

**Planning Board Meeting
December 12, 2023 – 7:00 PM
Town Office Conference Room**



Meeting Materials

**Planning Board
Tuesday, December 12, 2023
7:00 PM – Town Office Conference Room**

CALL TO ORDER

MINUTES

November 28, 2023

COMMUNICATIONS

OLD BUSINESS

CLUC Change – Timothy Cook – 211 Poland Corner Road – Map 11 Lot 9

Potential CLUC Changes for 2024

NEW BUSINESS

Formal Shoreland Zoning Application – Karl and Michelle Dowling – 44 West Shore Drive
– Map 46 Lot 12

ANY OTHER BUSINESS

ADJOURNMENT

POLAND PLANNING BOARD
MINUTES OF MEETING
November 28, 2023
Approved on _____, 2023

CALL TO ORDER – Chairperson James Porter called the meeting to order at 7:00pm with Members Cheryl Skilling, Jon Gilson, George Greenwood, James Walker, Alternate Member Heather Ryan, and CEO Scott Neal present. Alternate Member Heather Ryan is not a voting member for this meeting.

MINUTES – October 10, 2023 – Member Greenwood moved to approve the minutes. Member Skilling seconded the motion. Discussion: None Vote: 5-yes 0-no

Member Greenwood moved to reopen the minutes and correct an error. Member Skilling seconded the motion. Discussion: None Vote: 5-yes 0-no

COMMUNICATIONS – None

OLD BUSINESS – None

NEW BUSINESS – CLUC Change – Timothy Cook – 211 Poland Corner Road – Map 11 Lot 9

The Applicant did not attend the meeting. The consensus of the Board was to table the application.

Informational – Sheila Foley – 1220 Maine Street – Map 40 Lot 15

Charles Foley spoke to the Board on the matter. The temporary Certificate of Occupancy was for 60 days, the landscape planting and some other items haven't been completed, and they would like more time. This is a matter for the Code Office not the Board. A signed letter stating when these items will be finished is required and they will be reaching out to CEO Neal.

Potential CLUC Changes for 2024

The Board went through the list of potential CLUC changes for 2024. Specific information was requested for some items and will be provided to the Board at a future meeting for further discussions.

Findings of Fact and Conclusions of Law for:

Formal Site Plan Application – Lawrence Roakes – Off Knoll Road – Map 13 Lot 36

This item was pulled at the last minute from the agenda because the Code Office received new information the day of the planning board meeting which may necessitate changes to the Finding of Fact. Also, the Board would like to clarify some language within the Finding of Fact.

**POLAND PLANNING BOARD
MINUTES OF MEETING
November 28, 2023
Approved on _____, 2023**

ANY OTHER BUSINESS – None

ADJOURN – Member Greenwood moved to adjourn the meeting at 8:36 a.m. Member Walker seconded the motion. Discussion: None Vote: 5-yes 0-no

Recorded by: Sarah Merrill

Planning Board

James Porter, Chairperson

George Greenwood, Vice Chairperson

Jonahan Gilson, Secretary

Cheryl Skilling, Member

James Wlaker, Jr., Member

Not A Voting Member
Heather Ryan, Alternate Member



Town of Poland
PLANNING BOARD AGENDA REQUEST

Date of meeting you are requesting to be scheduled for: 11 / 28 / 2023

Meetings are normally conducted in the Municipal Conference Room at the Town Office from 7:00 to 9:00 pm.

Applicant Information

Applicant's Name: <u>TIMOTHY COOK</u>	Email: <u>17TCOOK17@gmail.com</u>
Mailing Address: <u>211 POLAND CORNER ROAD</u>	Map: <u>11</u> Lot: <u>9</u> Sub-lot: _____
Home Phone: _____	Work Phone: _____ Cell Phone: <u>207-229-5903</u>

Project Information

Type of Application: _____ Informational _____ Sketch Plan <u>X</u> Site Review _____ Shoreland _____ Subdivision _____
Property Address/ Road Location for project: <u>211 POLAND CORNER ROAD</u>
Map: <u>11</u> Lot: <u>9</u> Sub-lot: _____ Zoning: <u>FARM/FOREST</u> Lake Watershed: _____
Description of Project/ Business to be discussed: <u>CHANGE ZONING OF THIS LOT FROM FARM/FOREST TO RURAL RESIDENTIAL</u>

IMPORTANT – READ CAREFULLY

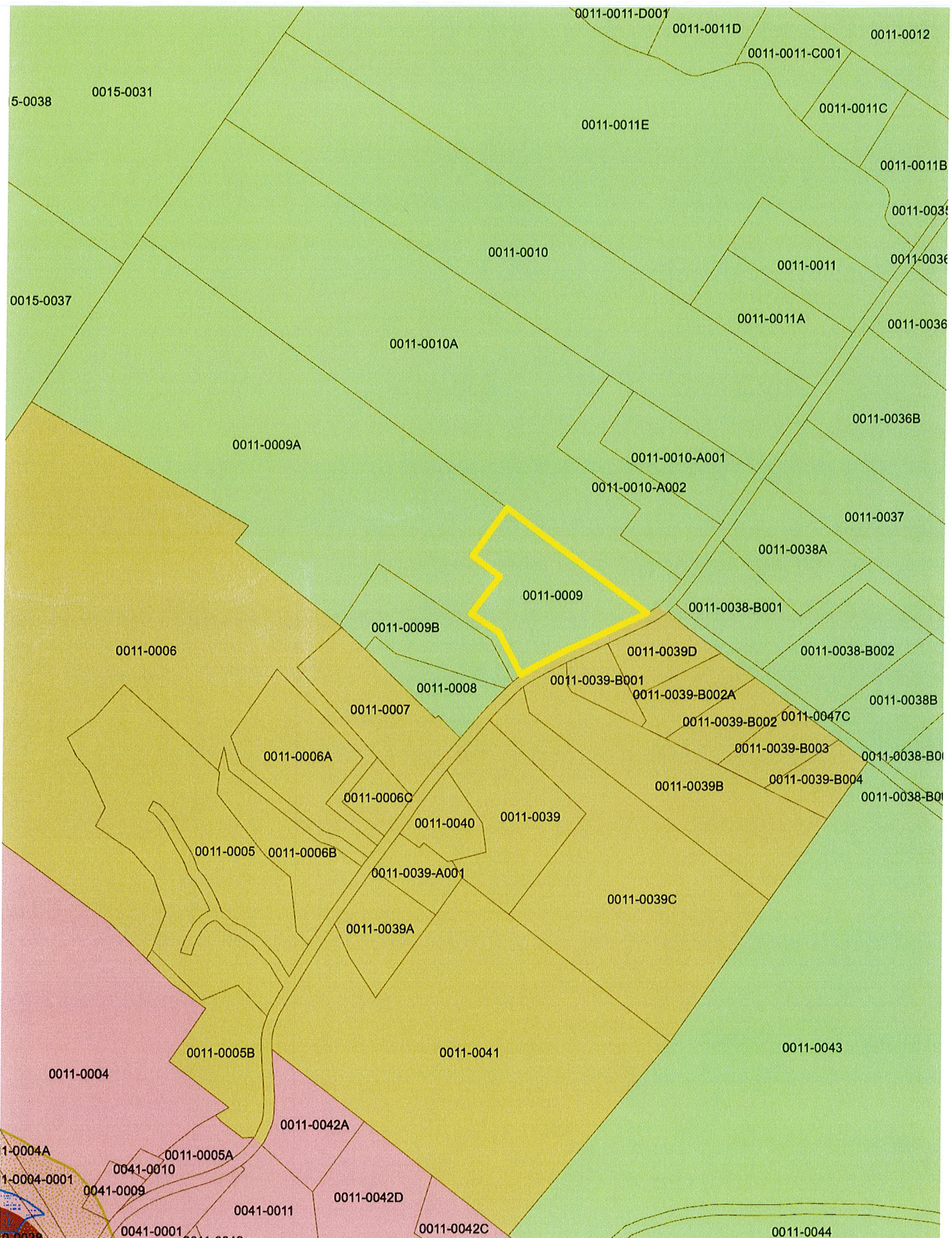
The Code Office **must** receive the original application, plus nine (9) copies, a digital PDF copy on either a cd or USB drive, and appropriate fees by **Thursday at 1:00 pm**, twelve (12) days before the stated meeting to be put on the meeting agenda.

- New business is scheduled on the agenda in the order this office receives completed applications.
- If you want your application reviewed for contents prior to the meeting, it must be in the Code office fourteen (14) days before the meeting.
- Should the Planning Board choose to adjourn before all business is addressed, all remaining business will be tabled until the next available meeting.
- Unfinished business is conducted before new business is addressed.

Applicant's Signature: [Signature] Date: 10/13/23

OFFICE USE ONLY

Date: _____ Time: _____ Received By: _____



2024 CLUC Amendments Ideas

- Change Section 1103 etc. re: UPC, NFPA, IRC et. al. to say current code not a year.
- Wedding events/facilities – allowed where? Rules on this?
- Board recommendation – Clean up road standards – when roads served by 8 or more dwelling units have to be paved page 283 - § 808.3.E.
- Map and Lot on drawings/plans
- Board recommendation – Require applicants who need to record plans at registry of deeds to show proof they've done so and a time frame for doing so.
- Camper Ordinance
- Gas Stations over an aquifer – potentially coming before the Board by a resident.



TEN FREE STREET
P.O. BOX 4510
PORTLAND, MAINE 04112-4510
www.jensenbaird.com

Benjamin T. McCall
e-mail: bmccall@jensenbaird.com

(207) 775-7271 (Phone)
(207) 775-7935 (Fax)

June 29, 2023

VIA EMAIL

George Greenwood, Chair
Planning Board
Town of Poland
1231 Maine Street
Poland, ME 04274

Re: Knoll Road Subdivision, Phase II

Dear George:

This letter is in response to the Planning Board's questions regarding the proposed second phase of a residential subdivision on Knoll Road in Poland (the "Project") – specifically, the proper interpretation of Section 808.3.E of the Town of Poland Comprehensive Land Use Code (the "CLUC") and its application to the Project.

The Project applicant has proposed the use of an existing gravel road, Knoll Road, to provide access to three (3) new subdivision lots. Knoll Road already provides access to six (6) existing lots, three (3) of which were part of a previously approved phase of the same subdivision. The Planning Board has questioned whether approval of this gravel road for such use is permitted, given the language of Section 808.3.E of the CLUC.

Section 808.3.E of the CLUC applies to all gravel roads proposed within the Town, regardless of whether or not such roads are dedicated for Town acceptance, and provides performance standards that all such gravel roads must meet. This point is demonstrated by the clear separation between the section's first paragraph, which only discusses requirements for the acceptance of gravel roads as town ways, from the performance standards comprising the remainder of the section. *See Day v. Town of Phippsburg*, 2015 ME 13, ¶ 12, 110 A.3d 645 (any ambiguities in ordinance language must be resolved by appealing to, among other things, the structure of the ordinance as a whole).

Under Section 808.3.E, a gravel road may only be approved if, after consultation with the Select Board and the Road Commissioner, the Planning Board determines that:

June 29, 2023

Page 2

- (1) The gravel road will not produce traffic (existing or anticipated) in excess of 50 trips a day (in total);
- (2) The “area to be served” has low development potential and contains fewer than 8 lots or dwelling units;
- (3) The gravel road will not create dust that will adversely affect adjacent properties;
- (4) The gravel road is designed to shed rain and is shaped with a crown of ½ inch per lineal foot; and
- (5) The gravel road has a subbase of eighteen (18) inches in thickness and a gravel surface of six (6) inches in thickness.

In applying the CLUC, the Planning Board is required to give effect to its plain language. *See Olson v. Town of Yarmouth*, 2018 ME 27, ¶ 16, 179 A.3d 920. Section 808.3.E.2 plainly states that a gravel road may only provide access to “less than eight (8) lots or dwelling units.” There are no stated exceptions to this provision, including for lots or dwelling units that are located outside of a proposed subdivision, or its previous phases. Indeed, Section 808.3.E is located within the Town’s generally applicable road standards, not within a portion of the CLUC applicable only to subdivisions. This point further underscores why the phrase “area to be served” is best interpreted to mean all lots or dwelling units accessed over a particular gravel road, not just those proposed in a particular application. In giving effect to the plain language of the Ordinance, there is no question that the CLUC does not permit the use of Knoll Road to provide access to three (3) more lots or dwelling units, as the Project proposes.

However, Section 814 of the CLUC permits the Planning Board to waive strict compliance with any provision of Chapter 8 (including Section 808.3.E), provided that the Planning Board determine that the applicant will suffer “undue economic or other hardship,” and the Planning Board confirms that: (i) “public health, safety, and welfare will not be compromised,” and (ii) the granting of a waiver will not effectively nullify the CLUC or set an “unwarranted precedent.” CLUC § 814.A.

As requested by the Applicant in correspondence from its counsel, the Planning Board could waive the Project’s strict compliance with Section 808.3.E. However, in doing so, the Planning Board must ensure that it deliberates this issue thoroughly and makes detailed factual findings regarding each required standard articulated in Section 814. Moreover, if the Planning Board determines that the granting of a waiver is appropriate under the circumstances articulated by the Applicant, the Board should consider setting a strict cap on the number of lots or dwelling units that may utilize Knoll Road in the future. Otherwise, future phases of this development (or other proposed developments in the immediate vicinity) would not need to comply with Section 808.3.E, and Knoll Road could provide access to an unlimited number of lots without being paved. Setting a limit on future lots that could be accessed over Knoll Road without future upgrade is the type of condition that assures “the objectives of [the CLUC] are met.” CLUC § 814.B.

Jensen Baird

June 29, 2023
Page 3

Please contact me if I can provide any additional information or clarification on these issues.
Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Benjamin T. McCall". The signature is stylized with a large "B" and a long, sweeping underline.

Benjamin T. McCall, Esq.

cc: Scott Neal, Code Enforcement Officer (via email)
Joseph C. Siviski, Esq., Applicant's Attorney (via email)

Chapter 692: SITING OF OIL STORAGE FACILITIES

SUMMARY: This chapter sets forth restrictions on the geographic location of new oil storage facilities.

1. **Purpose.** The purpose of this chapter is to protect drinking water resources from oil contamination by controlling the location of oil storage facilities consistent with legislative policy under 38 M.R.S. §1391.
2. **Definitions.** The following terms as used in this Chapter have the following meaning:
 - A. **Aboveground heating oil supply tank.** "Aboveground heating oil supply tank" means an aboveground oil storage tank that is connected directly to an oil-burning heating appliance and is used solely to store heating oil.
 - B. **Aboveground oil storage facility.** "Aboveground oil storage facility" means any aboveground oil storage tank or tanks, together with associated piping, transfer and dispensing facilities located over land or water of the State at a single location for more than 4 months per year and used or intended to be used for the storage or supply of oil. Oil terminal facilities, as defined in 38 M.R.S. §542(7) are not included in this definition.
 - C. **Aboveground oil storage tank.** "Aboveground oil storage tank" means any aboveground container, less than 10 percent (%) of the capacity of which is beneath the surface of the ground, that is used or intended to be used for the storage or supply of oil. Included in this definition are any tanks situated upon or above the surface of a floor and in such a manner that they may be readily inspected. Drums or other storage containers that have a capacity of 60 gallons or less and oil-containing electrical equipment are not included in this definition.
 - D. **Bulk plant.** "Bulk plant" means an intermediate fuel oil distribution facility with truck loading racks.
 - E. **Chapter 34.** "Chapter 34" means the Department of Public Safety *Rules and Regulations for Flammable and Combustible Liquids*, 16-219 C.M.R. ch. 34.
 - F. **Chapter 691.** "Chapter 691" means the Department of Environmental Protection *Rules for Underground Oil Storage Facilities*, 06-096 C.M.R. ch. 691.
 - G. **Commissioner.** "Commissioner" means the Commissioner of the Department of Environmental Protection.
 - H. **Community drinking water well.** "Community drinking water well" means a public drinking water well that supplies a community water system as defined under 22 M.R.S. §2660-B(2).
 - I. **C.M.R.** "C.M.R." means the *Code of Maine Regulations*.
 - J. **Department.** "Department" means the Department of Environmental Protection composed of the Board of Environmental Protection and the Commissioner.
 - K. **Double-walled tank.** "Double-walled tank" means a tank with inner and outer walls separated by an interstitial space that allows detection and containment of leaks.

- L. Fire marshal.** "Fire Marshal" means the Office of the State Fire Marshal in the Department of Public Safety.
- M. Marketing and distribution facility.** "Marketing and distribution facility" means any underground and/or aboveground oil storage facility where oil is stored for eventual resale.
- N. M.R.S.** "M.R.S." means the *Maine Revised Statutes*.
- O. Oil.** "Oil" means oil, oil additives, petroleum products and their by-products of any kind and in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, oil mixed with other nonhazardous waste, crude oils and all other liquid hydrocarbons regardless of specific gravity. "Oil" does not include propane, liquefied natural gas or other liquefied petroleum that is a gas at ambient temperatures.
- P. Oil storage facility.** "Oil storage facility" or "facility" means an aboveground oil storage facility or an underground oil storage facility.
- Q. Person.** "Person" means any natural person, firm, association, partnership, corporation, trust, the State and any agency of the State, government entity, quasi-governmental entity, the United States and any agency of the United States and any other legal entity.
- R. Private drinking water well.** "Private drinking water well" means a well that is used to supply water for human consumption and that is not a public drinking water well.
- S. Public drinking water well.** "Public drinking water well" means a drinking water supply well for a public water system as defined in 22 M.R.S. §2601(8).
- T. Public drinking water supply.** "Public drinking water supply" means any well or other source of water that furnishes water to the public for human consumption for at least 15 connections, regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or that supplies bottled water for sale.
- U. Significant sand and gravel aquifer.** "Significant sand and gravel aquifer" means a porous formation of ice-contact and glacial outwash sand and gravel that contains significant recoverable quantities of water likely to provide drinking water supplies. For the purposes of this Chapter, surficial deposits with moderate to good potential ground water yield expected to yield 10 or more gallons per minute but no more than 50 gallons per minute are generally defined as moderate yield while surficial deposits with good to excellent ground water yield expected to yield greater than 50 gallons per minute are generally defined as high yield.
- V. Underground oil storage facility.** "Underground oil storage facility" means any underground oil storage tank or tanks, as defined in subsection W, below, together with associated piping and dispensing facilities located under any land at a single location and used, or intended to be used, for the storage or supply of oil, as defined in this Chapter. Underground oil storage facility also includes piping located under any land at a single location associated with above ground storage tanks and containing 10% or more of the facility's volume capacity.
- W. Underground oil storage tank.** "Underground oil storage tank" means any container, 10% or more of its volume being beneath the surface of the ground and which is used, or intended to be used, for the storage, use, treatment, collection, capture or supply of oil as defined in this

subchapter, but does not include any tanks situated in an underground area if these tanks or containers are situated upon or above the surface of a floor and in such a manner that they may be readily inspected. For the purpose of this Chapter, "underground oil storage tank" does not include underground propane storage tanks, underground oil-water separators, storm water and emergency catch basins, and hydraulic lift tanks. An overflow tank associated with an oil-water separator is considered an underground oil storage tank.

X. Wellhead protection zone. "Wellhead protection zone" means:

- (1) In the case of a private drinking water well, the area within 300 feet of the well; and
- (2) In the case of a public drinking water well, the greater of:
 - (a) The area within 1,000 feet of the well; and
 - (b) The source water protection area of the well if mapped by the Department of Health and Human Services as described under 30-A M.R.S. §2001(20-A).

3. Prohibition on facilities in wellhead protection zones. A person may not install or cause to be installed an oil storage facility in a wellhead protection zone. For the purposes of Section 3(A)(2) and (3), the oil storage facility owner shall notify the local public water utility or other community public water provider, if any, of their expansion or conversion intentions prior to the installation of any tanks.

A. Exceptions. The prohibition of this section does not apply to:

- (1) An underground oil storage facility in existence on September 30, 2001 or an aboveground oil storage facility in existence on September 30, 2008;
- (2) The replacement or expansion of an underground oil storage facility in existence on September 30, 2001 or an aboveground oil storage facility in existence on September 30, 2008 as long as the replacement or expansion occurs on the same property. The facility must meet all applicable requirements of Chapter 34 and Chapter 691 and, in the case of replacement, the facility owner:
 - (a) Within 30 days after removal of the existing facility, notifies the Commissioner in writing of the owner's intent to replace the facility and:
 - (i) If located in an organized area, notice must also be provided to the municipal code enforcement officer; or
 - (ii) If located in an unorganized or deorganized area, notice must also be provided to the Office of County Commissioners and the Maine Land Use Planning Commission (LUPC); and
 - (b) Commences construction of the replacement facility within two years and completes construction within five years after removal of the existing facility;
- (3) The conversion of an aboveground oil storage facility permitted by the Fire Marshal and in existence on September 30, 2001 to an underground oil storage facility or the conversion of an underground oil storage facility to an aboveground oil storage facility as long as the

conversion occurs on the same property. The facility must meet all applicable requirements of Chapter 691 and Chapter 34.

