control structure with a 12" diameter outlet to the existing CB in the easterly corner of the lot. A portion of the building and parking lot along the front of the site drains to a soil filter pond, which also discharges into the existing CB. Offsite watershed Region East has been diverted and bermed/channeled around the pond area, and flows down the sideline ditch to the CB in the easterly corner.

Region B is the remaining watershed area. This area includes a wooded offsite area Region West that drains to a new CB along the western corner of the lot. A small portion of the proposed building and front parking lot flows into a soil filter pond. This water infiltrates through the soil filter and is discharged into a new CB. The offsite watershed and west soil filter discharge to the existing stormdrain manhole located in Route 202. Regions A and B stormwater flows are then hydraulically added together with respect to time in order to determine comparable flows at the Design Point.

A stormwater wet pond has been proposed to control flows to pre-development runoff conditions. By constructing the wet pond and installing a stormwater control structure with a 12" discharge pipe, stormwater flows are captured and controlled. The wet pond is sized for maximum phosphorus treatment (75% removal) using 2.0" rain event for impervious areas and 0.8" for vegetated areas. Also, as part of the pond design, we have allowed a channel protection storage component to help with water quality and downslope channel protection. This 2,028cf of storage slowly infiltrates through the gravel trench bench (elevation 100.00) and is then discharged to the CB control structure. Increased flows can be reduced and stored (detained) within the pond area for short periods of time allowing existing peak flow rates to be

maintained. Our analysis indicates that the incoming flow rates to the pond (1.62/2.64/3.37 cfs) are reduced to 0.15/0.46/0.80 cfs at the culvert outlet from the pond. When these rates are hydraulically added to the Region East watershed, the proposed peak flow rates at Design Point 1 are calculated to be 0.78/2.33/3.53 cfs. These flows are numerically less than the existing condition peak flow rates.

The detention pond is designed with a 10' wide riprapped emergency spillway is to be constructed at elevation 101.5 as part of the detention pond for storm events larger than the 25 year event. This will act as the emergency overflow should the culvert become plugged or a larger storm event occur. The top of the wet pond berm is to be constructed to elevation 102.0.

Two soil filter ponds are to be constructed along the front of the project. The soil filter ponds are also sized for maximum phosphorus treatment (75% removal) using 1.6" rain event for impervious areas and .4" for vegetated areas. The required size for soil filter west is 1,150cf and 1,314cf for the east soil filter. The soil filters infiltrate the first and last 18" of stormwater during a rainfall event, reducing the peak stormwater flows by timing the infiltration of this water through the soil filters.

Phosphorus calculations

Allowable phosphorus for the 1.75 acre parcel has been calculated to be 0.06125 lbs/year using a Cobbossee Lake per acre phosphorus allocation of 0.035 lbs P/acre/year. Phosphorus flows from the existing condition (buildings, pavement, and vegetation) have been calculated to be 0.281 lbs/year. This pre-existing source is to be eliminated in the redevelopment of the lot.

We have designed the wet pond to have a treatment factor of 0.3 (70% removal) by sizing the pond storage volume using 2.67" rain for impervious and 1.07" rain for vegetation. The required storage volume must be 5,284cf below the permanent pool elevation 100.0. Our wet pond design provides for 9186cf, which allows us to utilize the highest treatment factor (70% removal) allowed.

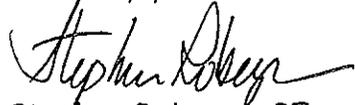
We have similarly designed two soil filter ponds that are proposed along the front corners of the property. The two soil filters have been bumped from 1" rain to 1.6" rain to maximize the phosphorus treatment (75% removal) within the ponds.

We have provided the DEP format worksheets (excel file) for the phosphorus

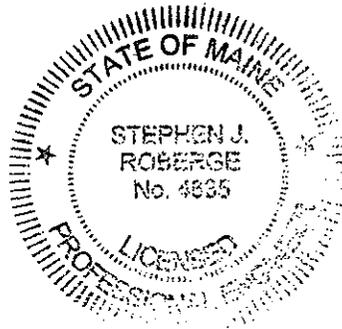
calculations. The total pre-treatment phosphorus has been calculated to be 1.22 pounds/year with this development. By providing treatment in the wet pond and the two soil filter ponds, the expected phosphorus generated would be reduced to 0.34 pounds per year. This number is further reduced by removing existing phosphorus (credit) of 0.28 pounds/year making a total project phosphorus export (0.06 pounds/year remaining which meets the allowable limit for the parcel.