- (4) A facility used solely to store heating oil for consumption on the premises;
- (5) Facility components, such as buildings and parking lots, that are not designed or intended to contain oil in a liquid or vapor phase; or
- (6) The wellhead protection zone of a well located on the same property as the facility and serving only users of that property.

This subsection may not be interpreted to allow the conversion, expansion or replacement of an underground oil storage tank or underground oil storage facility subject to the abandonment requirements of 38 M.R.S. §566-A and Chapter 691 §11.

B. Variances. The Commissioner may grant a variance to the prohibition of this section if:

- (1) In the case of a community drinking water well, a private drinking water well or a well that supplies drinking water to a school, the applicant demonstrates to the Commissioner's satisfaction that no hydrogeologic connection exists between the proposed facility and the water supply at issue; or
- (2) In the case of a public drinking water well other than a community drinking water well or a drinking water well supplying drinking water to a school, the Commissioner determines that the engineering and monitoring measures proposed by the applicant exceed regulatory requirements and will effectively minimize the likelihood of drinking water contamination due to the discharge of oil.

In considering whether to grant a variance under this section, the Commissioner may consider the importance of the ground water resource, the hydrogeology of the site and other relevant factors. The Commissioner may require the applicant to provide additional information to be used in making this determination.

C. Special requirements for heating oil supply tanks. Effective July 1, 2009, a person may not install an aboveground heating oil supply tank in the wellhead protection zone of a community drinking water well unless:

- (1) The tank is a double-walled tank or has secondary containment approved by the Commissioner;
- (2) The tank and any secondary containment are listed and approved by a nationally recognized, independent testing authority; and
- (3) The tank is installed by a journeyman or master oil burner technician licensed by the Maine Fuel Board under 32 M.R.S. §2401-B or, in the case of an outside tank serving manufactured housing, by a person licensed by the Maine Fuel Board under 32 M.R.S. §2401 to install such tanks.

The requirements of this subsection do not apply to tanks with a capacity of more than 660 gallons or to tanks at an aboveground oil storage facility with an aggregate tank capacity of more than 1,320 gallons. The requirements of this section are in addition to any other installation standards provided for in law or rule.

4. **Prohibition on facilities on significant sand and gravel aquifers.** A person may not install or cause to be installed an oil storage facility on a significant sand and gravel aquifer mapped by the Maine Geological Survey. This prohibition applies regardless of proximity to a public or private drinking water well.

NOTE: Significant Sand and Gravel Aquifer maps are available at most municipal offices and from the Maine Geological Survey, (207) 287-2801.

A. Exceptions. The prohibition of this section does not apply to:

- (1) An underground oil storage facility in existence on July 1, 2002 or an aboveground oil storage facility in existence on July 1, 2010;
- (2) The replacement or expansion of a motor fuel or marketing and distribution underground oil storage facility in existence on July 1, 2002 or an aboveground oil storage facility permitted by the Fire Marshal and in existence on July 1, 2010 as long as the replacement or expansion occurs on the same property, the facility meets all applicable requirements of Chapter 691 and Chapter 34 and, in the case of replacement, the facility owner:
 - (a) Within 30 days after removal of the existing facility, notifies the Commissioner in writing of the owner's intent to replace the facility and:
 - (i) If located in an organized area, notice must also be provided to the municipal code enforcement officer; or
 - (ii) If located in an unorganized or deorganized area, notice must also be provided to the Office of County Commissioners and the Maine Land Use Planning Commission (LUPC); and
 - (b) Commences construction of the replacement facility within two years and completes construction within five years after removal of the existing facility;
- (3) The conversion of an aboveground oil storage facility permitted by the Fire Marshal and in existence on July 1, 2002 to an underground oil storage facility or the conversion of an underground oil storage facility to an aboveground oil storage facility as long as the conversion occurs on the same property and the facility meets all applicable requirements of Chapter 691 and Chapter 34;
- (4) A facility used solely to store heating oil for consumption on the premises;
- (5) Facility components, such as buildings and parking areas, that are not designed or intended to contain oil in a liquid or vapor phase;

- (6) A facility located on a mapped significant sand and gravel aquifer if a site specific hydrogeological investigation shows to the Commissioner's satisfaction that the location is not on a significant sand and gravel aquifer; or
- (7) A facility consisting of no more than two double-walled aboveground storage tanks with a total aggregate storage capacity of 1,100 gallons or less on a single parcel of property, provided the tanks are used exclusively to store diesel fuel for heavy equipment used to mine sand and gravel and further provided the tank meets the requirements of subsection B below.

This subsection may not be interpreted to allow the conversion, expansion or replacement of an underground oil storage tank or underground oil storage facility subject to the abandonment requirements of 38 M.R.S. §566-A and Chapter 691 §11.

B. Requirements for use of diesel fuel supply tanks on mapped significant sand and gravel aquifers. As provided under subsection A, paragraph 7, the aboveground storage of diesel fuel for equipment used to mine sand and gravel is exempt from the siting prohibition of this section provided:

- (1) The oil storage facility is part of a mining operation for sand and gravel licensed in accordance with 38 M.R.S. §§ 481 through 490 and 490-A through 490-K;
- (2) The tank is not located on a portion of the significant sand and gravel aquifer mapped as a high potential aquifer with a yield exceeding 50 gallons per minute; and
- (3) The tank is not located in a wellhead protection zone as defined by this Chapter;

NOTE: As resources allow, the Department may be able to assist a facility owner or operator in the determination of the GIS location of the proposed new tank location to determine if a proposed tank location qualifies for this exemption. Any request for assistance should be made at least 10 business days in advance of the planned installation date on the notification form.

- (4) The tank is an aboveground, double-walled tank with continuous interstitial space monitoring for leaks and installed in accordance with the following standards:
 - (a) The tank must be listed and constructed in accordance with Underwriters Laboratories Standards 142, 2080 or 2085;
 - (b) No product piping runs are associated with the tank, and the dispenser is located directly on the tank;
 - (c) The tank is equipped with an audible overfill alarm that alerts the operator when the tank is 90% of capacity, equipment that automatically shuts off the flow of the fuel when the tank is 95% or less of total capacity, and a visual product level gauge. Such equipment shall be installed by a manufacturer's certified representative or a Maine certified underground oil storage tank installer;
 - (d) Tanks and the vehicle fueling areas are located on a single impervious concrete pad or a continuous asphalt pad treated with a petroleum compatible polymer based sealant, installed and maintained in accordance with manufacturer instructions. The pad is to be of

adequate size to allow for the clean up of small spills before reaching surrounding soils; and

- (e) The tank and all other facility equipment are installed in accordance with the manufacturer's instructions and the rules of the Office of the State Fire Marshal in the Department of Public Safety adopted in accordance with 25 M.R.S. §2482, including but not limited to, maintaining a minimum of a 25-foot setback from all buildings, property lines and public roads.
- (5) The oil storage facility (i.e., tank, tank appurtenances and fueling area) is operated and maintained in accordance with the following requirements:
- (a) Evidence of a leak in the tank, including fuel in the tank interstitial space as indicated by the leak detection system, must be reported to the Department within 24 hours of discovery.
 - (b) The facility must be inspected for spills on days when it is in operation receiving or dispensing fuel and a written log or other documentation of the inspections must be maintained at the facility or the owner or operator's normal place of business for up to three calendar years, with the date and findings of each inspection and initialed by the person conducting the inspection.
 - (c) All oil spills and discharges must be reported to the Department within 2 hours of discovery, and immediately cleaned up to the Commissioner's satisfaction.

NOTE: Oil spills may be reported 24 hours a day at 1-800-482-0777

- (d) The overfill protection and prevention devices must be operated and maintained in accordance with manufacturer instructions;
 - (e) The facility owner or operator shall require fuel delivery personnel to: check in with the on-site representative of the owner or operator before filling a tank to verify the quantity ordered and the tank's ability to receive that volume; remain with the delivery vehicle and monitor filling of the tank; check that hose lines are properly connected and disconnected at the start and completion of the filling operation; inspect the filling area for spills; and report spills to the facility on-site representative. The facility owner and operator shall further ensure that delivery personnel know what procedures to follow in the event of an overfill or other spill; and
 - (f) A passing annual inspection of the facility must be submitted to the Department by July 1, 2013 and each year thereafter. The inspection must include, but is not limited to, certification that the overfill protection and prevention equipment and leak detection monitoring is operating properly. Any deficiencies discovered must be corrected prior to the annual July 1 inspection report submission deadline. The inspection must be conducted in accordance with the equipment manufacturer instructions and signed by a qualified representative of the facility owner or operator. The inspection results must be recorded and submitted on a form provided by the Commissioner.
- (6) The tank owner or operator submits a signed written notice and certification of compliance at least 24 hours prior to installation using a form provided by the Commissioner for that

purpose and including, at a minimum, the name and contact information for the facility's owner and operator, the tank GIS location, driving directions, the number of tanks and the maximum volume of each tank. The notice and certification may be provided on the day of installation if the installation is necessitated by any of the following:

- (a) An act of war;
 - (b) An act of God, meaning an unforeseeable act exclusively occasioned by the violence of nature without the interference of any human agency; or
 - (c) The proclamation of an emergency pursuant to 38 M.R.S. §547. The tank owner or operator shall submit an amended notice and certification of compliance within 5 business days of a change in the information provided on the form and within 5 business days of moving a tank between locations that previously have been certified as in compliance with this subsection.
- (7) The tank is properly abandoned if it is out of service or intended to be out of service for 24 or more consecutive months, including:
- (a) Removal of all diesel fuel from the tank;
 - (b) Removal of the tank;
 - (c) Proper disposal or re-use of the tank;
 - (d) Written notification to the Commissioner 10 business days prior to abandonment; and
 - (e) Completion and submission of an environmental site assessment to determine the presence of oil contamination within 30 days of the transfer of ownership, or a change from a mining operation to another land use, of the parcel upon which the tank was located. The site assessment shall be stamped by a Maine certified geologist, Maine licensed professional engineer, or a geologist or engineer otherwise in compliance with Maine' professional regulation statutes. The site assessment must be conducted to the satisfaction of the Commissioner and must include adequate soil sampling and analyses representative of soil conditions immediately surrounding and underlying the facility and sufficient to determine if any contamination is a risk to ground water. Soil analyses must be conducted using a field method approved by the Commissioner and confirmed with a laboratory soil analysis from soil with the highest field readings. Laboratory samples are to be analyzed by a laboratory method approved by the Commissioner and by a laboratory certified by the State of Maine to conduct this analysis.

C. Variance for polluted significant sand and gravel aquifers and other significant sand and gravel aquifers with low potential for use. The Commissioner may grant a variance to the prohibition of this section if the proposed facility meets the design standards of section 5 and the Commissioner finds that the aquifer has a low potential for future use as a public or private drinking water supply because one of the following circumstances applies:

- (1) The proposed facility is located in an urban area of dense commercial or industrial land uses or an area where a public water supply well is unlikely in the foreseeable future and a public

drinking water system serves all drinking water users within 1,000 feet of the proposed facility;

- (2) The proposed facility is located in an area where the installation of drinking water supply wells within 1,000 feet of the proposed facility site is prohibited by property deed restrictions, municipal land use ordinance or a zoning rule of the Maine LUPC; or
- (3) The applicant has submitted hydrogeological studies or ground water quality testing data demonstrating to the Commissioner's satisfaction that:
 - (a) The significant sand and gravel aquifer is polluted with one or more man-made contaminants in concentrations exceeding federal maximum contaminant levels (MCLs) or an MCL or maximum exposure guideline (MEG) established by the Maine Center for Disease Control and Prevention; and
 - (b) The significant sand and gravel aquifer has not been and is not now the subject of a Commissioner-supervised remediation effort with the goal of the eventual restoration of, or the protection of, ground water in the significant sand and gravel aquifer to a quality suitable for human consumption.

D. Variance for moderate yield significant sand and gravel aquifers. The Commissioner may grant a variance to the prohibition of this section if the applicant demonstrates to the Commissioner's satisfaction that:

- (1) The significant sand and gravel aquifer is mapped by the Maine Geological Survey as generally yielding 10 or more gallons per minute but no more than 50 gallons per minute or the applicant has determined, and the Commissioner has concurred, that the ground water yield of the aquifer at the proposed facility location generally yields 10 or more gallons per minute but no more than 50 gallons per minute as confirmed by conducting a Commissioner-approved hydrogeological evaluation in accordance with Appendix A.

The Commissioner may require a hydrogeologic evaluation, as defined in Appendix A of this rule, when a proposed facility is located in an area identified by the Department as an area with a high likelihood of containing an unmapped, high yield significant sand and gravel aquifer, including but not limited to aquifers associated with a surface water body or containing deep glacial drift deposits, or an area with a high likelihood of being used for a public water supply or the expansion of an existing public water utility. This determination will be made based on readily available information and best professional judgement and input from the local public water utility, if any; and

- (2) The proposed facility meets the design standards of section 5.

E. Variance for municipalities located on high yield significant sand and gravel aquifers. The Commissioner may grant a variance to the prohibition of this section if the applicant demonstrates to the Commissioner's satisfaction that:

- (1) The majority of the land area of the municipality or town center is located on a high yield significant sand and gravel aquifer as delineated by Maine Geological Survey mapping or a Commissioner-approved hydrogeological evaluation conducted in accordance with Appendix A;

- (2) The proposed facility meets the design standards of section 5;
- (3) The facility is staffed at all times when oil is being pumped; and
- (4) The municipality submits a letter stating that the facility is needed within the community and the specific location is acceptable to the municipality and the public water utility, if any.

F. High yield significant sand and gravel aquifers; variance prohibited. Except for sections 4(C) or 4(E), the Commissioner shall not grant a variance from the prohibition of this section if any part of the proposed facility site overlies a mapped significant sand and gravel aquifer that has good to excellent potential ground water yield, generally exceeding 50 gallons per minute. High yield significant sand and gravel aquifers include:

- (1) Any area designated on a Maine Geological Survey map as a significant sand and gravel aquifer with good to excellent yields of greater than 50 gallons per minute;
- (2) An aquifer or ground water resource protection zone as designated in a municipal ordinance or a LUPC zoning rule;
- (3) The source water or recharge area of a community public drinking water system supply well, including a well that is in the process of being developed, or areas within 1,000 feet of such a well, whichever is greater, provided the significant sand and gravel aquifer has been found to yield more than 50 gallons per minute, based on hydrogeological pump test data and analysis by a Maine-certified geologist; or
- (4) A portion of a mapped significant sand and gravel aquifer that, based on a borehole test conducted in the center of a proposed facility site and in accordance with Appendix A of this Chapter, is expected to yield more than 50 gallons per minute.

NOTE: If the applicant believes that a high yield significant sand and gravel aquifer, as listed above, has been incorrectly mapped or identified, the applicant should engage the entities responsible for that mapping or identification regarding appropriate changes.

5. Design standards. The design of a proposed facility granted a variance under sections 3(B), 4(C), 4(D) or 4(E) must meet the requirements of this section.

A. The facility must be designed, installed, operated and monitored with a combination of leak detection and spill prevention equipment, discharge monitoring equipment, or other engineering, operational and monitoring measures that collectively are more stringent than state and federal requirements as determined by the Commissioner to effectively minimize the risk of oil discharges and the likelihood of future ground water contamination; and

NOTE: The following are examples of an acceptable combination of leak detection and spill prevention equipment and discharge monitoring equipment: overfill alarms and positive shut-off devices, remote leak detection alarms, electronic solenoid valves, pump shut-off probes with telemetry, electronic line leak detectors, and concrete pads in tank refueling areas.

- B. The facility must implement a Commissioner-approved facility-specific communication and training program to address potential catastrophic releases due to equipment failure, delivery accidents and human error.
6. **Variance procedure.** Processing of applications for a variance under sections 3 and 4 including, but not limited to, application requirements, public notice, and appeal procedures, are governed by the Department's *Rule Concerning the Processing of Applications and Other Administrative Matters*, 06-096 C.M.R. ch. 2, except as specified below.
- A. **Application requirements.** Requests for variance from the siting restrictions of this Chapter must be submitted in writing on forms provided by the Commissioner. In addition to the information required under Chapter 2 §11, the application must include at a minimum the following information:
- (1) The registration materials required under Chapter 691 §4;
 - (2) The names and mailing addresses of all abutters to the property on which the facility is proposed;
 - (3) A plan view of the proposed facility showing the precise location and footprint of all facility components that will contain oil in either a liquid or vapor phase;
 - (4) The map coordinates of each corner of the facility footprint and any proposed ground water monitoring wells to sub-meter precision and accuracy in a format compatible with the State of Maine Geographical Information System;

NOTE: The Maine Geographic Information System (GIS) uses as a standard the Universal Traverse Mercator (UTM) system. The datum system used is the NAD83 (North American Datum 1983) version.

- (5) If a variance is sought under section 3(B) or (C) of this chapter, a written report supporting the variance request. If the report includes ground water quality or other hydrogeological data that was collected and interpreted in support of the variance request, the data and its written analysis must be certified by a Maine-certified geologist. If the variance request is based on a municipal land use ordinance, the report must include a copy of the relevant sections of the ordinance and a copy of the relevant land use mapping, certified by an authorized official of that municipality as being current and true copies. The proposed facility site location must be accurately shown on the land use map; and
- (6) If a variance is sought under sections 3(B), 4(C), 4(D) or 4(E) of this chapter, facility design meeting the standards of section 5 and a narrative explaining how the enhancements will effectively minimize the risk of oil discharges and the likelihood of future ground water contamination.

NOTE: A pre-application meeting with the Department is recommended to ensure the applicant understands the variance requirements as they may apply to the specific proposed facility site. Such meetings usually avoid misunderstandings of expectations and processing delays.

B. Public notice. Within 30 days before filing an application, the applicant shall provide notice by certified mail of the application:

- (1) To the chief administrative officer and planning board chairperson of the municipality in which the facility is proposed to be located, or to the county commissioners and the LUPC director if the facility is proposed in an unorganized or deorganized area;
- (2) To the local public water utility or other community public water provider, if any;
- (3) To abutters of the property on which the facility is proposed;
- (4) To other interested persons who have requested in writing of the Commissioner to receive materials related to a particular application; and
- (5) By publication once in a newspaper generally circulated in the area where the facility is proposed.

The notice must include the information listed in Chapter 2 §14(A), including, but not limited to, a statement that public comments on the variance application may be provided to the Department.

C. Public meeting. In lieu of, or in addition to, holding a public hearing on a variance application as provided under Chapter 2 §7, the Commissioner may hold a public informational meeting where deemed appropriate for the applicant to provide information about the variance request to interested persons. If the Commissioner decides to hold a public meeting, notice must be sent at least 10 business days prior to the meeting to the applicant, abutters, the local public water utility or community water provider, the planning board chairperson and chief administrative officer of the municipality in which the facility is proposed (or the LUPC director and appropriate county commissioners if the facility is proposed in an unorganized or deorganized area) and other interested persons who have requested in writing of the Commissioner to receive materials related to a particular application.

D. Decision; appeal. The Commissioner may deny a variance request or approve the request with or without conditions. The decision must be in writing with findings sufficient to explain the basis of the decision. A copy of the decision must be provided to the applicant, abutters, the local public water utility or community water provider, and the planning board chairperson and chief administrative officer of the municipality in which the facility is proposed (or the LUPC director and county commissioners if the facility is proposed in an unorganized or deorganized area). Copies also must be provided to other interested persons upon request. Each copy must be accompanied by a plain statement of the rights of administrative and judicial review of the decision and the time within which those rights must be exercised, as provided under 38 M.R.S. §341-D(4)(A) and Chapter 2 §24.

E. Transfer of Variances. Variance approvals are not transferrable unless the Department approves a license transfer pursuant to Chapter 2 and applicable law.

APPENDIX A: Determination of the Water Supply Potential of a Proposed New Oil Storage Facility on a Mapped Significant Sand and Gravel Aquifer

If the proposed facility site falls within a significant sand and gravel aquifer mapped as potentially yielding 10 or more gallons per minute (gpm) but no more than 50 gpm (moderate yield) or more than 50 gpm (high yield), the applicant may implement a Commissioner-approved hydrogeological evaluation to verify the actual aquifer yield at the location of the proposed facility.

The hydrogeological evaluation must determine to the Commissioner's satisfaction the well yield from a properly constructed well in the sand and gravel aquifer beneath the site. The hydrogeological plan and associated fieldwork must be completed by a Maine-certified geologist with demonstrated experience in hydrogeology. A written report, signed and certified by the Maine-certified geologist supervising the work, must be submitted to the Department for review and approval.