Please feel free to contact me if you have any questions concerning the calculations of stormwater from this project. It is important to note that proper erosion control and revegetation of disturbed areas are essential for the proper operation of the stormwater facilities. Maintenance of the yard parking lot areas and careful attention to the pavement/seeded interface must be a top priority in order for the system to function properly. Thank you for involving this firm on your project.

Sincerely yours,



Stephen Roberge, PE
for SJR Engineering Inc.



Manchester Motors Project Summary

Stormwater Flows at Design Point

	<u>2 year</u>	<u>10 year</u>	<u>25 year</u>
Existing Conditions at Design Point	2.23 cfs	5.34 cfs	7.84 cfs
Proposed Conditions at Design Point	0.78 cfs	2.33 cfs	3.53 cfs
Wet Pond inflow/outflow	1.62/0.15 cfs	2.64/0.46 cfs	3.37/0.80 cfs
Elevation height of detained water in wet pond	100.65'	100.90'	101.05'

The wetpond is expected to operate as a sediment pond during construction for water quality purposes. No water will flow from the pond until the water elevation reaches elevation 100.0 which is the bench elevation to the wet pond. Stormwater flows are detained to elevation 100.42 (required channel protection) and controlled by the stormwater outlet manhole. The culvert outlet from the stormwater manhole is a 12" SDR 35 pipe at a slope of 1%. A 10' wide rock lined emergency spillway has been provided at elevation 101.5. Pond bottom is at elevation 94.0. Top of berm elevation 102.0.



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PAUL MERCER
COMMISSIONER

March 2016

Michael Saucier
22 Stone Hill Drive
Winthrop, ME 04364

RE: Stormwater Management Law Application, Manchester, DEP #L-26818-NJ-A-N

Dear Mr. Saucier:

Please find enclosed a signed copy of your Department of Environmental Protection land use permit. You will note that the permit includes a description of your project, findings of fact that relate to the approval criteria the Department used in evaluating your project, and conditions that are based on those findings and the particulars of your project. Please take several moments to read your permit carefully, paying particular attention to the conditions of the approval. The Department reviews every application thoroughly and strives to formulate reasonable conditions of approval within the context of the Department's environmental laws. You will also find attached some materials that describe the Department's appeal procedures for your information.

If you have any questions about the permit or thoughts on how the Department processed this application please get in touch with me directly. I can be reached at (207) 446-1806 or at Daniel.Courtemanch@maine.gov.

Sincerely,

Daniel Courtemanch, Project Manager
Division of Land
Bureau of Land Resources

pc: File

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3145



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

MICHAEL SAUCIER) STORMWATER MANAGEMENT LAW
Manchester, Kennebec County)
MANCHESTER MOTORS)
L-26818-NJ-A-N (Approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. § 420-D, and Chapters 500, 501, and 502 of the Department's Regulations, the Department of Environmental Protection has considered the application of MICHAEL SAUCIER 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 stormwater management system associated with an automotive sales and service facility with 0.772 acres of impervious area and 1.24 acres of developed area. The project is indicated on a set of plans the first of which is entitled "Topographic Site Plan" prepared by SJR Engineering Inc., and dated January 2016 with a latest revision date on any of the sheets of February 5, 2016. The project site is located on Western Avenue in the Town of Manchester.

B. Current Use of the Site: The property consists of 1.75 acres and contains a single-family residence and garage, both of which will be demolished as part of the project. The parcel is identified as Lot 1 and 1A on Map U15 of the Town of Manchester's tax maps.

2. STORMWATER STANDARDS:

The proposed project includes approximately 1.24 acres of developed area of which 0.772 acres is impervious area. It lies within the watershed of Cobbosseecontee Lake, a lake most at risk from new development. The applicant submitted a stormwater management plan based on the Basic and Phosphorus Standards contained in Department Rules, Chapter 500. The proposed stormwater management system consists of two soil filters and one wet pond.

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 (BMPs) outlined in the Maine Erosion and Sediment Control BMPs, which were developed by the Department. This plan and plan sheets containing erosion control details were reviewed by, and revised in response to the comments of, the 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.