The Sand and Gravel Aquifer Mapping Program at the Maine Geological Survey has used a single-borehole evaluation to estimate the projected long-term yield of aquifers. The techniques are described on pages 15 to 18 of Maine Geological Survey Open File No. 98-2, Hydrogeology and Water Quality of Significant Sand and Gravel Aquifers in Parts of Piscataquis and Somerset Counties, Maine, 1998, Nichols, W. J., Neil, C. D., Locke, D. B. and Foley, M. E. (authors). Using this method, a single borehole is advanced to the bedrock surface with continuous soils sampling. Geological information including material observations and aquifer thickness, along with the grain size analysis of the representative soils in the overburden is used to calculate the aquifer transmissivity and to estimate the long-term yield of a well at that location. The Commissioner may consider other methods of aquifer evaluation based on the available hydrogeologic data of the aquifer if the data is considered to be applicable to the site under consideration.

NOTE: Copies of the above referenced technical document are available from the Department or the Maine Geological Survey.

STATUTORY AUTHORITY:

38 M.R.S. §§ 341-H and 1400; Public Laws 2007, chapter 569, §7; Resolves 2011, chapters 26 and 149

EFFECTIVE DATE:

April 24, 2010 – filing 2010-104
April 24, 2012 – filing 2012-109 (EMERGENCY)
July 23, 2012 – filing 2012-206
August 7, 2019 – filing 2019-116



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF REMEDIATION AND WASTE MANAGEMENT
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688

VARIANCE APPLICATION
FOR FACILITIES LOCATED OVER
SIGNIFICANT SAND AND GRAVEL AQUIFERS

This application is for a variance from the prohibition on new underground oil storage (UST) and aboveground oil storage (AST) facilities within mapped significant sand and gravel aquifers. Maine law prohibits installation of USTs and ASTs within significant sand and gravel aquifers mapped by the Maine Geological Survey unless a variance is granted by the Department of Environmental Protection (DEP). *Waters and Navigation, ch. 13(D): Wellhead Protection*, 38 M.R.S. §§1391 to 1400 (2007) and *Siting of Oil Storage Facilities*, 09-096 ch. 692 (last amended August 4, 2019) of DEP rules. In considering whether to grant a variance, the Commissioner may consider the potential for use of the aquifer as a ground water resource, the engineering or monitoring measures proposed by the applicant, the geology of the site and other relevant factors.

General Instructions:

1. Be sure to submit the application well in advance of the date on which you plan to construct or operate the facility, six months in advance would be ideal.
2. Prior to completing the application, a pre-application meeting with the DEP staff is recommended to discuss the proposed facility. Call the DEP Underground Tank Registration staff at (207) 287-7688 to arrange a pre-application meeting.
3. Answer all questions. **INCOMPLETE APPLICATIONS WILL BE RETURNED.**
4. If a question does not apply, indicate such and explain why.
5. All design plans, drawings, site plans and maps must be on sheets no smaller than 8 ½" x 11" and no larger than 30"x 40". All drawings and plans must have Universal Transverse Mercator (UTMs) map projection using the North American Datum (NAD83) coordinate units in meters or in Latitude/Longitude decimal degree coordinates (not degrees in minutes and seconds) and have sub-meter accuracy and precision. Data and maps should be folded to size 8 ½" x 11".
6. All engineering designs, reports, plans and other technical engineering documents must be signed and certified by a State of Maine Licensed Professional Engineer.
7. All geologic and hydrogeologic reports must be signed and certified by a State of Maine certified geologist.

8. Within 30 days before filing the application and at least ten days before holding any Public Informational Meeting (see paragraph 9 below), you must provide public notice. The attached form-NOTICE OF APPLICATION and PUBLIC INFORMATION MEETING is supplied for your use.

The notice must be sent by certified mail to: the chief administrative officer (town manager, first select person etc.) and the planning board chairperson of the municipality in which the facility is proposed, or the county commissioners and the Land Use Planning Commission director if the facility is proposed in an unorganized or deorganized area; local public water utility or other community public water provider, if any; abutting property owners; and other interested parties who have notified the Department of their interest in receiving variance notices. A list of the names and mailing addresses of interested parties may be obtained from the Department.

A copy of the notice must also be published once in a newspaper generally circulated in the area where the facility is proposed.

9. The DEP requires that you schedule and hold a Public Informational Meeting at a convenient time and location near the proposed facility site.

The purpose of the meeting is to provide concerned parties an opportunity to find out what is proposed and what provisions are being made to minimize potential threats to public health and the environment. The usual format of this meeting is for the applicant to explain the application and respond to questions regarding it. This meeting also provides you the opportunity to modify the proposal if appropriate, based upon public input.

Please see the **Timeline** at the end of this application to determine dates for mailing and publishing the notice, holding the public meeting and submitting the application.

10. Applicants should review 06-096 C.M.R. ch. 691 & 06-096 C.M.R. ch. 692 of DEP rules. These rules set forth the prohibitions and standards regarding siting new underground & aboveground oil storage facilities over mapped significant sand and gravel aquifers. For your convenience excerpts from ch. 692 are attached to this application. Keep a complete copy of the application for your files.
12. If the Department determines that the new or additional information is significant or substantially modifies the application at any time after acceptance of the application as complete, you must provide notice of the additional information to abutters and interested persons. The Department may also require additional public notice if a substantial period of time has elapsed since the original public notice.
13. Send the application, including supporting material to:

Attn: Licensing Unit Leader
Maine Department of Environmental Protection
Petroleum Management Division
17 State House Station
Augusta, ME 04333-0017

VARIANCE APPLICATION
FOR THE SITING OF UNDERGROUND & ABOVEGROUND OIL STORAGE FACILITIES
OVER SIGNIFICANT SAND AND GRAVEL AQUIFERS

Please Type or Print in Ink:

Name of Applicant: _____ Owner ☐ Operator ☐ Check one
or both

Mailing Address: _____ Telephone: _____

City: _____ State: _____ Zip Code: _____

Contact person (name, address, and telephone): _____

LOCATION OF PROPOSED UNDERGROUND AND/OR ABOVEGROUND
OIL STORAGE FACILITY

Name of Facility: _____

Street or Route Number: _____

Municipality or Township: _____

County: _____

Facility Owner: (If different than applicant): _____

Owner's Mailing Address & Telephone: _____

Date notice was published: _____ Name of newspaper: _____

Date the Public Informational Meeting was held: _____

Approximate number of meeting attendees: _____

Issues identified at Public Informational Meeting: _____

Changes made to proposed facility to address issues identified at Public Informational Meeting:

General Requirements:

1. Provide a copy of the deed to the project site or other evidence that you have sufficient title, right or interest in the property on which the proposed facility is to be sited.

2. Indicate below the type of variance requested, select either Option One, Two or Three:

☐ **Option One - Aquifer with Low Potential for Use with measures more stringent than state and federal requirements (pick one of the below options and complete Attachment A):**

- ☐ The proposed facility is in an urban area of dense commercial or industrial land uses or an area where a public water supply well is unlikely in the foreseeable future and a public drinking water system serves all drinking water users within 1,000 feet of the proposed facility, or
- ☐ The proposed facility is in an area where the installation of drinking water supply wells within 1,000 feet of the proposed facility site is prohibited by property deed restrictions, municipal land use ordinance or a zoning rule of the Maine LUPC; or
- ☐ The significant sand and gravel aquifer is polluted with one or more man-made contaminants in concentrations exceeding federal maximum contaminant levels (MCLs) or an MCL or maximum exposure guideline (MEG) established by the Maine Center for Disease Control and Prevention;

☐ **Option Two – Moderate Yield Aquifer with measures more stringent than state and federal requirements (complete Attachment B):**

☐ **Option Three – Municipality on High Yield Aquifer with measures more stringent than state and federal requirements (pick one of the below options and complete Attachment C)**

- ☐ The majority of the land area of the municipality or town center is located on a high yield significant sand and gravel aquifer as delineated by Maine Geological Survey mapping, or
- ☐ The majority of the land area of the municipality or town center is located on a high yield significant sand and gravel aquifer as delineated by a Commissioner-approved hydrogeological evaluation conducted in accordance with Appendix A.

3. Attach a list of names and mailing addresses of all abutters to the property on which the facility is proposed.
4. Owners of underground and aboveground tanks with underground piping must complete a registration form for the proposed facility as required by 06-096 C.M.R. ch 691.
5. Owners of aboveground facilities need to register with the State Fire Marshal and under Oil Pollution Prevention, 40 C.F.R. § 112 (last amended July 17, 2002) develop spill contingency plans.

6. Enclose a scale plan view drawing of the proposed facility tied to a property marker or other permanent structure. The drawing must show the proposed location and footprint of all facilities including all tanks, piping and dispensers and other facility components intended to contain product (either as a liquid or vapor) relative to other site features, including existing buildings and adjacent roads (See attachments D and E).
7. Enclose a copy of the Maine Geological Survey (MGS) aquifer map on which you have plotted the UTM (Universal Transverse Mercator) map coordinates of the facility footprint and any ground water monitoring wells. Plot the coordinates using North American Datum (NAD 83) standards to sub-meter accuracy & precision.
8. Include a description (narrative, site plans, drawings, maps, etc.) of engineering and monitoring plans that exceed regulatory requirements. The narrative must explain in detail how these plans collectively reduce the risk of future ground water contamination at the site.

By signing this application, the applicant certifies that he or she has given public notice and held a Public Informational Meeting in accordance with the application instructions and 06-096 C.M.R. ch. 692 of DEP rules.

The applicant further certifies under penalty of law that he or she has examined and is familiar with the information submitted in this document and all attachments thereto and that, based on his or her inquiry of those individuals immediately responsible for obtaining the information, believes the information to be true, accurate and complete. The applicant is aware that there are significant penalties for submitting false information, including the possibility of fine and/or imprisonment.

Date: _____

(Signature of Owner-Applicant)

(Printed Name and Title)

Date: _____

(Signature of Operator-Applicant
(if different from above))

(Printed Name and Title)

NOTE: Where owner and operator are not the same person, either may obtain the variance but both must sign and certify the application.

Attachment A – Option One

**Aquifer with Low Potential for Use
with measures more stringent than state and federal requirements**

Please submit information to support each of the below statements, where applicable:

- (1) A public water system serves all water users within 1,000 feet of the proposed facility.

Yes ☐ No ☐ If yes, attach documents to support this statement.

- (2) The site is in an urban area or an area made up of dense commercial or industrial land uses, or an area where a public water supply well is unlikely in the foreseeable future.

Yes ☐ No ☐ If yes, attach documentation to support this statement.

- (3) The installation of drinking water supply wells within 1,000 feet of the proposed facility is prohibited by property deed restrictions, municipal land use ordinance, or a zoning rule of the Maine Land Use Planning Commission (LUPC).

Yes ☐ No ☐ If yes, attach documentation to support this statement.

- (4) Hydrogeological studies or ground water quality testing data show that the significant sand and gravel aquifer is polluted with one or more man-made contaminants in concentrations exceeding federal maximum contaminant levels (MCLs), or the State of Maine maximum exposure guideline (MEG) established by the Maine Bureau of Health.

Yes ☐ No ☐ If yes, attach documentation to support this statement and answer question #5.

- (5) The aquifer's man-made contaminated ground water has not been and is not now the subject of a Commissioner-supervised remediation effort with the goal of the eventual restoration of or the protection of ground water in the aquifer to a quality suitable for human consumption.

Yes ☐ No ☐ If yes, attach documentation to support this statement.

- (6) Other documentation that demonstrates that the aquifer is unsuitable or unavailable as a future public or private drinking water resource.
Attach documentation to support this statement.

- (7) The facility must be designed, installed, operated and monitored with a combination of leak detection and spill prevention equipment, discharge monitoring equipment, or other engineering, operational and monitoring measures that collectively are more stringent than state and federal requirements as determined by the Commissioner to effectively minimize the risk of oil discharges and the likelihood of future ground water contamination.

Attach documentation of the proposed measures that exceed state and federal regulatory requirements that will minimize the risk of oil discharges and future ground water contamination.

NOTE: The following are examples of an acceptable combination of leak detection and spill prevention equipment and discharge monitoring equipment: overfill alarms and positive shut-off devices, remote leak detection alarms, electronic solenoid valves, pump shut-off probes with telemetry, electronic line leak detectors, and concrete pads in tank refueling areas.

- (8) The facility must implement a Commissioner-approved facility-specific communication and training program to address potential catastrophic releases due to equipment failure, delivery accidents and human error.

Attach documentation of the proposed communication and training program.

Attachment B – Option Two

**Moderate Yield Aquifer
with measures more stringent than state and federal requirements**

Please submit information to support each of the below statements, where applicable:

- (1) The significant sand and gravel aquifer is mapped by the Maine Geological Survey as generally yielding 10 or more gallons per minute but no more than 50 gallons per minute.

Yes ☐ No ☐ If yes, attach documentation to support this statement.

- (2) The applicant has determined, and the Commissioner has concurred, that the ground water yield of the aquifer at the proposed facility location generally yields 10 or more gallons per minute but no more than 50 gallons per minute as confirmed by conducting a Commissioner-approved hydrogeological evaluation in accordance with Appendix A.

Yes ☐ No ☐ If yes, attach documentation to support this statement.

- (3) The facility must be designed, installed, operated and monitored with a combination of leak detection and spill prevention equipment, discharge monitoring equipment, or other engineering, operational and monitoring measures that collectively are more stringent than state and federal requirements as determined by the Commissioner to effectively minimize the risk of oil discharges and the likelihood of future ground water contamination.

Attach documentation of the proposed measures that **exceed** state and federal regulatory requirements that will minimize the risk of oil discharges and future ground water contamination.

NOTE: The following are examples of an acceptable combination of leak detection and spill prevention equipment and discharge monitoring equipment: overfill alarms and positive shut-off devices, remote leak detection alarms, electronic solenoid valves, pump shut-off probes with telemetry, electronic line leak detectors, and concrete pads in tank refueling areas.

- (4) The facility must implement a Commissioner-approved facility-specific communication and training program to address potential catastrophic releases due to equipment failure, delivery accidents and human error.

Attach documentation of the proposed communication and training program.

Attachment C – Option Three

**Municipality on High Yield Aquifer
with measures more stringent than state and federal requirements**

Please submit information to support each of the below statements, where applicable:

- (1) The majority of the land area of the municipality or town center is located on a high yield significant sand and gravel aquifer as delineated by Maine Geological Survey mapping or a Commissioner-approved hydrogeological evaluation conducted in accordance with Appendix A.

Yes ☐ No ☒ If yes, attach documentation to support this statement.

- (2) The facility is always staffed when oil is being pumped.

Yes ☐ No ☒ If yes, attach documentation to support this statement.

- (3) The facility must be designed, installed, operated and monitored with a combination of leak detection and spill prevention equipment, discharge monitoring equipment, or other engineering, operational and monitoring measures that collectively are more stringent than state and federal requirements as determined by the Commissioner to effectively minimize the risk of oil discharges and the likelihood of future ground water contamination.

Attach documentation of the proposed measures that **exceed** state and federal regulatory requirements that will minimize the risk of oil discharges and future ground water contamination.

NOTE: The following are examples of an acceptable combination of leak detection and spill prevention equipment and discharge monitoring equipment: overfill alarms and positive shut-off devices, remote leak detection alarms, electronic solenoid valves, pump shut-off probes with telemetry, electronic line leak detectors, and concrete pads in tank refueling areas.

- (4) The facility must implement a Commissioner-approved facility-specific communication and training program to address potential catastrophic releases due to equipment failure, delivery accidents and human error.

Attach documentation of the proposed communication and training program.

- (5) Attach a copy of the municipality letter stating that the facility is needed within the community and the specific location is acceptable to the municipality.
- (6) For situations where a public water utility exists, attach a copy of the public water utility letter stating that the specific location of the proposed facility is acceptable to the public waste utility.

**NOTICE OF APPLICATION
and
PUBLIC INFORMATIONAL MEETING**

Please take notice that _____

(name, address, and phone number of applicant)

has filed a variance application with the Maine Department of Environmental Protection (DEP) pursuant to the provisions of 38 M.R.S. § 1391 for the siting of a new underground and/or aboveground oil storage facility over a significant sand and gravel aquifer _____.

(estimated submittal date)

The application is for _____
(summary of project)

at _____ in _____.
(project street address) (municipality)

The applicant will hold a **Public Informational Meeting** _____, located on
(facility)

_____ in _____ between the
(Street address) (Town or City and State)

hours of _____ and _____ on _____. The purpose of this meeting is to
(start time) (end time) (Date)

provide information about this project to any interested parties.

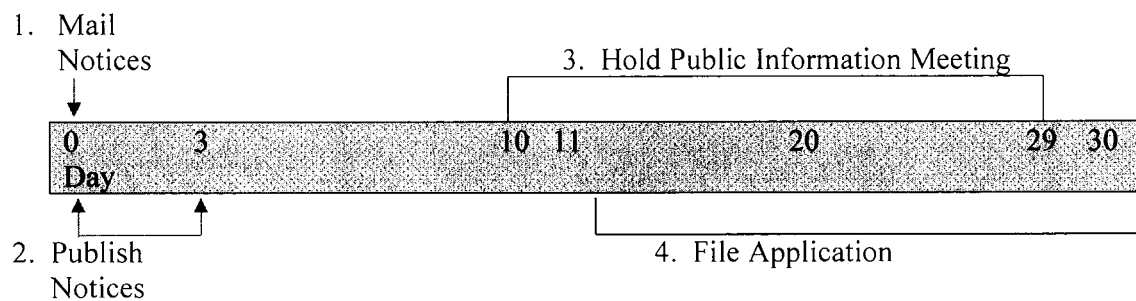
A request for a public meeting must be in writing and must be received by the Department, no later than twenty (20) days after the application is accepted by the Department as complete for processing. Written comment from interested parties will be accepted throughout the processing of the application.

The application and supporting documentation are available for review at the Augusta office, located in the Ray Building on the at 28 Tyson Drive during normal working hours. A copy of the application and supporting documentation may also be seen at the municipal office in _____, Maine.
(town)

Send written comments to the **Licensing Unit Leader, Petroleum Management Division at the Bureau of Remediation and Waste Management, 17 State House Station, Augusta, Maine 04333-0017.**

1. The combined Notice of Intent to File must be advertised once by the applicant in a newspaper of general circulation in the project location, and is to be mailed by certified mail to:
 - (a) The chief administrative officer and planning board chairperson of the municipality in which the facility is proposed to be located, or to the county Commissioners and the LURC director if the facility is proposed in an unorganized township or plantation;
 - (b) The local public water utility or other community public water provider, if any;
 - (c) Abutters of the property on which the facility is proposed;
 - (d) Other interested persons who have requested in writing of the Commissioner to receive variance notices, a list of such persons and their mailing addresses to be maintained by the Commissioner; and
2. A copy of the published notice is to be submitted with the application.
3. Please refer to the **Timeline**.

Timeline of Combined Notice



Steps:

1. **Mail Notices** - The clock starts at day 0 when the notices are sent by certified mail to the abutters and to the municipal office.
2. **Public Notices** - Publication date must be within three (3) days of mailing notices. Publication must be made in newspaper of general circulation in the project location.
3. **Hold Public Informational Meeting** – A meeting must be held at least ten (10) days after mailing notices and seven (7) days after publishing notices. The meeting must be held before the application is filed.
4. **File Application** - Application must be filed with the Department no more than thirty (30) days after the notices are mailed. Please allow yourself ample time between the meeting date and the filing date to be able to report results of the meeting on the application. You may also find that because of the public meeting, you may want or need to modify your application to address concerns of the public.

Note: Days refer to calendar days. If day 30 falls on a weekend or holiday, the deadline moves to the next business day.

Attachment D

ENGINEERING AND MONITORING MEASURES

The following is a menu of Engineering and Monitoring Measures beyond current minimum regulatory requirements. The Department considers these to provide increased level of ground water protection in proximity to existing and future supplies.

Potential Sources Of Releases:	Preventive Engineering and Monitoring Options:
Delivery spills	Overfill alarms and positive shut-off devices.
Leaking submersible pump, manifold and/or pressurized product piping	Electronic sump sensors and electronic line leak detectors installed to a pump interface to shut down relevant submersible pumps entering the affected sump and with telemetry to send an alarm to owner/operator during non-operating or non-attended hours.
Tank top sumps	Double walled continuously monitored sumps
Dispenser sump leaks.	Double wall continuously monitored dispenser sumps. Electronic sump sensor installed to a pump interface to shut down the relevant submersible or suction pumps entering the affected sump and with telemetry to send an alarm to owner/operator during non-operating or non- attended hours.
Aboveground tank siphoning release due to piping damage.	Electronic solenoid valves.

Example of Retail Facility Site Drawing

**Bob's Eats & Gas
Convenience Store
Noplace, Maine**

Report Area #1
(K-1 Tank Area)

Location	UTM Coordinates
★ 1	N 4981432.3 E 499449.7
★ 2	N 4981430.3 E 499452.2
★ 3	N 4981423.9 E 499447.8
★ 4	N 4981425.6 E 499445.6

K-1 tank
& dispenser

**Bob's
Eats & Gas**

Vent

Vent
Lines

Report Area #2
(Dispenser Island, Product Lines
and Underground Storage Tanks Area)

Location	UTM Coordinates
★ 5	N 4981408.9 E 499449.6
★ 6	N 4981391.5 E 499478.5
★ 7	N 4981405.9 E 499488.6
★ 8	N 4981400.7 E 499496.5
★ 9	N 4981380.7 E 499482.6
★ 10	N 4981404.4 E 499446.5

Product Lines



US Route 350

APPENDIX A

Determination of the Water Supply Potential of a Proposed New Oil Storage Facility on a Mapped Significant Sand and Gravel Aquifer

If the proposed facility site falls within a significant sand and gravel aquifer mapped as potentially yielding 10 or more gallons per minute (gpm) but no more than 50 gpm (moderate yield) or more than 50 gpm (high yield), the applicant may implement a Commissioner-approved hydrogeological evaluation to verify the actual aquifer yield at the location of the proposed facility.

The hydrogeological evaluation must determine to the Commissioner's satisfaction the well yield from a properly constructed well in the sand and gravel aquifer beneath the site. The hydrogeological plan and associated fieldwork must be completed by a Maine-certified geologist with demonstrated experience in hydrogeology. A written report, signed and certified by the Maine-certified geologist supervising the work, must be submitted to the Department for review and approval.

The Sand and Gravel Aquifer Mapping Program at the Maine Geological Survey has used a single-borehole evaluation to estimate the projected long-term yield of aquifers. The techniques are described on pages 15 to 18 of Maine Geological Survey Open File No. 98-2, Hydrogeology and Water Quality of Significant Sand and Gravel Aquifers in Parts of Piscataquis and Somerset Counties, Maine, 1998, Nichols, W. J., Neil, C. D., Locke, D. B. and Foley, M. E. (authors). Using this method, a single borehole is advanced to the bedrock surface with continuous soils sampling. Geological information including material observations and aquifer thickness, along with the grain size analysis of the representative soils in the overburden is used to calculate the aquifer transmissivity and to estimate the long-term yield of a well at that location. The Commissioner may consider other methods of aquifer evaluation based on the available hydrogeologic data of the aquifer if the data is considered to be applicable to the site under consideration.

NOTE: Copies of the above referenced technical document are available from the Department or the Maine Geological Survey.

Appendix B

Excerpts from Chapter 692:

Definitions

- A. Aboveground heating oil supply tank.** "Aboveground heating oil supply tank" means an aboveground oil storage tank that is connected directly to an oil-burning heating appliance and is used solely to store heating oil.
- B. Aboveground oil storage facility.** "Aboveground oil storage facility" means any aboveground oil storage tank or tanks, together with associated piping, transfer and dispensing facilities located over land or water of the State at a single location for more than 4 months per year and used or intended to be used for the storage or supply of oil. Oil terminal facilities, as defined in *Oil Discharge Prevention and Pollution Control Act*, 38 M.R.S. § 542(7) (2015) are not included in this definition.
- C. Aboveground oil storage tank.** "Aboveground oil storage tank" means any aboveground container, less than 10% of the capacity of which is beneath the surface of the ground, that is used or intended to be used for the storage or supply of oil. Included in this definition are any tanks situated upon or above the surface of a floor and in such a manner that they may be readily inspected. Drums or other storage containers that have a capacity of 60 gallons or less and oil-containing electrical equipment are not included in this definition.
- D. Bulk plant.** "Bulk plant" means an intermediate fuel oil distribution facility with truck loading racks.
- E. Chapter 34.** "Chapter 34" means the Department of Public Safety Rules and Regulations for Flammable and Combustible Liquids, 16-219 C.M.R. ch. 34 (last amended March 17, 2009).
- F. Chapter 691.** "Chapter 691" means the Department of Environmental Protection Rules for Underground Oil Storage Facilities, 06-096 C.M.R. ch. 691 (last amended January 7, 2014).
- G. Commissioner.** "Commissioner" means the Commissioner of Environmental Protection.
- H. Community drinking water well.** "Community drinking water well" means a public drinking water well that supplies a community water system as defined under *Health and Welfare*, 22 M.R.S. § 2660-B(2) (1993).
- I. CMR.** "CMR" means the Code of Maine Regulations.
- J. Department.** "Department" means the Department of Environmental Protection composed of the Board of Environmental Protection and the Commissioner.
- K. Double-walled tank.** "Double-walled tank" means a tank with inner and outer walls separated by an interstitial space that allows detection and containment of leaks.
- L. Fire marshal.** "Fire marshal" means the Office of the State Fire Marshal in the Department of Public Safety.
- M. Marketing and distribution facility.** "Marketing and distribution facility" means any underground and/or aboveground oil storage facility where oil is stored for eventual resale.

- N. M.R.S.** "M.R.S." means the Maine Revised Statutes Annotated.
- O. Oil.** "Oil" means oil, oil additives, petroleum products and their by-products of any kind and in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, oil mixed with other nonhazardous waste, crude oils and all other liquid hydrocarbons regardless of specific gravity. "Oil" does not include propane, liquefied natural gas or other liquefied petroleum that is a gas at ambient temperatures.
- P. Oil storage facility.** "Oil storage facility" means an aboveground oil storage facility or an underground oil storage facility.
- Q. Person.** "Person" means any natural person, firm, association, partnership, corporation, trust, the State and any agency of the State, government entity, quasi-governmental entity, the United States and any agency of the United States and any other legal entity.
- R. Private drinking water well.** "Private drinking water well" means a well that is used to supply water for human consumption and that is not a public drinking water well.
- S. Public drinking water well.** "Public drinking water well" means a drinking water supply well for a public water system as defined in *Health and Welfare*, 22 M.R.S. § 2601(8).
- T. Public drinking water supply.** "Public drinking water supply" means any well or other source of water that furnishes water to the public for human consumption for at least 15 connections, regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or that supplies bottled water for sale.
- U. Significant sand and gravel aquifer.** "Significant sand and gravel aquifer" means a porous formation of ice-contact and glacial outwash sand and gravel that contains significant recoverable quantities of water likely to provide drinking water supplies. For the purposes of this Chapter, surficial deposits with moderate to good potential ground water yield expected to yield 10 or more gallons per minute but no more than 50 gallons per minute are generally defined as a moderate yield while surficial deposits with good to excellent ground water yield expected to yield greater than 50 gallons per minute are generally defined as high yield.
- V. Underground oil storage facility.** "Underground oil storage facility" means any underground oil storage tank or tanks, as defined in subsection W, below, together with associated piping and dispensing facilities located under any land at a single location and used, or intended to be used, for the storage or supply of oil, as defined in this rule. Underground oil storage facility also includes piping located under any land at a single location associated with above ground storage tanks and containing 10 percent or more of the facility's volume capacity.
- W. Underground oil storage tank.** "Underground oil storage tank" means any container, 10 percent or more of its volume being beneath the surface of the ground and which is used, or intended to be used, for the storage, use, treatment, collection, capture or supply of oil as defined in this subchapter, but does not include any tanks situated in an underground area if these tanks or containers are situated upon or above the surface of a floor and in such a manner that they may be readily inspected. For the purpose of this rule, "underground oil storage tank" does not include underground propane storage tanks, underground oil-water separators that are regulated under the Clean Water Act (Section 402 or 307(b)), storm water and emergency catch basins, and hydraulic lift tanks. An overflow tank associated with an oil-water separator is considered an underground oil storage tank.

X. Wellhead protection zone. "Wellhead protection zone" means:

- A.** In the case of a private drinking water well, the area within 300 feet of the well; and
- B.** In the case of a public drinking water well, the greater of:
 - (1) The area within 1,000 feet of the well; and
 - (2) The source water protection area of the well if mapped by the Department of Health and Human Services as described under *Municipal and Counties Heading*, 30-A M.R. § 2001(20-A) (2003).

Background:

- 4. Prohibition on facilities on significant sand and gravel aquifers.** A person may not install or cause to be installed an oil storage facility on a significant sand and gravel aquifer mapped by the Maine Geological Survey. This prohibition applies regardless of proximity to a public or private drinking water well.

NOTE: Significant Sand and Gravel Aquifer maps are available at most municipal offices and from the Maine Geological Survey, (207) 287-2801.

A. Exceptions. The prohibition of this section does not apply to:

- (1) An underground oil storage facility in existence on July 1, 2002 or an aboveground oil storage facility in existence on July 1, 2010;
- (2) The replacement or expansion of a motor fuel or marketing and distribution underground oil storage facility in existence on July 1, 2002 or an aboveground oil storage facility permitted by the Fire Marshal and in existence on July 1, 2010 as long as the replacement or expansion occurs on the same property, the facility meets all applicable requirements of Chapter 691 and Chapter 34 and, in the case of replacement, the facility owner:
 - (a) Within 30 days after removal of the existing facility, notifies the Commissioner in writing of the owner's intent to replace the facility and:
 - (i) If located in an organized area, notice must also be provided to the municipal code enforcement officer; or
 - (ii) If located in an unorganized or deorganized area, notice must also be provided to the Office of County Commissioners and the Maine Land Use Planning Commission (LUPC); and
 - (b) Commences construction of the replacement facility within two years and completes construction within five years after removal of the existing facility;
- (3) The conversion of an aboveground oil storage facility permitted by the Fire Marshal and in existence on July 1, 2002 to an underground oil storage facility or the conversion of an

underground oil storage facility to an aboveground oil storage facility as long as the conversion occurs on the same property and the facility meets all applicable requirements of Chapter 691 and Chapter 34;

- (4) A facility used solely to store heating oil for consumption on the premises;
- (5) Facility components, such as buildings and parking areas, that are not designed or intended to contain oil in a liquid or vapor phase;
- (6) A facility located on a mapped significant sand and gravel aquifer if a site specific hydrogeological investigation shows to the Commissioner's satisfaction that the location is not on a significant sand and gravel aquifer; or
- (7) A facility consisting of no more than two double-walled aboveground storage tanks with a total aggregate storage capacity of 1,100 gallons or less on a single parcel of property, provided the tanks are used exclusively to store diesel fuel for heavy equipment used to mine sand and gravel and further provided the tank meets the requirements of subsection B below.

This subsection may not be interpreted to allow the conversion, expansion or replacement of an underground oil storage tank or underground oil storage facility subject to the abandonment requirements of 38 M.R.S. § 566-A and Chapter 691 § 11.

B. Requirements for use of diesel fuel supply tanks on mapped significant sand and gravel aquifers. As provided under subsection A, paragraph 7, the aboveground storage of diesel fuel for equipment used to mine sand and gravel is exempt from the siting prohibition of this section provided:

- (1) The oil storage facility is part of a mining operation for sand and gravel licensed in accordance with 38 M.R.S. §§ 481 through 490 and 490-A through 490-K;
- (2) The tank is not located on a portion of the significant sand and gravel aquifer mapped as a high potential aquifer with a yield exceeding 50 gallons per minute; and
- (3) The tank is not located in a wellhead protection zone as defined by this Chapter;

NOTE: As resources allow, the Department may be able to assist a facility owner or operator in the determination of the GIS location of the proposed new tank location to determine if a proposed tank location qualifies for this exemption. Any request for assistance should be made at least 10 business days in advance of the planned installation date on the notification form.

- (4) The tank is an aboveground, double-walled tank with continuous interstitial space monitoring for leaks and installed in accordance with the following standards:
 - (a) The tank must be listed and constructed in accordance with Underwriters Laboratories Standards 142, 2080 or 2085;

- (b) No product piping runs are associated with the tank, and the dispenser is located directly on the tank;
 - (c) The tank is equipped with an audible overfill alarm that alerts the operator when the tank is 90% of capacity, equipment that automatically shuts off the flow of the fuel when the tank is 95% or less of total capacity, and a visual product level gauge. Such equipment shall be installed by a manufacturer's certified representative or a Maine certified underground oil storage tank installer;
 - (d) Tanks and the vehicle fueling areas are located on a single impervious concrete pad or a continuous asphalt pad treated with a petroleum compatible polymer based sealant, installed and maintained in accordance with manufacturer instructions. The pad is to be of adequate size to allow for the clean up of small spills before reaching surrounding soils; and
 - (e) The tank and all other facility equipment are installed in accordance with the manufacturer's instructions and the rules of the Office of the State Fire Marshal in the Department of Public Safety adopted in accordance with 25 M.R.S. § 2482, including but not limited to, maintaining a minimum of a 25-foot setback from all buildings, property lines and public roads.
- (5) The oil storage facility (i.e., tank, tank appurtenances and fueling area) is operated and maintained in accordance with the following requirements:
- (a) Evidence of a leak in the tank, including fuel in the tank interstitial space as indicated by the leak detection system, must be reported to the Department within 24 hours of discovery.
 - (b) The facility must be inspected for spills on days when it is in operation receiving or dispensing fuel and a written log or other documentation of the inspections must be maintained at the facility or the owner or operator's normal place of business for up to three calendar years, with the date and findings of each inspection and initialed by the person conducting the inspection.
 - (c) All oil spills and discharges must be reported to the Department within 2 hours of discovery, and immediately cleaned up to the Commissioner's satisfaction.

NOTE: Oil spills may be reported 24 hours a day at 1-800-482-0777

- (d) The overfill protection and prevention devices must be operated and maintained in accordance with manufacturer instructions;
- (e) The facility owner or operator shall require fuel delivery personnel to: check in with the on-site representative of the owner or operator before filling a tank to verify the quantity ordered and the tank's ability to receive that volume; remain with the delivery vehicle and monitor filling of the tank; check that hose lines are properly connected and disconnected at the start and completion of the filling operation; inspect the filling area for spills; and report spills to the facility on-site representative. The facility owner and

operator shall further ensure that delivery personnel know what procedures to follow in the event of an overfill or other spill; and

- (f) A passing annual inspection of the facility must be submitted to the Department by July 1, 2013 and each year thereafter. The inspection must include, but is not limited to, certification that the overfill protection and prevention equipment and leak detection monitoring is operating properly. Any deficiencies discovered must be corrected prior to the annual July 1 inspection report submission deadline. The inspection must be conducted in accordance with the equipment manufacturer instructions and signed by a qualified representative of the facility owner or operator. The inspection results must be recorded and submitted on a form provided by the Commissioner.
- (6) The tank owner or operator submits a signed written notice and certification of compliance at least 24 hours prior to installation using a form provided by the Commissioner for that purpose and including, at a minimum, the name and contact information for the facility's owner and operator, the tank GIS location, driving directions, the number of tanks and the maximum volume of each tank. The notice and certification may be provided on the day of installation if the installation is necessitated by any of the following:
 - (a) An act of war;
 - (b) An act of God, meaning an unforeseeable act exclusively occasioned by the violence of nature without the interference of any human agency; or
 - (c) The proclamation of an emergency pursuant to 38 M.R.S. § 547. The tank owner or operator shall submit an amended notice and certification of compliance within 5 business days of a change in the information provided on the form and within 5 business days of moving a tank between locations that previously have been certified as in compliance with this subsection.
- (7) The tank is properly abandoned if it is out of service or intended to be out of service for 24 or more consecutive months, including:
 - (a) Removal of all diesel fuel from the tank;
 - (b) Removal of the tank;
 - (c) Proper disposal or re-use of the tank;
 - (d) Written notification to the Commissioner 10 business days prior to abandonment; and
 - (e) Completion and submission of an environmental site assessment to determine the presence of oil contamination within 30 days of the transfer of ownership, or a change from a mining operation to another land use, of the parcel upon which the tank was located. The site assessment shall be stamped by a Maine certified geologist, Maine licensed professional engineer, or a geologist or engineer otherwise in compliance with Maine's professional regulation statutes. The site assessment must be conducted to the satisfaction of the Commissioner and must include adequate soil sampling and analyses representative of soil conditions immediately surrounding and underlying the facility and

sufficient to determine if any contamination is a risk to ground water. Soil analyses must be conducted using a field method approved by the Commissioner and confirmed with a laboratory soil analysis from soil with the highest field readings. Laboratory samples are to be analyzed by a laboratory method approved by the Commissioner and by a laboratory certified by the State of Maine to conduct this analysis.

C. Variance for polluted significant sand and gravel aquifers and other significant sand and gravel aquifers with low potential for use. The Commissioner may grant a variance to the prohibition of this section if the proposed facility meets the design standards of section 5 and the Commissioner finds that the aquifer has a low potential for future use as a public or private drinking water supply because one of the following circumstances applies:

- (1) The proposed facility is located in an urban area of dense commercial or industrial land uses or an area where a public water supply well is unlikely in the foreseeable future and a public drinking water system serves all drinking water users within 1,000 feet of the proposed facility;
- (2) The proposed facility is located in an area where the installation of drinking water supply wells within 1,000 feet of the proposed facility site is prohibited by property deed restrictions, municipal land use ordinance or a zoning rule of the Maine LUPC; or
- (3) The applicant has submitted hydrogeological studies or ground water quality testing data demonstrating to the Commissioner's satisfaction that:
 - (a) The significant sand and gravel aquifer is polluted with one or more man-made contaminants in concentrations exceeding federal maximum contaminant levels (MCLs) or an MCL or maximum exposure guideline (MEG) established by the Maine Center for Disease Control and Prevention; and
 - (b) The significant sand and gravel aquifer has not been and is not now the subject of a Commissioner-supervised remediation effort with the goal of the eventual restoration of, or the protection of, ground water in the significant sand and gravel aquifer to a quality suitable for human consumption.

D. Variance for moderate yield significant sand and gravel aquifers. The Commissioner may grant a variance to the prohibition of this section if the applicant demonstrates to the Commissioner's satisfaction that:

- (7) The significant sand and gravel aquifer is mapped by the Maine Geological Survey as generally yielding 10 or more gallons per minute but no more than 50 gallons per minute or the applicant has determined, and the Commissioner has concurred, that the ground water yield of the aquifer at the proposed facility location generally yields 10 or more gallons per minute but no more than 50 gallons per minute as confirmed by conducting a Commissioner-approved hydrogeological evaluation in accordance with Appendix A.

The Commissioner may require a hydrogeologic evaluation, as defined in Appendix A of this rule, when a proposed facility is located in an area identified by the Department as an area with a high likelihood of containing an unmapped, high yield significant sand and

gravel aquifer, including but not limited to aquifers associated with a surface water body or containing deep glacial drift deposits, or an area with a high likelihood of being used for a public water supply or the expansion of an existing public water utility. This determination will be made based on readily available information and best professional judgement and input from the local public water utility, if any; and

- (8) The proposed facility meets the design standards of section 5.

E. Variance for municipalities located on high yield significant sand and gravel aquifers. The Commissioner may grant a variance to the prohibition of this section if the applicant demonstrates to the Commissioner's satisfaction that:

- (9) The majority of the land area of the municipality or town center is located on a high yield significant sand and gravel aquifer as delineated by Maine Geological Survey mapping or a Commissioner-approved hydrogeological evaluation conducted in accordance with Appendix A;
- (10) The proposed facility meets the design standards of section 5;
- (11) The facility is staffed at all times when oil is being pumped; and
- (12) The municipality submits a letter stating that the facility is needed within the community and the specific location is acceptable to the municipality and the public water utility, if any.

F. High yield significant sand and gravel aquifers; variance prohibited. Except for sections 4(C) or 4(E), the Commissioner shall not grant a variance from the prohibition of this section if any part of the proposed facility site overlies a mapped significant sand and gravel aquifer that has good to excellent potential ground water yield, generally exceeding 50 gallons per minute. High yield significant sand and gravel aquifers include:

- (1) Any area designated on a Maine Geological Survey map as a significant sand and gravel aquifer with good to excellent yields of greater than 50 gallons per minute;
- (2) An aquifer or ground water resource protection zone as designated in a municipal ordinance or a LUPC zoning rule;
- (3) The source water or recharge area of a community public drinking water system supply well, including a well that is in the process of being developed, or areas within 1,000 feet of such a well, whichever is greater, provided the significant sand and gravel aquifer has been found to yield more than 50 gallons per minute, based on hydrogeological pump test data and analysis by a Maine-certified geologist; or
- (4) A portion of a mapped significant sand and gravel aquifer that, based on a borehole test conducted in the center of a proposed facility site and in accordance with Appendix A of this Chapter, is expected to yield more than 50 gallons per minute.

NOTE: If the applicant believes that a high yield significant sand and gravel aquifer, as listed above, has been incorrectly mapped or identified, the applicant should engage the entities responsible for that mapping or identification regarding appropriate changes.

5. **Design standards.** The design of a proposed facility granted a variance under sections 3(B), 4(C), 4(D) or 4(E) must meet the requirements of this section.

- (13) The facility must be designed, installed, operated and monitored with a combination of leak detection and spill prevention equipment, discharge monitoring equipment, or other engineering, operational and monitoring measures that collectively are more stringent than state and federal requirements as determined by the Commissioner to effectively minimize the risk of oil discharges and the likelihood of future ground water contamination; and

NOTE: The following are examples of an acceptable combination of leak detection and spill prevention equipment and discharge monitoring equipment: overfill alarms and positive shut-off devices, remote leak detection alarms, electronic solenoid valves, pump shut-off probes with telemetry, electronic line leak detectors, and concrete pads in tank refueling areas.