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

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

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

B. Phosphorus Standards:

Because the proposed project is located in the watershed of Cobbosseecontee Lake, stormwater runoff from the project site will be treated to meet the Phosphorus Standards outlined in Chapter 500(4)(D). The applicant's phosphorus control plan was developed using methodology developed by the Department and outlined in "Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development". For this project, the Permitted Phosphorus Export is 0.0613 pounds of phosphorus per year. The applicant proposes to remove phosphorus from the project's stormwater runoff by utilizing two soil filters and one wet pond, as shown on the set of plans referenced in Finding 1. The Predicted Phosphorus Export for the proposed project, based on the applicant's model is 0.06 pounds of phosphorus per year. The proposed stormwater treatment will be able to reduce the export of phosphorus in the stormwater runoff below the maximum permitted phosphorus export for the site.

 The stormwater management system proposed by the applicant was reviewed by, and revised in response to comments from, BLR. After a final review, BLR commented that the proposed stormwater management system is designed in accordance with the Chapter 500 Phosphorus Standards and recommended that the applicant's design engineer or a third-party engineer oversee the construction of the stormwater management system to insure that it is installed in accordance with the details and notes specified on the approved plans.  Within 30 days of completion of the entire system or at least once per year, the applicant must submit a log of inspection reports detailing the items inspected, photographs taken, and the dates of each inspection to the BLR for review.

Based on the stormwater system's design and BLR's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet

the Chapter 500 Basic and Phosphorus Standards provided that the applicant retains an engineer to oversee the construction of the stormwater management system as described above.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Section 420-D, and Chapters 500, 501 and 502 of the Department's Regulations:

- A. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 Basic Standards for: (1) erosion and sediment control; (2) inspection and maintenance; (3) housekeeping; and (4) grading and construction activity.
- B. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 Phosphorus Standards provided that the applicant retains an engineer to oversee the construction of the stormwater management system and submit inspection reports as described in Finding 2.

THEREFORE, the Department APPROVES the above noted application of MICHAEL SAUCIER to construct a stormwater management system as described above in Manchester, Maine, 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 order, 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.



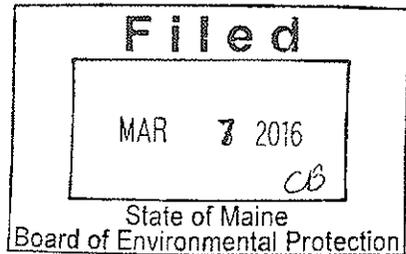
- 4. The applicant shall retain the design engineer or a third-party engineer to oversee the construction of the stormwater management structures according to the details and notes specified on the approved plans. Within 30 days of completion of the entire system or at least once per year, the applicant shall submit a log of inspection reports detailing the items inspected, photographs taken, and dates of each inspection to the BLR for review.

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 4th DAY OF MARCH, 2016.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: *Paul Mercer*
 For: Paul Mercer, Commissioner



PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

DC/L26818AN/ATS#80009

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 applicant. 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.A. §420-D(8) and is subject to penalties under 38 M.R.S.A. §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 developer, and the owner 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.



(8) Recertification requirement. Within three months of the expiration of each five-year interval from the date of issuance of the permit, the permittee shall certify the following to the department.

(a) All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.

(b) All aspects of the stormwater control system have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the facilities.

(c) The erosion and stormwater maintenance plan for the site is being implemented as written, or modifications to the plan have been submitted to and approved by the department, and the maintenance log is being maintained.

(9) Severability. The invalidity or unenforceability of any provision, or part thereof, of this permit shall not affect the remainder of the provision or any other provisions. This permit shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

November 16, 2005 (revised December 27, 2011)



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012

Contact: (207) 287-2811

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's ("DEP") Commissioner: (1) in an administrative process before the Board of Environmental Protection ("Board"); or (2) in 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.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

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

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S.A. §§ 341-D(4) & 346, the *Maine Administrative Procedure Act*, 5 M.R.S.A. § 11001, and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days of the date on which the Commissioner's decision was filed with the Board will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by the Board's receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

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

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal 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.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing on the appeal is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2.

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, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
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. A license holder may proceed with a project pending the outcome of an appeal but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

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

The Board will formally acknowledge receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & 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. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

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.A. § 346(4).