- (14) The facility must implement a Commissioner-approved facility-specific communication and training program to address potential catastrophic releases due to equipment failure, delivery accidents and human error.

6. **Variance procedure.** Processing of applications for a variance under sections 3 and 4 including, but not limited to, application requirements, public notice, and appeal procedures, are governed by the Department's *Rule Concerning the Processing of Applications and Other Administrative Matters*, 06-096 C.M.R. ch. 2, except as specified below.

A. Application requirements. Requests for variance from the siting restrictions of this Chapter must be submitted in writing on forms provided by the Commissioner. In addition to the information required under Chapter 2 § 11, the application must include at a minimum the following information:

- (1) The registration materials required under Chapter 691 § 4;
- (2) The names and mailing addresses of all abutters to the property on which the facility is proposed;
- (3) A plan view of the proposed facility showing the precise location and footprint of all facility components that will contain oil in either a liquid or vapor phase;
- (4) The map coordinates of each corner of the facility footprint and any proposed ground water monitoring wells to sub-meter precision and accuracy in a format compatible with the State of Maine Geographical Information System;

NOTE: The Maine Geographic Information System (GIS) uses as a standard the Universal Traverse Mercator (UTM) system. The datum system used is the NAD83 (North American Datum 1983) version.

- (5) If a variance is sought under section 3(B) or (C) of this chapter, a written report supporting the variance request. If the report includes ground water quality or other hydrogeological data that was collected and interpreted in support of the variance request, the data and its written analysis must be certified by a Maine-certified geologist. If the variance request is based on a municipal land use ordinance, the report must include a copy of the relevant sections of the ordinance and a copy of the relevant land use mapping, certified by an authorized official of that municipality as being current and true copies. The proposed facility site location must be accurately shown on the land use map; and
- (6) If a variance is sought under sections 3(B), 4(C), 4(D) or 4(E) of this chapter, facility design meeting the standards of section 5 and a narrative explaining how the enhancements will effectively minimize the risk of oil discharges and the likelihood of future ground water contamination.

NOTE: A pre-application meeting with the Department is recommended to ensure the applicant understands the variance requirements as they may apply to the specific proposed facility site. Such meetings usually avoid misunderstandings of expectations and processing delays.

B. Public notice. Within 30 days before filing an application, the applicant shall provide notice by certified mail of the application:

- (1) To the chief administrative officer and planning board chairperson of the municipality in which the facility is proposed to be located, or to the county Commissioners and the LUPC director if the facility is proposed in an unorganized or deorganized area;
- (2) To the local public water utility or other community public water provider, if any;
- (3) To abutters of the property on which the facility is proposed;
- (4) To other interested persons who have requested in writing of the Commissioner to receive materials related to a particular application; and
- (5) By publication once in a newspaper generally circulated in the area where the facility is proposed.

The notice must include the information listed in Chapter 2 § 14(A), including, but not limited to, a statement that public comments on the variance application may be provided to the Department.

C. Public meeting. In lieu of, or in addition to, holding a public hearing on a variance application as provided under Chapter 2 § 7, the Commissioner may hold a public informational meeting where deemed appropriate for the applicant to provide information about the variance request to interested persons. If the Commissioner decides to hold a public meeting, notice must be sent at least 10 business days prior to the meeting to the applicant, abutters, the local public water utility or community water provider, the planning board chairperson and chief administrative officer of the municipality in which the facility is proposed (or the LUPC director and appropriate County Commissioners if the facility is proposed in an unorganized or deorganized

area) and other interested persons who have requested in writing of the Commissioner to receive materials related to a particular application.

- D. Decision; appeal.** The Commissioner may deny a variance request or approve the request with or without conditions. The decision must be in writing with findings sufficient to explain the basis of the decision. A copy of the decision must be provided to the applicant, abutters, the local public water utility or community water provider, and the planning board chairperson and chief administrative officer of the municipality in which the facility is proposed (or the LUPC director and county Commissioners if the facility is proposed in an unorganized or deorganized area). Copies also must be provided to other interested persons upon request. Each copy must be accompanied by a plain statement of the rights of administrative and judicial review of the decision and the time within which those rights must be exercised, as provided under 38 M.R.S. §341-D(4)(A) and Chapter 2 § 24.
- E. Transfer of Variances.** Variance approvals are not transferrable unless the Department approves a license transfer pursuant to Chapter 2 and applicable law.

**SHORELAND ZONING APPLICATION
POLAND TAX MAP 46 LOT 12**

PREPARED FOR:

**KARL & MICHELLE DOWLING
TRUSTEES OF THE
DOWLING FAMILY REVOCABLE TRUST
12 TOWNSEND HILL ROAD
BROOKLINE, NH 03033**

REGARDING PROPERTY LOCATED AT:

**44 WEST SHORE DRIVE
POLAND, MAINE**

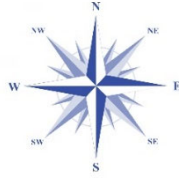
PREPARED BY:

**DAVIS LAND SURVEYING
STUART A. DAVIS
PROFESSIONAL LAND SURVEYOR #2208
990 MINOT AVENUE
AUBURN, MAINE 04210**

JOB #23-098

SUBMITTED: NOVEMBER 30, 2023

PLANNING BOARD MEETING DATE: DECEMBER 12, 2023



Davis Land Surveying, LLC
990 Minot Avenue
Auburn, ME 04210

(207) 345-9991 office
(207) 782-3685 office
(207) 240-9949 cell
Email: stuart@davislandsurveying.net
www.davislandsurveying.net

December 12, 2023

Town of Poland
Planning Board
1231 Maine Street
Poland, ME 04274

RE: Shoreland Zoning Application, 44 West Shore Drive, Poland, Maine

Dear Planning Board Members,

Enclosed please find a Shoreland Zoning Application (Exhibit 1) and supporting documents regarding an expansion of use for an existing structure on 44 West Shore Drive in Poland.

The property is located at 44 West Shore Drive and being shown as Lot 12 on the Town of Poland Tax Map 46 (Exhibit 6). The property is currently owned by Karl D. & Michelle S. Dowling, Trustees of The Dowling Family Revocable Trust as described in a deed dated July 17, 2023 and recorded at the Androscoggin County Registry of Deeds in Book 11394, Page 201 (Exhibit 8). The property contains 12,247 SF. consisting of 84.6' of frontage on West Shore Drive and $\pm 85'$ of shore frontage on Thompson Lake and is located within the Limited Residential District. The total existing impervious area within said lot consists of $\pm 3,263.6$ SF which includes the existing structure w/enclosed porch, eaves, stairs, landings, walkways, shed, deck at shore and existing gravel drive and being at $\pm 26.6\%$.

The lot does not meet the minimum zoning standards per Poland LUPC Chapter 5, 508.27 and would be considered a legally non-conforming lot subject to Poland LUPC Chapter 504. The property contains an existing principal structure located within 75' from the shoreline of Middle Range Pond. Per Poland LUPC Chapter 504.3.A.1.c.i, the structure may be expanded up to 1,000 SF or 30% larger than the existing footprint, whichever is greater. Based on our calculations, the existing footprint within 75' from the shoreline is 761 SF which would allow for an expansion of 239 SF.

The existing roof height at the peak is 25.2' based on an average of the lowest adjacent grades. The finished improvements will maintain the same.

A portion of the property falls within a Special Flood Hazard Zone 23001C0287E with an effective date of July 8, 2013 (Exhibit 8); however, none of the existing building improvements fall within the flood zone. The proposed improvements will not be impacted by said flood zone and there are no known wetlands and or any other impacts within the lot.

Proposed Improvements

The proposed improvements are to construct an 8' x 24.5' addition to the northerly side of the camp over a full foundation. The existing camp will be set on a new foundation. The proposed structure will remain at the same height as it exists currently. A 195 SF portion of the existing driveway will be loamed and seeded so that the impervious area for the improvements on site will remain at 26.6%.

Schedule of Areas**EXISTING**

Code	IMPERVIOUS AREAS (SF)	0-25	25-50	50-75	75-100	100+	EXISTING
2C	GRAVEL DRIVEWAY					2,143.19	2,143.19
2D	CONCRETE STEPS & WALKWAY				74.88	25.87	100.75
2D	RETAINING WALL				7.30	7.58	14.88
3A	LANDING			16.79	1.36		18.15
3A	CAMP W/ENCLOSED PORCH		222.18	390.60			612.78
3A	HOUSE EAVES		52.97	59.31			112.28
3A	BACK STEPS		19.12				19.12
2D	CONC. BLOCK WALKWAY	19.86	20.31				40.17
4B	SHED	47.38	14.32				61.70
2D	DECK & STAIRS AT SHORE	110.41					110.41
2D	DOCK	7.96					7.96
2D	WOOD STEPS	22.24					22.24
3A	NEW ADDITION W/EAVES						-
	TOTAL	207.85	328.90	466.70	83.54	2,176.64	3,263.63

Code	SUMMARY IMPERVIOUS SCHEDULE						
2C	2C DRIVEWAY	-	-	-	-	2,143.19	2,143.19
2D	2D PATHS & OTHER UNVEGETATED AREAS	160.47	20.31	-	82.18	33.45	296.41
3A	3A GROUND MAIN STRUCTURE	-	294.27	466.70	1.36	-	762.33
4B	4B GROUND ACCESS. STRUCTURE	47.38	14.32	-	-	-	61.70
	TOTAL IMPERVIOUS	207.85	328.90	466.70	83.54	2,176.64	3,263.63
	GROSS FLOOR AREA HOUSE	-	354.80	857.30	1.36	-	1,213.46
	GROSS FLOOR AREA SHED	47.38	14.32	-	-	-	61.70

PROPOSED

Code	IMPERVIOUS AREAS (SF)	0-25	25-50	50-75	75-100	100+	PROPOSED
2C	GRAVEL DRIVEWAY					1,947.91	1,947.91
2D	CONCRETE STEPS & WALKWAY				74.88	25.87	100.75
2D	RETAINING WALL				7.30	7.58	14.88
3A	LANDING			16.79	1.36		18.15
3A	CAMP W/ENCLOSED PORCH		222.18	390.60			612.78
3A	HOUSE EAVES		51.32	31.65			82.97
3A	BACK STEPS		19.12				19.12
2D	CONC. BLOCK WALKWAY	19.86	20.31				40.17
4B	SHED	47.38	14.32				61.70
2D	DECK & STAIRS AT SHORE	110.41					110.41
2D	DOCK	7.96					7.96
2D	WOOD STEPS	22.24					22.24
3A	NEW ADDITION W/EAVES		3.98	218.66	0.26		222.90
	TOTAL	207.85	331.23	657.70	83.80	1,981.36	3,261.94

Code	SUMMARY IMPERVIOUS SCHEDULE						
2C	2C DRIVEWAY	-	-	-	-	1,947.91	1,947.91
2D	2D PATHS & OTHER UNVEGETATED AREAS	160.47	20.31	-	82.18	33.45	296.41
3A	3A GROUND MAIN STRUCTURE	-	296.60	657.70	1.62	-	955.92
4B	4B GROUND ACCESS. STRUCTURE	47.38	14.32	-	-	-	61.70
	TOTAL IMPERVIOUS	207.85	331.23	657.70	83.80	1,981.36	3,261.94
	GROSS FLOOR AREA HOUSE	-	357.13	1,048.30	1.62	-	1,407.05
	GROSS FLOOR AREA SHED	47.38	14.32	-	-	-	61.70

Photos of Existing House and Shoreline



Photo of camp looking from the road (Photo from Zillow website)

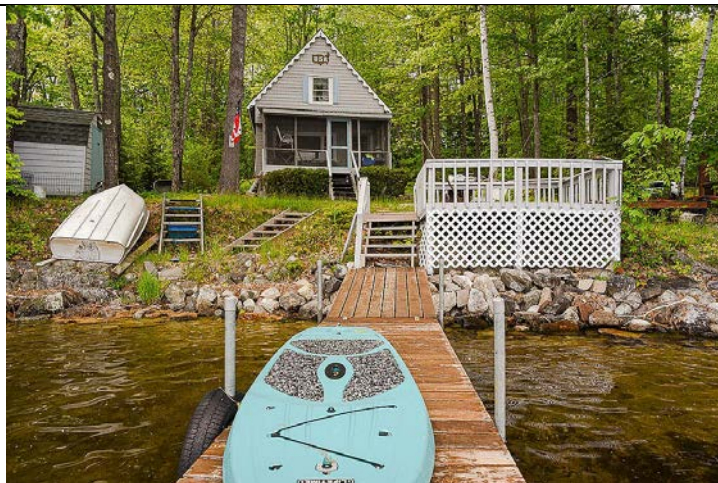


Photo: 4 - Photo of dock and shoreline (Photo from Zillow website)

The proposed improvements as shown on the Site Plan (Exhibit 11) have been designed in conformance with your Land Use Code requirements and we look forward to the opportunity to discuss the project with the Planning Board and welcome any comments and suggestions in hopes of securing an approval, with conditions, if necessary.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Stuart Davis".

Stuart Davis, PLS

**KARL & MICHELLE DOWLING
SHORELAND ZONING APPLICATION
POLAND TAX MAP 46, LOT 12
44 WEST SHORE DRIVE**

TABLE OF CONTENTS

Exhibit 1	Shoreland Zoning Application
Exhibit 2	Agent Authorization Letter
Exhibit 3	Map of Abutters and List of Abutters
Exhibit 4	General Location Map within ½ Mile of Property
Exhibit 5	Assessors Card
Exhibit 6	Poland Tax Map 46
Exhibit 7	Zoning Map
Exhibit 8	Deed Book 11394, Page 201
Exhibit 9	Flood Insurance Map
Exhibit 10	HHE 200 Form
Exhibit 11	Site Plan Shoreland Zoning

Formal Shoreland Zoning Application



Town of Poland Planning Board

Application Form – Page 2

Submission Checklist – Page 5

Phosphorus Calculation Form – Page 7

Fee Schedule – Page 9

Agenda Request – Page 10

INSTRUCTIONS:

1. Please complete pages two through ten. Obtain or get copies of information as required by the application on these pages.
2. Use the checklist on pages five and six to make sure submission requirements are met. The checklist is a summary of the standard requirements in the Comprehensive Land Use Code.
3. All waiver requests will require a written statement.
4. **A total of ten (10) copies of the application and required submissions as well as one digital PDF copy (on either cd or usb). Please submit these copies and the original application as well as any fees (see fee schedule) to the Code Enforcement Office by 1:00 pm eleven (11) days prior to the stated meeting.**

Applicant Name:

Date of Board Review:

Application

PARCEL INFORMATION:			
Parcel ID:	Tax Map 46, Lot 12		
Lake Watershed:	Middle Range Pond		
Road Location:	West Shore Drive		
Lot Size:	12,247 (sq. ft.)	Year Created:	June 1964
Shore Frontage:	85 (ft.)	Road Frontage:	84.6 (ft.)
Zone:	Limited Res.	Flood Zone:	Zone AE at Elev. 309
Aquifer Overlay:	N/A	Current Use:	Residential

OWNER INFORMATION:	
Name:	Karl & Michelle Dowling, Trustees of The Dowling Family Revocable Trust
Mailing Address:	12 Townsend Hill Road, Brookline, NH 03033
Phone #:	

APPLICANT INFORMATION:	
Applicant Is:	<input checked="" type="checkbox"/> Landowner <input type="checkbox"/> Contractor <input type="checkbox"/> Renter <input type="checkbox"/> Buyer <small>*If applicant is landowner, write "SAME" below. If not the landowner, please submit a letter of permission to construct on or use the land, and complete below.</small>
Name:	Same
Mailing Address:	
Phone #:	

THIS APPLICATION IS FOR:	
<input type="checkbox"/> New Development <input type="checkbox"/> Change of Use <input type="checkbox"/> Expansion of Use <input checked="" type="checkbox"/> Expansion/Replacement of Structure(s) <input type="checkbox"/> Resumption of Use	

Existing Lot Conditions

1. GENERAL	
A. Does this lot have any development? (If no, go to proposed development)	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
B. Is there an existing well?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
C. Is there an existing Septic System?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
D. Is there an existing road entry? • If YES include any changes or modifications on plans. • If NO please submit a copy of appropriate Road/Entrance Application.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
E. Will there be any existing structures removed? • If YES, submit information about the structure and how it will be disposed of.	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
2. EXISTING LAND DEVELOPMENT & IMPROVEMENTS NOT INCLUDING BUILDINGS	
A. Size of lawns:	(sq. ft.)
B. Size of fields:	(sq. ft.)
C. Size of driveways/roads:	2,143.2 (sq. ft.)
D. Size of paths or other non-vegetated areas:	296.4 (sq. ft.)
E. Size of wetlands already filled	(sq. ft.)

3. EXISTING MAIN STRUCTURE	
A. Ground Footprint:	762.3 (sq. ft.)
B. Total gross floor space (exterior dimensions of all floors):	1,213.5 (sq. ft.)
C. Road frontage setback:	71.3 (ft.)
D. Side setback:	16.4 (ft.)
E. Rear setback:	N/A (ft.)
F. Distance to Great Pond:	31.6 (ft.)
G. Distance to stream:	N/A (ft.)
H. Distance to wetlands:	N/A (ft.)
Foundation:	<input type="checkbox"/> Full Basement <input type="checkbox"/> Frost Walls <input type="checkbox"/> Slab <input checked="" type="checkbox"/> Piers
4. EXISTING ACCESSORY STRUCTURE	
A. Total number of structures:	1
B. Total ground footprint:	61.7 (sq. ft.)
C. Total floor space:	61.7 (sq. ft.)
D. Closest road setback:	123.1 (ft.)
E. Closest side setback:	9.4 (ft.)
F. Closest rear setback:	N/A (ft.)
G. Distance to Great Pond:	18.2 (ft.)
H. Distance to Streams:	N/A (ft.)
I. Distance to Wetlands:	N/A (ft.)
5. TOTAL EXISTING IMPERVIOUS SURFACES	
A. Add 2c + 2d + 3a + 4b:	3,263.6 (sq. ft.)
B. Divide this by lot size in square feet x 100%:	26.6%
*This number cannot exceed 15%	

Proposed Development

1. WETLANDS TO BE IMPACTED:	0 (sq. ft.)
2. CHANGES IN LANDSCAPE(Can be negative value for size reduction)	
A. Changes in lawn size:	(sq. ft.)
B. Changes in buffers:	(sq. ft.)
C. Changes in naturally wooded areas:	(sq. ft.)
D. Total opening in forest canopy:	(sq. ft.)
3. CHANGES IN FOOTPRINT(S) AND DEVELOPED AREA(S)	
A. Changes in building footprint(s):	193.6 (sq. ft.)
B. Changes in driveway/roadway:	-195.3 (sq. ft.)
C. Changes in patios, walkways, etc:	(sq. ft.)
D. Total changes to impervious surfaces (3a + 3b + 3c):	-1.7 (sq. ft.)
4. PERCENTAGE OF LOT COVERED BY IMPERVIOUS SURFACES	
A. 5. (Total existing impervious surfaces) + 3d (above)/total lot square footage x 100%	26.6%
*This number cannot exceed 15%	

Required Submissions

Attach drawings and/or statements describing the following items if applicable:

- Provide a copy of deed and Tax Assessors Information Card.
- Provide a map of the general area showing land features within at least a ½ mile of this lot.
- Provide site plans(s) of your lot with existing development and its dimensions shown.

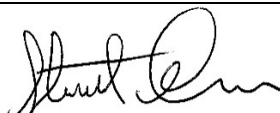
- *Include: Dimensions, location, and distances of lot lines. Lawns, wooded areas, roadways, high water lines, driveways, septic system, walkways, and structures.*
- *Show names of roads and water bodies*
- Provide site plan(s) of your lot with proposed development and its dimensions shown (*may be combined on existing development drawing*).
- Provide detailed plans of proposed structural development and changes.
- Provide phosphorus loading calculations.
- Provide prepared buffer plan if needed for building expansion.
- Anticipated date for start of construction.
- Anticipated date for completion of construction.
- Submission requirements shall follow sections 508.30 and 509.8 of the Comprehensive Land Use Code. Copies of the code are available for viewing at the Town Office, Library, and on the Code Enforcement page of the website, www.polandtownoffice.org. Copies can be purchased in the Code Enforcement Office.
- Use Checklist on page five for a summary of usual requirements.
- Any other requirements unique to your project added by the Planning Board.

Please list all state and federal approvals, permits, and licenses required for the project:

Disclosure

1. I hereby acknowledge that I have read this application and pertinent sections of the ordinances, and state that the information in this document is to the best of my knowledge true and accurate. I agree to comply with all of the Town of Poland's ordinances and the State of Maine's statutes regulating the activities sought in this application as well as any permit(s) approved for this application.
2. I understand that all construction of structures shall conform to the *Maine Uniform Building and Energy Code* and the *NFPA 101 Life Safety Code, 2009*.
3. I understand that any approval is valid for only the use(s) as specified in this application. The permitting authority must approve any change(s) made to the use(s) sought in the application. Any approval issued for this application is approved on the basis of truthful information provided by the applicant(s), and as allowed by the ordinances of the town.
4. I understand that it is my responsibility to assure that the lot description herein accurately describes its ownership, its boundary lines, and the setback measurements from the legal boundary lines.
5. I understand that I have the burden of proof as to the legal right to use the property, and that approval of this application in no way relieves me of this burden. Any approval issued does not constitute a resolution in favor of me or the landowner in any matters regarding the property boundaries, ownership, or similar ties.
6. I understand that all necessary **Building and Use Permits** shall be secured from the Code Enforcement Office after the Planning Board grants approval of this application.
7. I understand that a **Certificate of Occupancy** shall be required prior to the start of any use or occupancy associated with this application unless a signed written waiver is issued with the permit. Fines and penalties may be issued if use or occupancy is stated prior to the issuance of the certificate.
8. I understand that the approval becomes invalid if construction or use has not commenced within twelve (12) months of the approval date, construction is suspended for more than six (6) months and no notice for just cause is submitted prior to the end of the six (6) months, or it is found that false statements have been furnished in this application.
9. I understand that if I fail to comply with the aforementioned statements, a **"STOP WORK"** order may be issued for which I will immediately halt any construction and/or use(s) that are approved for this application. This failure may also require that I return the property to its natural state or as closely thereto before the use(s) was/were approved.
10. I understand that failure to follow these requirements will lead to **Violation Notices** and Citations that have fines and penalties. This in turn can lead to civil proceedings in District Court.
11. I understand that all **state and federal permits** are my responsibility as the applicant and/or owner.

Applicant Signature:



AGENT

Date: December 12, 2023

Submissions Checklist

The following list is the information required by section 508.30 and 509.8 of the Comprehensive Land Use Code for the Town of Poland. Please check in the column on the left if the information has been provided, a waiver has been requested, or you believe the information is not applicable to your application. If a waiver has been requested, or the information is not applicable, a written explanation is required.

FOR APPLICANT USE				FOR PLANNING BOARD USE			
Provided	Waiver	N/A	<u>Section 509.8A "Submission Requirements"</u>	Received	On File	Waived	N/A
X			Site Plan drawings				
X			Signed copy of application				
X			Name & Address of owner				
X			Name & Address of all abutters within 500 feet of your lot				
X			Map of general location				
X			Show all adjacent properties				
X			Name, Map & Lot numbers on drawings				
X			Copy of Deeds & Agreements				
X			Name of designer on plans				
			<u>Section 508.30 Shoreland Areas</u>				
X			Structure & Site Plan drawing				
		X	New structure set back 100' from lake, 75' from streams & wetlands				
X			Water dependent structures indicated				
X			Setbacks or structures shown in drawings				
X			Show all structures				
X			Side and road setbacks shown				
		X	Need for larger than required setbacks				
		X	Steep slopes shown				
		X	Multiple Principle Structures have required land area				
		X	<u>Piers, Wharves, Bridges</u>				
		X	Shore access soils described				
X			Locations of development and natural beaches shown				
		X	Effect on fish & wildlife				
		X	Dimensions of structures shown				
		X	Superstructure on piers				
		X	Use of pier superstructures				
		X	Permanent structures have DEP permit				
		X	<u>Individual Private Campsites</u>				
			Show land area for each site				
			Campsite setbacks are shown				
			Type of development for sites				
			Amount of clearing for vegetation				
			Sewage disposal plan				
			SSWS approved if used > 120 days				
		X	<u>Parking Areas</u>				
			Parking areas setbacks shown				
			Parking areas sized & designed for storm water				
			<u>(Part one) Driveways Only</u>				

FOR APPLICANT USE				FOR PLANNING BOARD USE			
Provided	Waiver	N/A	<u>Section 509.8A "Submission Requirements"</u>	Received	On File	Waived	N/A
X			Setbacks as required				
		X	State reasons for location in Resource Protection				
		X	Culverts				
		X	<u>(Part two) Road Only</u>				
			Setbacks as required				
			Reasons stated for location in Resource Protection				
			Road expansion according to Chapter 8				
			Road slopes shown < 2H:1V				
			Road Grades < 10%				
			Buffer plan between road and water body				
			Ditch relief shown				
			Turnout spacing shown				
			Drainage dips when < 10% slope				
			Culverts shown				
			Show relief sizing and stabilization				
		X	<u>Storm water runoff</u>				
			Plans show storm water runoff and retaining areas				
		X	<u>Clearing of vegetation for development OR individual campsites</u>				
			Cutting of vegetation < 100' from shoreline				
			Preservation of buffer strip				
			Plan showing existing trees and planned cutting				
			Clearing < 40% basal area in any 10 year period				
			Preservation of vegetation < 3' high				
			Pruning of limbs on lower 1/3 of trees				
			Plan of removal and replacement of dead and diseased trees				
			Tree removal plan > 100' and < 250' from shoreline				
			Non-conforming lot legally existing				
			Fields reverted to woodlands follow forested rules				
		X	<u>Shoreland Access Held In Common</u>				
			Proper water frontage for number of lots that hold access in common				
		X	<u>Single Family Home in Resource Protection District</u>				
			No place on lot outside Resource Protection where home can be located				
			Lot undeveloped				
			Location of all improvements				
			Slopes > 20%				
			Development 1 ft. above 100 year floodplain				
			Development outside floodplain				
			Total ground footprint < 1500 sq. ft.				
			Structures > 150 ft. from waterline				
			<u>Phosphorus Calculations</u>				
			<u>Copies of state, federal permits (if applicable)</u>				

This application was first looked at by the Planning Board on ___ / ___ / ___ but does not create vested rights in the initiation of the review process.

By vote of the Board this application requires an on-site inspection: _____ Yes _____ No

If yes, an onsite inspection is scheduled for ___ / ___ / ___ at ___ : ___ AM ___ PM

By vote of the Board this application requires a public hearing: _____ Yes _____ No

If yes, public hearing is scheduled for ___ / ___ / ___ at ___ : ___ AM ___ PM

Conditions of Approval: _____

Planning Board Chair

___ / ___ / ___
Date



Phosphorus Calculation Form



The Code Enforcement Officer or Planning Board shall review and approve a Phosphorus Management Control Application based on one of the following methods.

POINT SYSTEM

The Applicant shall meet or exceed thirty (30) points based on the following schedule:

PROPOSED PHOSPHORUS CONTROL MEASURES (Check those proposed)	POINTS ALLOWED (By CEO or Planning Board)
10 Points for correcting an existing erosion problem on the project site.	
10 Points for a clearing limitation of <15,000 sq. ft. or <20% of lot.	
15 Points for a clearing limitation of <10,000 sq. ft. or <15% of lot.	15
15 Points for the installation of rock lined drip edges or other infiltration system to serve the new construction.	15
20 Points for a 50 foot wide buffer.	
25 Points for a 75 foot wide buffer.	
30 Points for a 100 foot wide buffer.	
TOTAL	30

Authorized Signature:

Date:

Code Enforcement Officer or Planning Board Chair

Karl & Michelle Dowling
Trustees of The Dowling Family Revocable Trust
12 Townsend Hill Road
Brookline, NH 03033

November 16, 2023

Town of Poland
Planning Board
1231 Maine Street
Poland, ME 04274

Dear Board Members,

I authorize Stuart Davis of Davis Land Surveying, LLC to act as my agent for Shoreland Zoning Application for proposed improvements at 44 West Shore Drive in Poland, Maine.

A handwritten signature in black ink, appearing to read 'K. Dowling', with a stylized flourish at the end.

Karl Dowling



Abutters w/in 500 Feet of TM 46-12

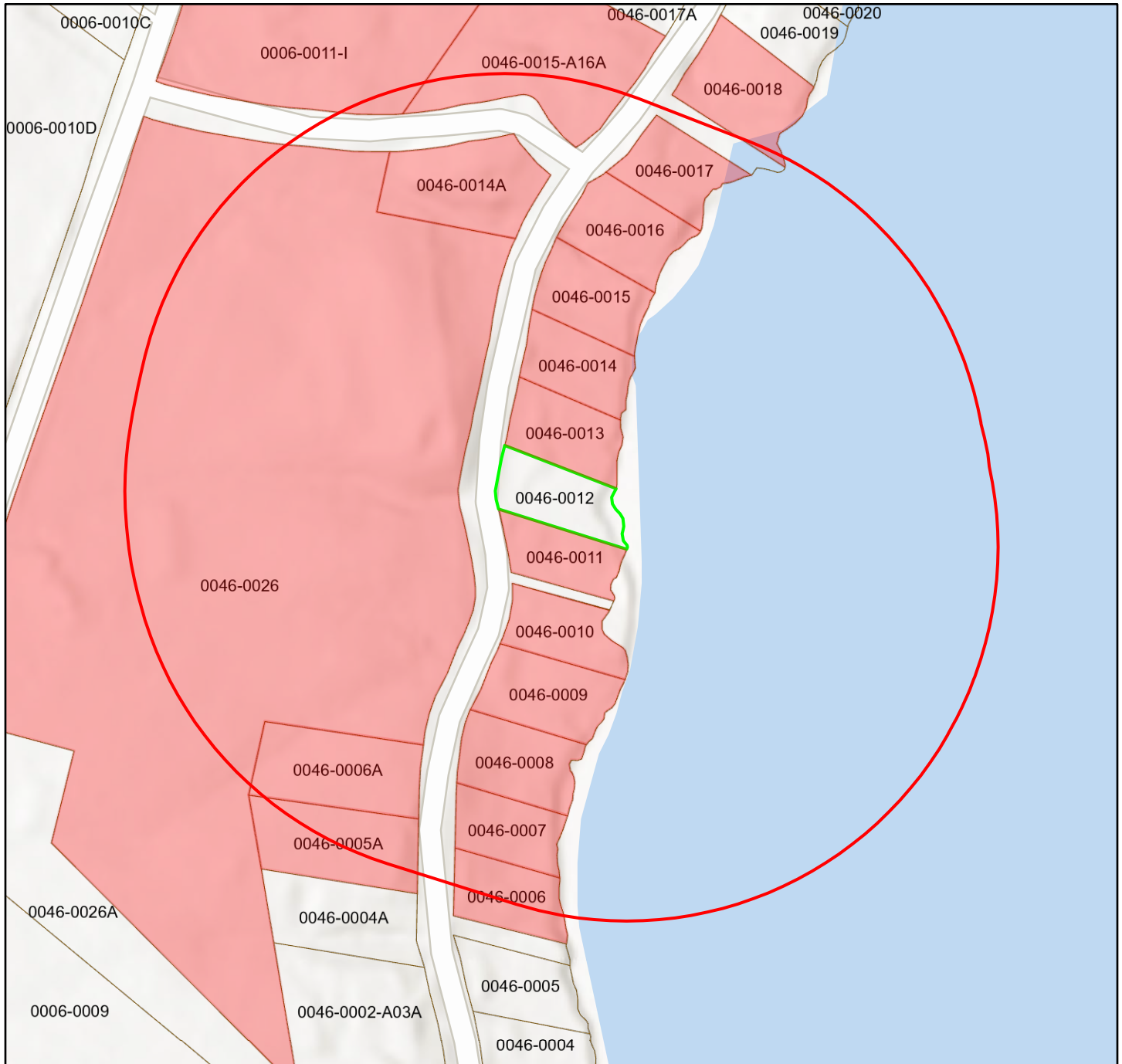
Town of Poland, ME

1 inch = 200 Feet



www.cai-tech.com

November 13, 2023



	Parcel - Poly
	Parcel Lines - No Orthos
	World Hillshade

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



500 feet Abutters List Report

Poland, ME
November 13, 2023

Subject Property:

Parcel Number: 0046-0012
CAMA Number: 0046-0012
Property Address: 44 WEST SHORE RD.

Mailing Address: MILDAM, DOUGLAS S
13 GABRIEL WOODS RD
NEW GLOUCESTER, ME 04260

Abutters:

Parcel Number: 0006-0011-I
CAMA Number: 0006-0011-I
Property Address: 154 SCHELLINGER RD.

Mailing Address: MESSER, STELLA P
P. O. BOX 66
POLAND, ME 04274 0066

Parcel Number: 0046-0005A
CAMA Number: 0046-0005A
Property Address: WEST SHORE DR.

Mailing Address: SPRAGUE-LAMBERT, LINDA
139 WEST ST.
BIDDEFORD, ME 04005

Parcel Number: 0046-0006
CAMA Number: 0046-0006
Property Address: 22 WEST SHORE DR.

Mailing Address: SPRAGUE-LAMBERT, LINDA
139 WEST ST.
BIDDEFORD, ME 04005

Parcel Number: 0046-0006A
CAMA Number: 0046-0006A
Property Address: WEST SHORE DR.

Mailing Address: BLANCHARD, ELIZABETH L
37 RANSOM RD.
FRAMINGHAM, MA 01702

Parcel Number: 0046-0007
CAMA Number: 0046-0007
Property Address: 26 WEST SHORE DR.

Mailing Address: RENZI, TIMOTHY ANDREW ET AL
% CAROL RENZI 974 PLEASANT ST.
FRAMINGHAM, MA 01701

Parcel Number: 0046-0008
CAMA Number: 0046-0008
Property Address: WEST SHORE DR.

Mailing Address: RENZI, TIMOTHY ANDREW ET AL
% CAROL RENZI 974 PLEASANT ST.
FRAMINGHAM, MA 01701

Parcel Number: 0046-0009
CAMA Number: 0046-0009
Property Address: 32 WEST SHORE DR.

Mailing Address: CHANDLER, BARRY D
10080 150TH COURT NORTH
JUPITER, FL 33478

Parcel Number: 0046-0010
CAMA Number: 0046-0010
Property Address: 36 WEST SHORE DR.

Mailing Address: FINLEY CAMDEN, MARGERY
70 PARADISE RD
BETHEL, ME 04217

Parcel Number: 0046-0011
CAMA Number: 0046-0011
Property Address: 40 WEST SHORE DR.

Mailing Address: FIORINO, MARK
30 CROSS ST
FOXBORO, MA 02035

Parcel Number: 0046-0013
CAMA Number: 0046-0013
Property Address: 46 WEST SHORE DR.

Mailing Address: MONAGHAN, MATTHEW J
73 RIDGEWOOD DRIVE
FALMOUTH, ME 04105



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500 feet Abutters List Report

Poland, ME
November 13, 2023

Parcel Number: 0046-0014
CAMA Number: 0046-0014
Property Address: 50 WEST SHORE DR.

Mailing Address: KERBER, PHILIP
9 COTTAGE STREET
FREEPORT, ME 04032

Parcel Number: 0046-0014A
CAMA Number: 0046-0014A
Property Address: 16 NUT HATCH LANE

Mailing Address: WORLEY, LARRY E
16 NUT HATCH LANE
POLAND, ME 04274

Parcel Number: 0046-0015
CAMA Number: 0046-0015
Property Address: 54 WEST SHORE DR.

Mailing Address: BERNSTEIN, MICHAEL
71 ELM ST.
HOLLISTON, MA 01746 2122

Parcel Number: 0046-0015-A16A
CAMA Number: 0046-0015-A16A
Property Address: 19 NUTHATCH LANE

Mailing Address: POLLEY, DAVID E
19 NUTHATCH LANE
POLAND, ME 04274

Parcel Number: 0046-0016
CAMA Number: 0046-0016
Property Address: 60 WEST SHORE DR.

Mailing Address: HERRICK, STEVEN P
60 WEST SHORE DRIVE
POLAND, ME 04274

Parcel Number: 0046-0017
CAMA Number: 0046-0017
Property Address: 64 WEST SHORE DR.

Mailing Address: BOOTH, MARY E.
17 OLD CARRIAGE ESTATE
AUBURN, ME 04210

Parcel Number: 0046-0018
CAMA Number: 0046-0018
Property Address: 70 WEST SHORE DR.

Mailing Address: STEVENS, REBECCA S
9 BROOKDALE LANE
AUBURN, ME 04210

Parcel Number: 0046-0026
CAMA Number: 0046-0026
Property Address: 184 SCHELLINGER RD.

Mailing Address: CHANDLER, NATHAN CHASE
5744 DIAMOND POINT CIRCLE
EL PASO, TX 79912



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11/13/2023

Page 2 of 2

2890000 ft

2900000 ft

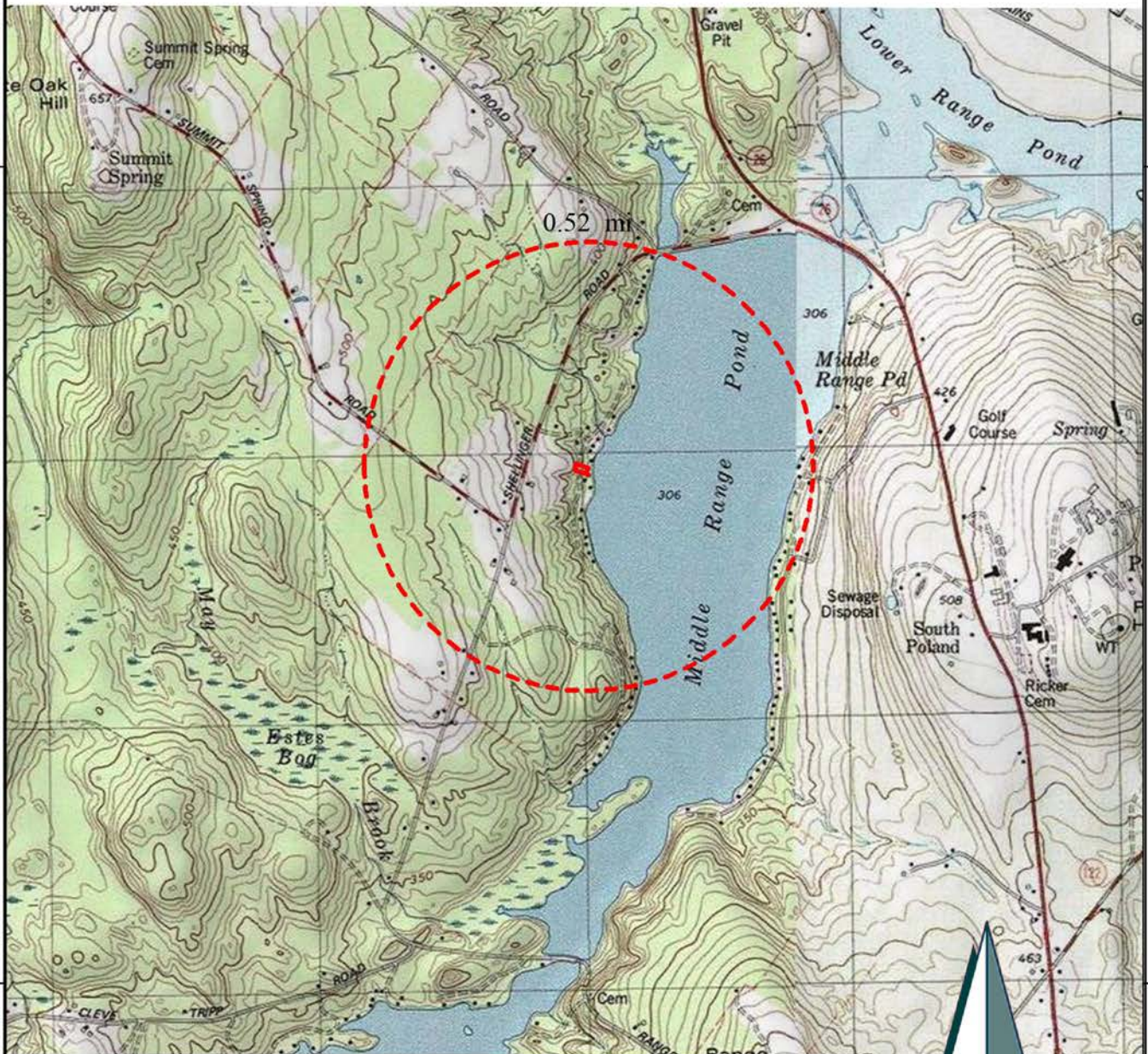
Map of General Area Within 1/2 Mile of
Dowling Property
44 West Shore Drive
Poland, Maine
TM 46-12

440000 ft

440000 ft

430000 ft

430000 ft



0 mi

0.5 mi

1 mi

2890000 ft

2900000 ft



Property Card: 44 WEST SHORE RD.
Poland, ME



Parcel ID: 0046-0012
Trio Account #: 2785

Owner: MILDRAM, DOUGLAS S
Co-Owner:
Mailing Address: 13 GABRIEL WOODS RD
NEW GLOUCESTER, ME 04260

Valuation	Building Sketch
Card Number: 1 Acreage: 0.27 Land Value: \$184,560 Building Value: \$27,630 Total Value: \$27,630 Taxes: \$3,013	NO SKETCH AVAILABLE
Building Information	
Year Built: 1960 Remodded: 0 Living Area (sqft): 0 Basement: No Basement Finished Basement: 0 Number of Rooms: 4 Number of Bedrooms: 2 Number of Full Baths: 1 Number of Half Baths: 0	Stories: Exterior Walls: T&E Roofing Materials: Asphalt Shingles Foundation: Piers Insulation: None Fireplace: 0 Heating: Units A/C: None Attic: Floor & Stairs



Zoning Map TM 46-12

Town of Poland, ME

1 inch = 50 Feet



www.cai-tech.com

November 13, 2023



	Parcel - Poly
	Parcel Lines - No Orthos
	Limited Residential
	WATER
	World Hillshade

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

RECORD AND RETURN TO:
Karl D. and Michelle S. Dowling
12 Townsend Hill Road
Brookline, NH 03033
File No. FP-002093
Parcel No. 46-12

DLN: 1002340242212
Transfer Tax: \$1,760.00

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that I,

Douglas Mildram a/k/a Douglas S. Mildram, of 13 Gabriel Woods Road, New Gloucester, ME 04260

for consideration paid, grants to

Karl D. Dowling and Michelle S. Dowling, Trustees of The Dowling Family Revocable Trust and The Dowling Family Revocable Trust, of 12 Townsend Hill Road, Brookline, NH 03033, with **WARRANTY COVENANTS**, the following:

All that certain lot or parcel of land situate in the **Town of Poland, County of Androscoggin, State of Maine**, and being more particularly described as follows:

Being Lot Twelve (12) as delineated on a Plan of Poland Spring, West Shores, Middle Range Pond in said Poland, said Plan being recorded in the Androscoggin County Registry of Deeds, Plan Book 16, Page 40, to which Plan reference is hereby made.