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

ADDITIONAL INFORMATION

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

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

ATTACHMENT # 4

**SITE INVENTORY AND ENVIRONMENTAL
ASSESSMENT**

Town of Manchester

**Site Inventory and Environmental Assessment
for Major Site Development**

Assessment
For
Mr. Mike Saucier, Owner
Manchester Motors Project

Western Avenue, Route 202
(Map U-15, Lot 1 & 1A)

Applicant

Mr. Mike Saucier, Owner
By the Project's Duly Authorized Agent
Black Diamond Consultants, Inc.
312 Water Street
Gardiner, ME 04345



MANCHESTER MOTORS –

SITE INVENTORY AND ENVIRONMENTAL ASSESSMENT

MANCHESTER - LAND USE AND DEVELOPMENT ORDINANCE

Section 5 – Contents of Site Inventory and Environmental Assessment for Major Development Activities:

1. The Applicant for the Proposed Manchester Motors Project is Mr. Mike Saucier, of 22 Stone Hill Drive, Winthrop, ME 04364. Phone number is 754-0332.
2. The present consultant working on the project is Black Diamond Consultants, Inc. of 312 Water Street, P.O. Box 57, Gardiner, ME 04345. Phone Number is (207) 582-0056 with e-mail address of jrhebert@blckdiamond.net.
3. Please see Site Plan for information relative to boundaries of parcel, site topography, manmade and natural features, easements, utilities, and roads.
4. The proposed project is located in the General Development District identified as a primary business district in the Town of Manchester. The existing site contains a vacated residence house, garage, and shed. An adjacent resident home is located to east of the proposed property and a resident home is also located to the west of the property. Stormwater flow on the existing property is in a southeasterly direction which eventually drains to the Town of Manchester stormwater system located adjacent to Route 202.

The proposed project is for the development of a commercial car and tractor sales and service facility. Electric and phone utilities are presently available at or adjacent to the site. The site existing sewer line to the Manchester sewer system will be used to service the new facility. The facility intends to connect to the Manchester fresh water system located in the western side of Route 202. Site grading is being developed to provide a reduced site stormwater flow to the Manchester stormwater system.

The west side adjacent property will continue to use the existing trees and shrubs for screening of the proposed facility and an aesthetic fence is proposed to provide facility screening to the easterly adjacent property.

Please refer to the Project Site Plan drawings for additional information on site layout and facility design.

ATTACHMENT # 5

MAINE DOT ENTRANCE PERMIT



Maine Department of Transportation

Paul R. LePage
Governor

Driveway/Entrance Permit

David Bernhardt, P.E.,
Commissioner

Permit Number: 15659 - Entrance ID: 1

LOCATION

OWNER
Name: **Brian Jackson**
Address: **Box 224**
Manchester, Me 04351
Telephone: **(207)754-0332**

Route: **0202X, Western Avenue**
Municipality: **Manchester**
County: **Kennebec**
Tax Map: **U-15 Lot Number: 001**
Culvert Size: **0 inches**
Culvert Type: **N/R**
Culvert Length: **0 feet**
Date of Permit: **April 06, 2015**
Approved Entrance Width: **30 feet**

Date Printed: **April 09, 2015**

In accordance with rules promulgated under 23 M.R.S.A., Chapter 13, Subchapter I, Section 704, the Maine Department of Transportation (MaineDOT) approves a permit and grants permission to perform the necessary grading to construct, in accordance with sketch or attached plan, **an Entrance to Commercial Industrial** at a point **1565 feet West** from **McArdle Street**, subject to the Chapter 299 Highway Driveway and Entrance Rules, standard conditions and special conditions (if any) listed below.

Conditions of Approval:

This Permittee acknowledges and agrees to comply with the Standard Conditions and Approval attached hereto and to any Specific Conditions of Approval shown here.

(W = Waiver; S = Special Condition)

W - SHOULD USE INCREASE TO MORE THAN FIFTY (50) ONE WAY TRIPS DURING THE DAY THE PERMITTEE MUST SEEK ADDITIONAL APPROVAL FROM MaineDOT.

W - THIS APPROVED DRIVEWAY / ENTRANCE IS APPROVED FOR ALL NECESSARY PARKING FOR FACILITY. THERE MUST BE NO PARKING ON THE SIDE OF THE ROADWAY OR WITHIN THE MaineDOT RIGHT OF WAY.

S - THE ENCLOSED NOTICE OF AUTHORIZATION TO PROCEED MUST BE POSTED IN A LOCATION CLEARLY VISIBLE FROM THE ROADWAY FROM AT LEAST 24 HOURS PRIOR TO COMMENCEMENT OF CONSTRUCTION TO ONE MONTH AFTER THE CONCLUSION OF THE CONSTRUCTION.

S - OWNER IS RESPONSIBLE FOR ANY AND ALL CULVERT(S) AND MUST DITCH TO ENSURE WATER FLOWS ADEQUATELY THRU CULVERT(S) AND AT NO TIME ALLOW WATER TO FLOW INTO OR ONTO THE HIGHWAY.

S - THE DRIVEWAY SHALL BE LOCATED AT THE gps CORDINATES: 44.32354, -69.89736.

The MaineDOT has determined that:

1. The waiver will not significantly detract from public safety,
2. The proposed driveway/entrance meets the standards to the maximum extent practicable, and
3. There is no feasible alternative.

A notarized, written waiver determination has been sent to the owner. The owner shall record the waiver determination in the Registry of Deeds in the County in which the property is located within 90 days of the date of the waiver, or the waiver will be null and void and the permit will expire.

Approved by:  Date: 4-10-15

STANDARD CONDITIONS AND APPROVAL

1. Provide, erect and maintain all necessary barricades, lights, warning signs and other devices as directed by MaineDOT to properly safeguard traffic while the construction is in progress.
2. At no time cause the highway to be closed to traffic
3. Where the driveway is located within a curb, curb and gutter, and/or sidewalk section, completely remove the existing curb, curb and gutter, and/or sidewalk as may be required to create the driveway and restore drainage. All driveways abutting sidewalk sections shall meet the requirements set forth in the Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12131 et seq.
4. Obtain, have delivered to the site, and install any culverts and/or drainage structures which may be necessary for drainage, the size, type and length as called for in the permit pursuant to 23 M.R.S.A. Sec. 705. All culverts and/or drainage structures shall be new.
5. Start construction of the proposed driveway within twenty-four (24) months of the date of permit issuance and substantially complete construction of the proposed driveway within twelve months of commencement of construction.
6. Comply with all applicable federal, state and municipal regulations and ordinances.
7. Do not alter, without the express written consent of the MaineDOT, any culverts or drainage swales within the MaineDOT right of way.
8. File a copy of the approved driveway permit with the affected municipality or LURC, as appropriate within 5 business days of receiving the MaineDOT approval.
9. Construct and maintain the driveway side slopes to be no steeper than the adjacent roadway side slopes, but in no case to be steeper than 3 horizontal to 1 vertical, unless the side slope is behind existing roadway guardrail, in which case it shall be no steeper than 2 horizontal to 1 vertical.
10. Notify the MaineDOT of a proposed change of use served by the driveway when increase in traffic flow is expected to occur. This does not exempt the need for obtaining a Traffic Movement Permit (TMP) if trip generation meets or exceeds 100 passenger car equivalents (PCE) during the peak hour of the day.
11. Construct or implement and maintain erosion and sedimentation measures sufficient to protect MaineDOT facilities.
12. Driveways shall be designed such that all maneuvering and parking of any vehicles will take place outside the highway right-of-way and where vehicles will exit the premises without backing onto the highway traveled way or shoulders. All driveways will have a turnaround area to accommodate vehicles using the premises.

FURTHER CONDITION OF THE PERMIT

The owner shall assume, the defense of, and pay all damages, fines, and penalties for which he/she shall become liable, and shall indemnify and safe harmless said Department, its representatives, agents and employees from liability, actions against all suits, claims, damages for wrongful death, personal injuries or property damage suffered by any person or association which results from the willful or negligent action or inaction of the owner/applicant (agent) and in proceedings of every kind arising out of the construction and maintenance of said entrance(s), including snow removal.