Subject to the following restrictions, conditions and protective covenants, imposed for the benefit of the owners of other lots on said Plan.

- (a) No building or other structure shall be erected, placed, or permitted to remain on any lot, except one residence, with the usual appurtenant buildings and such residence shall have a minimum foundation area of six hundred (600) square feet.
- (b) No commercial or business use shall be permitted on any such lot.
- (c) All sewage from any house or other structure on any such lot shall be disposed of by septic tank constructed in accordance with the standards of the Department of Health and Welfare of the State of Maine, unless and until public sewers shall be installed.
- (d) Each residence constructed on any such lot shall have a market value of at least five thousand dollars (\$5,000.00) in addition to the land cost. No such residence or other structure shall be left in an uncompleted state, but completion shall be within one (1) year of date of construction.
- (e) No house trailers or mobile homes, so-called, whether on wheels or not, shall be permitted on any of the said lots, and no tents for occupancy shall be allowed.

- (f) No building shall be located nearer than thirty (30) feet to the front line, or nearer than twenty (20) feet to any side lot line.
- (g) No fence to be erected and maintained on said lot shall be more than forty-two (42) inches in height.
- (h) No building or structure shall be left with tarred paper or tarred shingle siding exposed.
- (i) The grantees, their heirs and assigns, or guests of the grantees, their heirs and assigns, shall not park motor vehicles on roads or rights-of-way as shown on said Plan.
- (j) Dorsey L. Rouse and Mae Belle Rouse shall be under no obligations to enforce any of the foregoing restrictions or conditions or to restrain or enjoin any violation thereof or to repair or improve any right-of-way shown on said Plan.
- (k) Said Rouses, their heirs and assigns, reserve the right to install and maintain such guy wires and poles on said premises as may be reasonably necessary to maintain utility lines in the streets on said Plan. In exercising said rights, the Rouses covenant for themselves, their heirs and assigns, that so far as possible they will locate such guys initially in accordance with the needs of said lot owners, that they will do no unnecessary damage to the land surface, and that they will restore said surface as neatly as possible to its pre-existing condition.

Meaning and Intending to describe the same property as conveyed to Douglas Mildram from Maureen Quinty Mildram, a married woman, by Quitclaim Deed dated May 18, 2020, and recorded on June 1, 2020, in Book 10381, Page 118.

Also meaning and Intending to describe the same property as conveyed to Douglas S. Mildram and Maureen Q. Mildram, by Warranty Deed dated January 6, 2006, and recorded on January 9, 2006, in Book 6636, Page 256

TAX MAP 0046-0012

Premises being known as: 44 West Shore Drive, Poland, ME

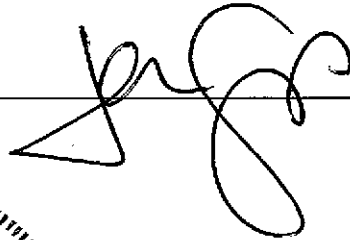
Dated this 17th day of July, 2023.

Douglas Mildram {SEAL}
Douglas Mildram

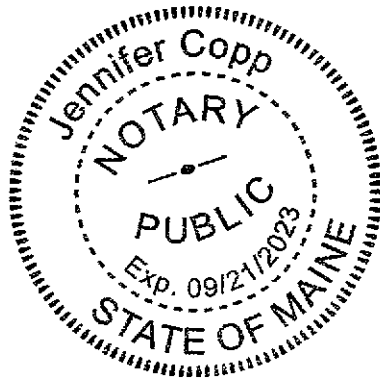
STATE OF MAINE
COUNTY OF CUMBERLAND

On this the 17th day of July, 2023 personally appeared **Douglas Mildram a/k/a Douglas S. Mildram**, known to me, or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purpose therein contained.

Before me, _____



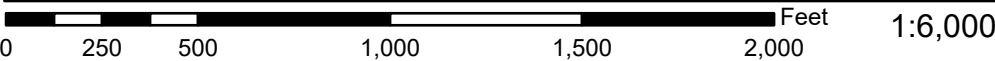
Notary Public



National Flood Hazard Layer FIRMMette



70°23'23"W 44°2'1"N



Basemap Imagery Source: USGS National Map 2023

Legend

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

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



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

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

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **11/13/2023 at 2:48 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services
Division of Health Engineering
(207)289-3826

PROPERTY ADDRESS

Town Or Plantation	POLAND
Street Subdivision Lot #	LOT #12 MIDDLE RANGE PL.

PROPERTY OWNERS NAME

Last: <u>MACKENZIE</u>	First: <u>GRAHAM</u>
Applicant Name:	<u>SAME</u>
Mailing Address of Owner/Applicant (If Different)	<u>107 VILLAGE ST. MARBLEHEAD, MASS 01945</u>

Owner/Applicant Statement

I certify that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Local Plumbing Inspector to deny a Permit.

Grant MacKenzie 8/3/89
Signature of Owner/Applicant Date

POLAND

PERMIT # 865

TOWN COPY

Date Permit Issued: 8-3-89

RC Stanley
Local Plumbing Inspector Signature

\$ 40 FEE ☐ If Double Fee Charged
L.P.I. # 817

Caution: Inspection Required

I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules.

Local Plumbing Inspector Signature

Date Approved

PERMIT INFORMATION

THIS APPLICATION IS FOR:

- ☐ NEW SYSTEM
- ☒ REPLACEMENT SYSTEM
- ☐ EXPANDED SYSTEM
- ☐ EXPERIMENTAL SYSTEM

SEASONAL CONVERSION

to be completed by the LPI

- ☐ SYSTEM COMPLIES WITH RULES
- ☐ CONNECTED TO SANITARY SEWER
- ☐ SYSTEM INSTALLED - P#
- ☐ SYSTEM DESIGN RECORDED AND ATTACHED

IF REPLACEMENT SYSTEM:

YEAR FAILING SYSTEM INSTALLED ~1974

THE FAILING SYSTEM IS:

- ☐ BED
- ☐ CHAMBER
- ☒ TRENCH POSSIBLY?
- ☒ OTHER: cesspool

SIZE OF PROPERTY

~82' x 145'

ZONING

SHORELAND

THIS APPLICATION REQUIRES:

- ☐ NO RULE VARIANCE
- ☐ NEW SYSTEM VARIANCE
Attach New System Variance Form
- ☒ REPLACEMENT SYSTEM VARIANCE
Attach Replacement System Variance Form
 - ☐ Requiring Local Plumbing Inspector Approval
 - ☐ Requires State and Local Plumbing Inspector Approval
- ☐ MINIMUM LOT SIZE VARIANCE

DISPOSAL SYSTEM TO SERVE:

- ☒ SINGLE FAMILY DWELLING
- ☐ MODULAR OR MOBILE HOME
- ☐ MULTIPLE FAMILY DWELLING
- ☐ OTHER _____ SPECIFY

INSTALLATION IS:

COMPLETE SYSTEM

- ☒ NON-ENGINEERED SYSTEM
- ☐ PRIMITIVE SYSTEM
(Includes Alternative Toilet)
- ☐ ENGINEERED (+2000 gpd)
- ☐ TREATMENT TANK (ONLY)
- ☐ HOLDING TANK _____ GAL
- ☐ ALTERNATIVE TOILET (ONLY)
- ☐ NON-ENGINEERED DISPOSAL AREA (ONLY)
- ☐ ENGINEERED DISPOSAL AREA (ONLY)
- ☐ SEPARATED LAUNDRY SYSTEM

TYPE OF WATER SUPPLY

LAKE

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

TREATMENT TANK

- ☒ SEPTIC: ☒ Regular ☐ Low Profile
- ☐ AEROBIC

SIZE: 750 GALS.

WATER CONSERVATION

- ☒ NONE
- ☐ LOW VOLUME TOILET
- ☐ SEPARATED LAUNDRY SYSTEM
- ☐ ALTERNATIVE TOILET

SPECIFY: _____

PUMPING

- ☐ NOT REQUIRED
- ☐ MAY BE REQUIRED
(DEPENDENT ON TREATMENT TANK LOCATION AND ELEVATION)
- ☒ REQUIRED

DOSE: 75-100 GALS.

SOIL CONDITIONS USED FOR DESIGN PURPOSES

PROFILE 5 CONDITION C

DEPTH TO LIMITING FACTOR: 31

SIZE RATINGS USED FOR DESIGN PURPOSES

- ☐ SMALL
- ☒ MEDIUM
- ☐ MEDIUM-LARGE
- ☐ LARGE
- ☐ EXTRA LARGE

DISPOSAL AREA TYPE/SIZE

- ☐ BED _____ Sq. Ft.
- ☒ CHAMBER 256 Sq. Ft.
☐ REGULAR ☐ H-20
- ☐ TRENCH _____ Linear Ft.
- ☐ OTHER: _____

CRITERIA USED FOR DESIGN FLOW (BEDROOMS, SEATING, EMPLOYEES, WATER RECORDS, ETC.)

2 BEDROOM
SEASONAL
DWELLING

MINIMUM
Theoretical Flow

DESIGN FLOW: 180
(GALLONS/DAY)

SITE EVALUATOR STATEMENT

On 7-15-89 (date) I conducted a site evaluation for this project and certify that the data reported is accurate. The system I propose is in accordance with the Subsurface Wastewater Disposal Rules.

Thomas W. Stanley
Site Evaluator Signature

217
SE#

7-24-89
Date

(Local Plumbing Inspector's Signature if permit is for Seasonal Conversion.)

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services
Division of Health Engineering

Town, City, Plantation

POLAND

Street, Road, Subdivision

LOT #12 MIDDLE RANGE POND

Owners Name

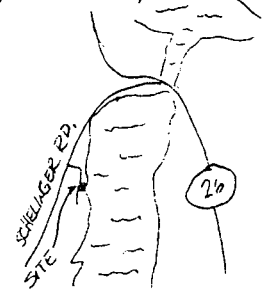
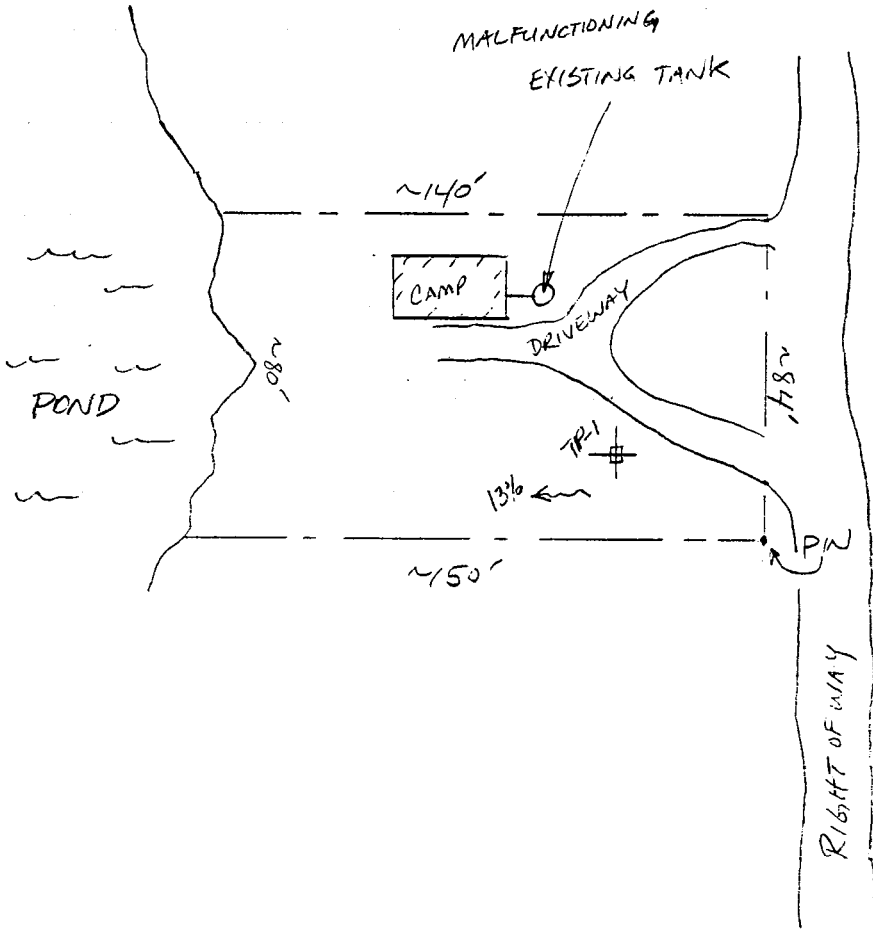
GRAHAM

MACKENZIE

SITE PLAN

Scale 1" = 150 Ft.

SITE LOCATION PLAN (Attach
Map from Maine Atlas for
New System Variance)



SOIL DESCRIPTION AND CLASSIFICATION

(Location of Observation Holes Shown Above)

Observation Hole TP-1 ☒ Test Pit ☐ Boring

1 " Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
0			
6	FRIABLE	BROWN	
10			
15	FRIABLE	BRIGHT YELLOW	
20		RANGE	FEW
30			
40	VERY FIRM	TANS	COMMON
50			

Soil	Classification	Slope	Limiting Factor	<input type="checkbox"/> Ground Water
5	C	13 %	31	<input checked="" type="checkbox"/> Restrictive Layer
Profile	Condition			<input type="checkbox"/> Bedrock

Observation Hole ☐ Test Pit ☐ Boring

 " Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
0			
6			
10			
15			
20			
30			
40			
50			

Soil	Classification	Slope	Limiting Factor	<input type="checkbox"/> Ground Water
Profile	Condition			<input type="checkbox"/> Restrictive Layer
				<input type="checkbox"/> Bedrock

Thomas D. Longley
Site Evaluator Signature

217
SE#

7-24-89
Date

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services
Division of Health Engineering

Town, City, Plantation

Street, Road, Subdivision

Owners Name

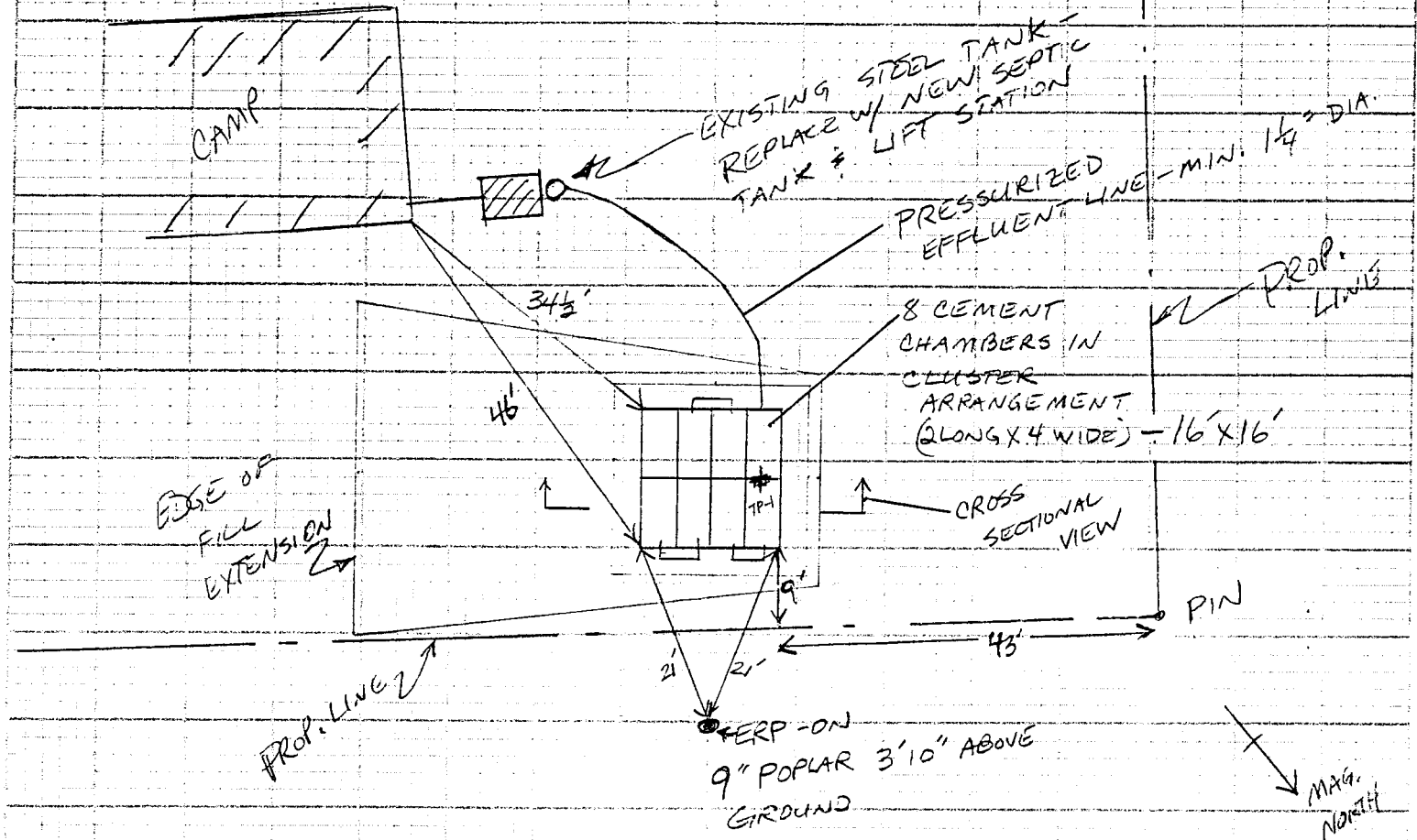
POLAND

LOT #12 MIDDLE RANGE POND

GRAHAM MACKENZIE

SUBSURFACE WASTEWATER DISPOSAL PLAN

Scale 1" = 20 Ft.



FILL REQUIREMENTS

Depth of Fill (Upslope)

17"

Depth of Fill (Downslope)

42"

CONSTRUCTION ELEVATIONS

Reference Elevation is

ASSUMED

0"

Bottom of Disposal Area

-52"

Top of Distribution Lines or Chambers

-39"

ELEVATION REFERENCE POINT LOCATION & DESCRIPTION

RED FLAGGED NAIL ON TREE - SEE ERP ABOVE

Scale:

Vertical: 1 inch = 4 Ft.

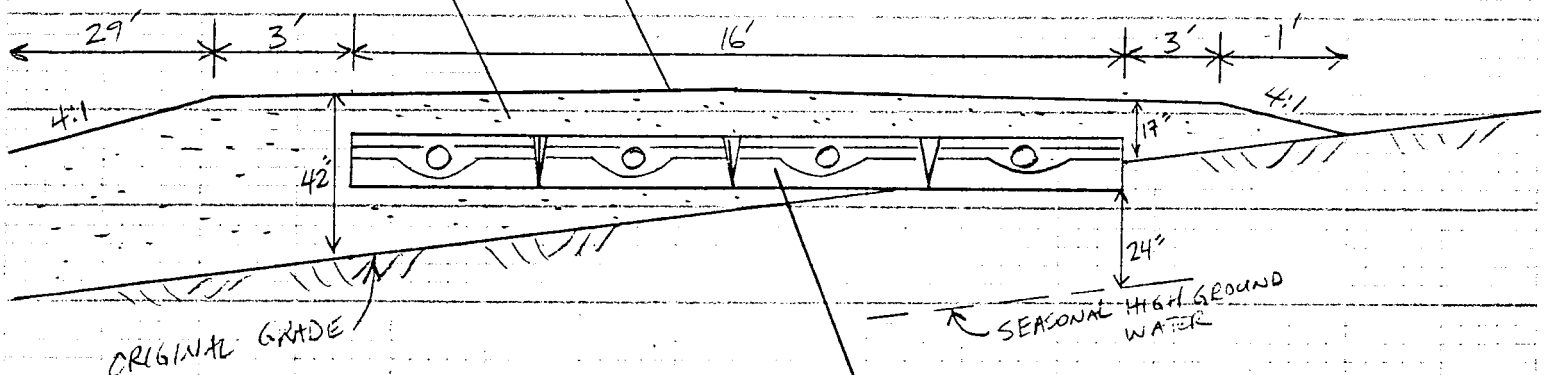
Horizontal: 1 inch = 4 Ft.

10" TO 12" OF CLEAN FILL DISPOSAL AREA CROSS SECTION

ALL FILL TO BE SANDY LOAM & COMPACTED AS PLACED

CROWN FROM CENTER AT 3% GRADE

TO 3' BEYOND EDGE OF CONCRETE CHAMBERS



SCAFFY EXISTING SOIL SURFACE THROUGHOUT ENTIRE AREA UNDER FILL EXTENSIONS

CONCRETE CHAMBERS - INSTALL ACCORDING TO MANUFACTURER'S SPECIFICATIONS

Thomas W. Longley

Site Evaluator Signature

217

SE#

7-24-89

Date

REPLACEMENT SYSTEM VARIANCE REQUEST

THE LIMITATIONS OF THE REPLACEMENT SYSTEM VARIANCE REQUEST

This form shall be attached to an application for the proposed replacement system which does not comply with the Rules. The LPI shall review the Replacement System Variance Request and Application and may approve the Request if all of the following requirements can be met, and the variance(s) requested fall within the limits of LPI's authority.

1. The proposed design meets the definition of a Replacement System from the rules.
2. A system cannot be designed and installed in total compliance with the Rules.
3. The design flow is less than 500 GPD.
4. There will be no change in use of the structure.
5. The replacement system is determined by the Site Evaluator and LPI to be the most practical method to treat and dispose of the wastewater.

GENERAL INFORMATION

Town of POLAND

Permit No. _____ E Date Permit Issued _____
MONTH/DAY/YEAR

Property Owner's Name: GRAHAM MACKENZIE Tel. No. _____

System's Location: ALONG WEST SHORE OF MIDDLE RANGE POND - LOT #12
STREET

POLAND

Maine _____

ZIP

Property Owner's Address: 107 VILLAGE ST.

(if different from above)

MARBLEHEAD

STREET
MASS.

01945

TOWN

STATE

ZIP

SPECIFIC INSTRUCTIONS TO THE:

LPI:

If any of the variances exceed your approval authority and/or do not meet all of the requirements listed under the Limitations Section above, they you are to send this Replacement System Variance Request, along with the Application, to the Department for review and approval consideration before issuing a Permit. (See reverse side for Comments Section and your signature.)

SITE EVALUATOR:

If after completing the Application, you find that a variance for the proposed replacement system is needed, then complete the Replacement Variance Request with your signature on reverse side of form.

PROPERTY OWNER:

It has been determined by the Site Evaluator that a variance to the Rules is required for the proposed replacement system. This variance request is due to physical limitations of the site and/or soil conditions. Both the Site Evaluator and the LPI have considered the site/soil restrictions and have concluded that a replacement system in total compliance with the Rules is not possible.

The **OWNER** shall sign this statement. Therefore, having read both this Replacement Variance Request and the attached Application, I understand that the proposed system is not in total compliance with the Rules and hereby release all those concerned with this Variance, provided they have performed their duties in a reasonable and proper manner.

Graham Mackenzie
PROPERTY OWNER'S SIGNATURE

8/3/89
DATE

VARIANCE CATEGORY	VARIANCE REQUESTED	LIMIT OF LPI'S APPROVAL AUTHORITY		VARIANCE REQUESTED TO:	
SOILS					
Soil Profile	Ground Water Table	to 6"			
Soil Condition	Restrictive Layer	to 6"			
from HHE-200	Bedrock	to 10"			
SETBACK DISTANCES (IN FEET)	FROM:	TREATMENT TANK	DISPOSAL AREA	TREATMENT TANK	DISPOSAL AREA
Potable Water Supplies	1. Well: > 2000 gal/day	100 ^a	300 ^a		
	2. Well: < 2000 gal/day				
	a. Neighbor's	50 ^b	60 ^b		
	b. Property Owner's	25'	50'		
	3. Water Supply Line	See note 'a'			
Waterbodies	1. Perennial	50'	60'	~80'	
	2. Intermittent	15'	20'		
	3. Manmade drainage ditch	10'	15'		
Downhill Slope	Greater than 3:1 (33%)	5 ^c	10 ^c		
Buildings	1. With Basement	5'	10'		
	2. Without Basement	5'	10'		
Property Line		4'	5'		9'

OTHER

1. Fill extension Grade—to 3:1

2.

3.

Footnotes:

- a. This setback distance cannot be reduced by variance. See Table 6-2.
b. Written Permission from the owner of a well is required when a replacement system will be located less than 100 feet but closer to that well than the system it is replacing.
c. Sufficient distance shall be maintained to assure that the toe of the fill does not extend to the 3:1 slope.

Thomas D. Langley
SITE EVALUATOR'S SIGNATURE

7-24-89
DATE

LPI STATEMENT

I, RC Stanley, LPI for the Town of Poland have conducted an on-site inspection for the proposed replacement system and have determined to the best of my knowledge, that it cannot be installed in total compliance with the Rules, applicable Municipal Wastewater Disposal Ordinances, or the Local Shoreland Zoning Ordinance. As a result of my review of the Replacement System Variance Request, the Application, and my on-site investigation, I (check and complete either a or b):

- ☒ a. (☒ approve, ☐ disapprove) the variance request based on my authority to grant this variance. Note: If the LPI does not give his approval, he shall list his reasons for denial in **Comments** Section below and return to the applicant.

—OR—

- ☐ b. find that one or more of the requested Variances exceeds my approval authority as LPI. I (☐ recommend ☐ do not recommend) the Department's approval of the variances. Note: If the LPI does **not** recommend the Department's approval, he shall state his reasons in **Comments** Section below as to why the proposed replacement system is not being recommended.

Comments:

RC Stanley
LPI'S SIGNATURE

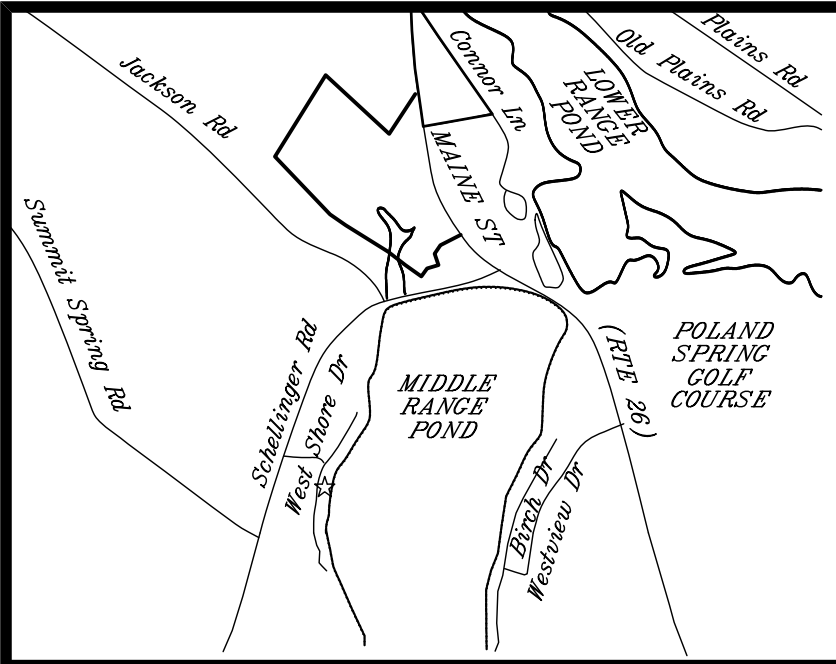
8/3/89
DATE

FOR USE BY THE DEPARTMENT ONLY

The Department has reviewed the variance(s) and (☐ does ☐ does not) give its approval. Any additional requirements, recommendations, or reasons for the Variance denial, are given in the attached letter.

SIGNATURE OF THE DEPARTMENT

DATE



LOCATION MAP
NOT TO SCALE

LEGEND

- PROPERTY LINES
RIGHT OF WAY/ABUTTING LOT LINES
LIDAR CONTOUR
FEMA FLOOD ELEVATION (AE 309')
- SHORELAND OFFSETS
5/8" CAPPED REBAR SET
IRON PIN / REBAR / PIPE FOUND (AS NOTED)
TREES (AS NOTED)
- UTILITY POLE & OVERHEAD POWER LINE
- LOT #
PLAN REF. 1 LOT NUMBERS
- CRBR CAPPED REBAR
SOT SHOT ON TOP
SAB SHOT AT BASE
A.G. ABOVE GROUND
B.G. BELOW GROUND
N/F NOW OR FORMERLY

NOTES:

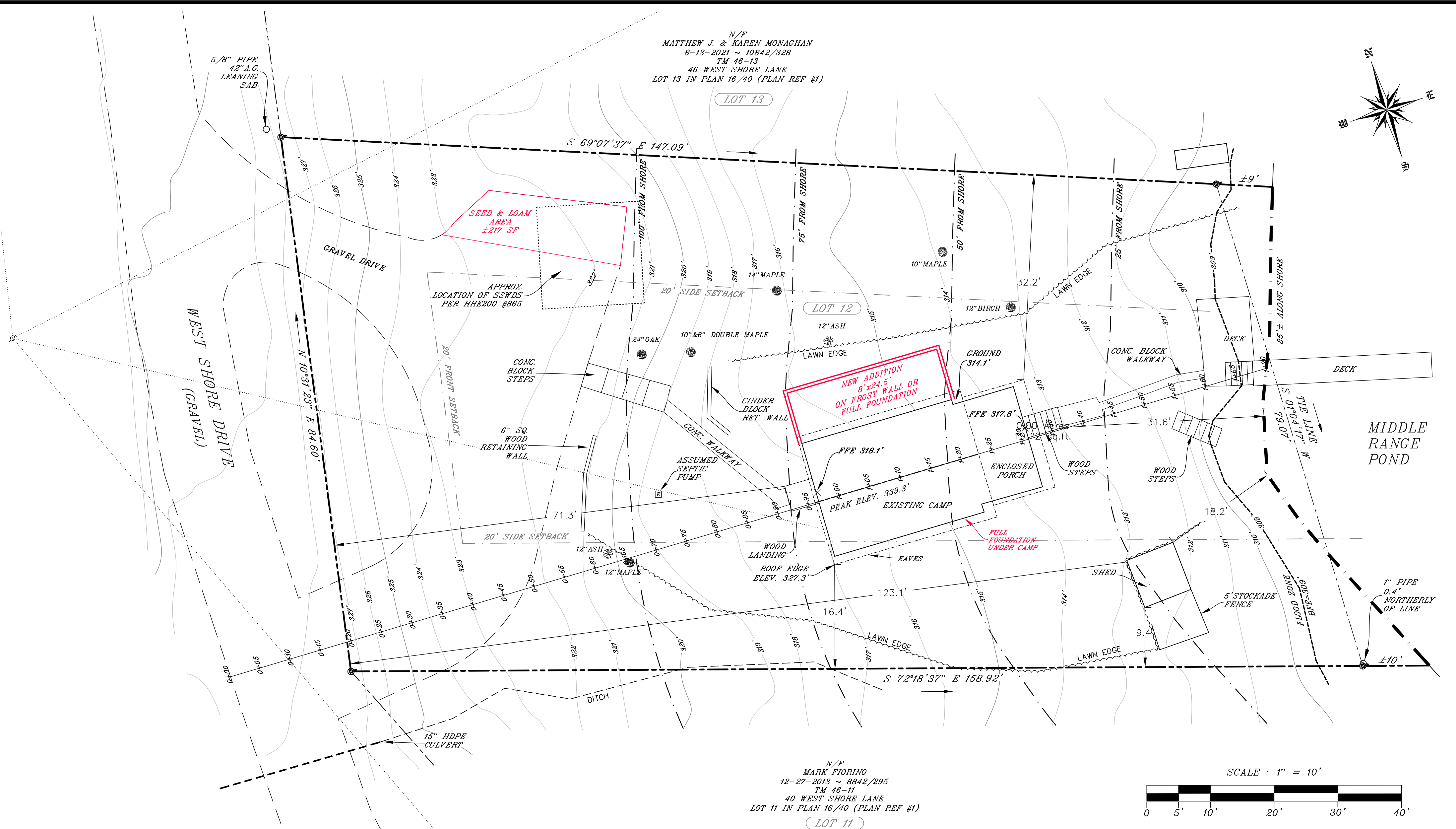
- BEARINGS ARE REFERENCED TO GRID NORTH MAINE STATE PLANE COORDINATE SYSTEM NAD83 (2011) WEST ZONE.
- DEED REFERENCES ARE MADE TO THE ANDROSCOGGIN COUNTY REGISTRY OF DEEDS.
- THE PARCEL IS LOCATED IN THE LIMITED RESIDENTIAL ZONING DISTRICT.
- A PORTION OF THE PARCEL IS LOCATED WITHIN A 100-YEAR FLOOD HAZARD AREA AS SHOWN ON THE F.E.M.A. FLOOD INSURANCE RATE MAP COMMUNITY PANEL 23001C0294E, EFFECTIVE DATE 7/8/2013. ZONE AE ELEVATION IS AT 309 FEET.
- LOCATION OF SUBSURFACE WASTEWATER DISPOSAL SYSTEM IS APPROXIMATE ONLY.
- CONTOURS ARE BASED ON LIDAR INFORMATION OBTAINED FROM NOAA.
- WEST SHORE DRIVE RIGHT OF WAY 50-FT-WIDE PER PLAN REF. 1.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ALL EROSION CONTROL MEASURES BASED ON BEST MANAGEMENT PRACTICES.

REFERENCES:

- POLAND SPRING WEST SHORES ON MIDDLE RANGE POND, POLAND, MAINE OWNED BY DORSEY ROUSE & DEVELOPED BY PRIDE & STEELE, REALTOR, SURVEYED BY HUGH W. HASTINGS, II LAND SURVEY DATED JUNE 1964 RECORDED AT THE ANDROSCOGGIN COUNTY REGISTRY OF DEEDS IN PLAN BOOK 16, PAGE 40.

CONTOUR NOTES

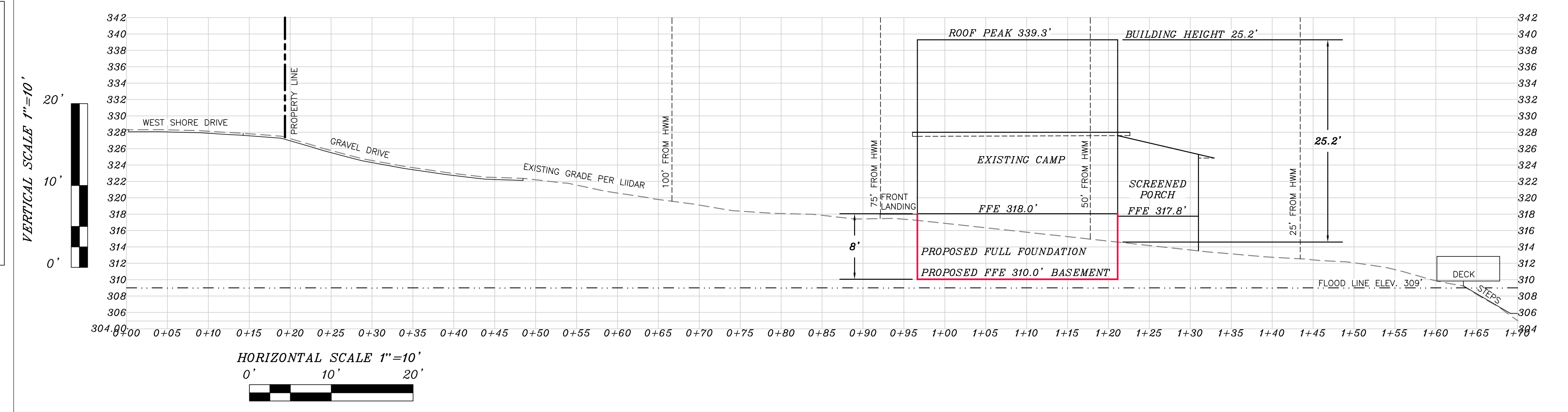
CONTOURS SHOWN ON PLAN ARE BASED ON LIDAR POINT CLOUD DATA EXTRACTED FROM A LARGER CLASSIFIED DATA SET AND ONLY INCLUDED POINTS CLASSIFIED AS GROUND WITHIN THE REQUESTED GEOGRAPHIC BOUNDS. THE DATA WAS DOWNLOADED FROM THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) DIGITAL COAST DATA ACCESS VIEWER. CUSTOM PROCESSING OF "2020 USGS LIDAR: SOUTH COASTAL MAINE (Q12)". CHARLESTON, SC: NOAA OFFICE FOR COASTAL MANAGEMENT. ACCESSED NOVEMBER 13, 2023 AT [HTTPS://COAST.NOAA.GOV/DATAVIEWER](https://coast.noaa.gov/dataviewer). VERTICAL DATUM IS NAVD88.



Zoning: Limited Residential
Chapter 5 - 508.27

Minimum Lot Area: 80,000 sq.ft.
Minimum Road Frontage: 200'
Minimum Shore Frontage: 200'
Maximum Impervious: 15%
Maximum Structure Height: 20/25'

Setbacks:
Front: 20'
Side & Rear: 20'
From HWM: 100'



SCHEDULE OF EXPANSION ALLOWED W/IN 50' TO 75'
THE GREATER OF 30% OF STRUCTURE OR 1000 SQ. FT. IS ALLOWED

STRUCTURES W/ 50' TO 75'	761 SQ. FT.
ALLOWED EXPANSION	239 SQ. FT.
PROPOSED EXPANSION	223 SQ. FT.

SCHEDULE OF IMPERVIOUS AREA & ALLOWED %	ALLOWED	EXISTING	PROPOSED
LOT AREA	12,247 SQ. FT.		
IMPERVIOUS AREA IN SQ. FT.	1,837.1	3,263.6	3,261.9
% OF IMPERVIOUS AREA	15.0%	26.6%	26.6%

RECORDING INFORMATION:

STATE OF MAINE, ANDROSCOGGIN, ss
REGISTRY OF DEEDS

RECEIVED _____ 20____
AT ____HR ____MIN. ____M. AND RECORDED
IN PLAN BOOK _____, PAGE _____

ATTEST: _____
REGISTER

TOWN OF POLAND PLANNING BOARD: _____ DATE: _____

CHAIRPERSON: _____

NO.	DESCRIPTION:	DATE:

AREA:
±12,247 SQ. FT.
±0.3 ACRES

OWNER OF RECORD:
KARL D. & MICHELLE S. DOWLING
TRUSTEES OF
THE DOWLING FAMILY REVOCABLE TRUST
12 TOWNSEND HILL ROAD
BROOKLINE, NH 03033

TAX MAP 46, LOT 12
BOOK 11394, PAGE 201
JULY 17, 2023

CERTIFICATION: THIS PLAN IS NOT VALID UNLESS ENDORSED BY THE BOARD OF MAINE SURVEYORS. I HAVE USED ORDINARY AND PRUDENT TO THE BEST OF MY KNOWLEDGE. I HAVE USED PROFESSIONAL LAND SURVEYING AND THE RESULTS SHOWN HERE REPRESENT THE LICENSEE'S RESPONSIBILITY TO THE PUBLIC. THIS PLAN IS NOT VALID UNLESS ENDORSED BY THE BOARD OF MAINE SURVEYORS. (M.R.S.A. TITLE 32, CHAPTER 141) AND MAINE DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION (DPR) BOARD OF PROFESSIONAL LAND SURVEYORS (BPLS) STANDARDS OF PRACTICE (CHAPTER 90).

EXCEPT AS FOLLOWS:
1) NO WRITTEN REPORT TO DATE
2) NO DEED DESCRIPTION TO DATE

DRAWN BY: LDH
CHECKED BY: SAD

DAVIS LAND SURVEYING, LLC
990 MINOT AVENUE
AUBURN, MAINE 04210
OFFICE (207) 945-9991 ~ (207) 782-3685 ~ CELL (207) 240-9949
EMAIL: stuart@davislandsurveying.net
WEBSITE: www.davislandsurveying.net
DECEMBER 12, 2023

--- SITE PLAN - SHORELAND ZONING ---
PLAN OF PROPERTY
44 WEST SHORE DRIVE
POLAND, MAINE
PREPARED FOR:
KARL & MICHELLE DOWLING
12 TOWNSEND HILL ROAD
BROOKLINE, NH 03033

JOB NO.: 23-098
FILE NO.: 616