Nothing herein shall, nor is intended to, waive any defense, immunity or limitation of liability which may be available to the MaineDOT, their officers, agents or employees under the Maine Tort Claims Act or any other privileges and/or immunities provided by law. It is a further condition that the owner will agree to keep the right of way inviolate for public highway purposes and no signs (other than traffic signs and signals), posters, billboards, roadside stands, culvert end walls or private installations shall be permitted within Right of Way limits.

**MEMORANDUM OF
HIGHWAY ENTRANCE PERMIT WAIVER**

Pursuant to 23 M.R.S.A. § 704 and the Driveway and Entrance Rules promulgated hereunder, 17-229 CMR Chapter 299, the **Maine Department of Transportation** has granted a waiver that allows the access to the highway from the parcel of land, all as described below.

Owner(s) of Parcel: Brian Jackson

Applicant(s): Michael Saucier

Parcel Description:

Location: Manchester, Route 202X, Western Avenue, 1565 feet West of McArdle Street

Deed Reference: Kennebec County, Book 11602, Page 0048

Tax Map Reference: Map U15 Permit No. 15659

Physical Address: Route 202, Western Avenue, 1565 feet West from McArdle Street,
Manchester, ME 04351

Entrance Description:

Location: Manchester, Route 202X, Western Avenue, 1565 feet West from McArdle Street

Maine DOT Route Log Miles: 98.68 LT

Type: Entrance: Maximum Width Thirty (30) feet

Use: Entrance to Commercial/Industrial

Special Waiver Conditions:

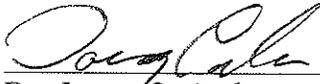
SHOULD USE INCREASE TO MORE THAN FIFTY (50) ONE WAY TRIPS DURING THE DAY THE PERMITTEE MUST SEEK ADDITIONAL APPROVAL FROM MaineDOT. THIS

APPROVED DRIVEWAY / ENTRANCE IS APPROVED FOR ALL NECESSARY PARKING FOR FACILITY. THERE MUST BE NO PARKING ON THE SIDE OF THE ROADWAY OR WITHIN THE MaineDOT RIGHT OF WAY.

THIS SHALL BE THE ONLY ENTRANCE TO THIS LOT AS IT EXISTED ON MAY 25, 2002 AND PARTS THEREOF.

Maine Department of Transportation

Date: 4-10-15


By: James O. Andrews
Region Engineer

STATE OF MAINE
County of KENNEBEC

Date: April 10, 2015

Personally appeared the above named James O. Andrews and acknowledged the foregoing instrument to be his free act and deed in his said capacity.


Notary Public
Print Name: CHRISTOPHER A. RUSHTON
My Commission Expires: 5/28/2015

To Registry of Deeds:
Please return a copy of the two page recorded document to:
Maine Department of Transportation
Attn: David Allen
98 State House Station
Augusta, Maine 04333-0098

State of Maine
Department of Transportation
Mid Coast Region
98 State House Station, Augusta, Maine 04333
Telephone (207) 624-8200 Fax (207) 287-4753

NOTICE OF AUTHORIZATION TO PROCEED

THIS CERTIFICATE MUST BE POSTED IN A VISIBLE LOCATION AT THE
DEVELOPMENT SITE

A Maine Department of Transportation, Mid Coast Region permit has been issued for this location. Descriptions of the approved development, including conditions of approval, are as specified in Department of Transportation, Mid Coast Region Permit identified below. Copies of the actual permit have been provided to the Permittee and are available for inspection at the Mid Coast Region, Augusta office.

Permit No. 15659

Issued To: Brian Jackson

Effective Date: April 7, 2015

Expiration for Start Up: April, 2017

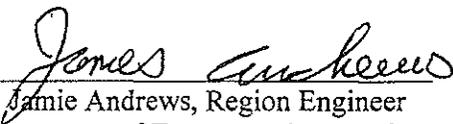
Authorized Activity: Entrance to a Commercial/Industrial

Location: Manchester County: Kennebec

Route No. and Road Name 0202X, Western Avenue

Route Log Mile: 98.68 LT

Culvert Required: None

Signed: 
Jamie Andrews, Region Engineer
Maine Department of Transportation, Region 2

(THIS CERTIFICATE IS NOT A PERMIT)

(This notice is printed on weather proof paper)

ATTACHMENT # 6

SITE PLAN

(Please refer to the accompanying Site Plan Engineering Drawings for the Proposed Project. The Site Plan is provided to you under separate cover).