

**Minor amendment application
materials for Site Location Permit
Capital Area Recreation Association
Piggery Road, Augusta, Maine**



February 7, 2014

Phase 2 Construction Plan

**Application prepared by: Steve Roberge
SJR Engineering Inc.
Augusta, Maine**

DEVELOPMENT REVIEW APPLICATION

Applicant Please Read First:

It is the Applicant's responsibility to read the relevant sections of the Augusta Land Use Ordinance and provide the material required to constitute a complete application. No application will be placed on the Planning Board agenda until it has been deemed complete by staff at the Bureau of Planning. An application that includes all of the information described in this packet shall constitute a completed application. Waivers from certain standards may be requested in writing as an alternative to providing the required information.

This application form is for major development and minor development site plan applications which are:

MAJOR DEVELOPMENT: Any multi-family or non-residential development project that:

- a. creates more than 20,000 square feet of new floor space in the CD or IA zones; or
- b. creates more than 10,000 square feet of new floor area in zones not listed in a. above; or
- c. that disturbs more than 43,560 square feet (1 acre) of land; or
- d. creates more than 43,560 square feet (1 acre) of new impervious surface; or
- e. new construction that generates more than 100 trips in the peak hour for the proposed use; or
- f. proposes a new wireless communication facility that will require construction of a new tower.

MINOR DEVELOPMENT: Any multi-family or non-residential development project that:

- a. creates between 5,000 and 20,000 square feet of new floor area in the CD and IA zones; or
- b. creates between 1,000 and 10,000 square feet of new floor area in zones not listed in a. above; or
- c. that disturbs between 10,000 and 43,560 square feet of land; or
- d. creates between 10,000 and 43,560 square feet of new impervious surface; or
- e. creates four (4) or more residential units in a pre-existing single family, duplex, or multi-family structure; or
- f. new construction that generates between 35 and 99 trips in all zoning districts except CD and IA, in the peak hour for the proposed use; or
- g. any change of use where the proposed use requires 25% more on-site parking, as calculated using the parking requirements in the Land Use Ordinance, than the applicant proposes to make available on site; or
- h. proposes collocation of a wireless communication facility on an existing tower that will require construction of a new equipment shed.
- i. all uses proposing to construct a drive-through service or vehicle re-fueling pumps that do not otherwise qualify for major or minor development review.

When a proposed use qualifies as both a Development review and a Conditional Use, this single application shall be used. The staff and Planning Board review shall take both required approvals into account during a single review process.

Please note that a **complete application is required** before it will be reviewed by the Planning Board. The attached application must be submitted with the required plans, drawings, reports, and narratives as outlined in Chapter 4 of the Land Use Ordinance and Section 6.3.4 of the Land Use Ordinance.

The application review for a Major and **Minor Development** will proceed as follows:

1. Pre-Application review with Planning Staff, as necessary
2. Application submission to Planning Board.
3. Notification of abutters upon receipt of Application for Minor Development
4. Public hearing within thirty (30) days of receipt of complete application
5. Planning Board decision within thirty (30) days of the close of a public hearing.

Decisions on a Major or Minor Development are generally made in a single Planning Board meeting, however, if additional information is required, the hearing may be continued and require additional Planning Board meetings.

FEES:

1. For all applications: \$0.15 + the cost of first class postage for each abutter that will be notified as required by the ordinance.
2. For Major Development review: \$2,000 + (\$0.15 x each new square foot over 25,000). Maximum fee = \$4,000.
3. For Minor Development review: \$250 + (\$0.15 x each new square foot over 5,000). Maximum fee = \$1,000.

City of Augusta
Development Review Application
 Bureau of Planning, Department of Development Services

Address of Proposed development: Piggery Road, Augusta		
Zone(s): RRES (Rural Residential)		
Project Name: CASC Lacrosse Field Improvements		
Existing Building (sq. ft.): NA	Proposed Building (sq. ft.): NA	
Existing Impervious (sq. ft.): 0	Proposed Impervious (sq. ft.): 26,000 sf	
<p>Proposed Total Disturbed Area of the Site: The project is to be constructed in phases. Phase 1: 43,200 sf disturbed area, Phase 2: 40,500 sf disturbed area, Phase 3: 38,400 sf disturbed area.</p> <p>Proposed disturbance of greater than one acre requires a Chapter 500, Stormwater Management Permit from the Maine Department of Environmental Protection (DEP).</p>		
Owner's Name/Address: Maine, State of Attn: Dave Rodrigues Department of Conservation Harlow Building Augusta, Maine 04333 Phone #: 207-287-4916 Cell #: 207-446-1747 e-mail: David.Rodrigues@maine.gov	Applicant's Name/Address: Capital Area Recreation Association Attn: Steve Roberge, Member PO Box 2222 Augusta, Maine 04338 Phone #: 207-622-1676 Cell #: 207-242-6248 e-mail: steve@sjreng.com	Consultant's Name/Address: Steve Roberge SJR Engineering Inc 21 Mayflower Road Augusta, Maine 04330 Phone #: 207-622-1676 Cell #: 207-242-6248 e-mail: steve@sjreng.com
Tax Map #: 10 Lot #: 32	Lot Size (acres): 84.00 Frontage (Feet): NA	Form for Evidence of Standing (deed, purchase and sale agreement, other): 100 year Lease with State of Maine
<p><u>For Staff Use</u></p> <p>Fee Calculation: Major Development max fee is \$4,000; Minor Development max fee is \$1,000 Major Development: \$2,000 + (number of sq ft over 25,000 x \$0.15) = Minor Development: \$250 + (number of sq ft over 5,000 x \$0.15) = All Development: Number of Abutters x (1oz First Class postage fee + \$0.15) = Total Fee: \$250.00 Plus \$75.44 abutter fee</p>		
<p>Signatures</p> <p>Applicant: _____ Date: _____</p> <p>Owner: _____ Date: _____</p> <p>Agent: _____ Date: _____</p>		

Checklist. The checklist below must be completed by the applicant. The required material or a written waiver request must be provided.

Information Required on Plan(s) See Augusta Land Use Ordinance for greater detail	Included	Waiver Requested
a. Name of Site Plan (Sec 4.5.2.1 of the Land Use Ordinance)	X	
b. Owner(s) name and address (4.5.2.2)	X	
c. Deed reference to subject parcel (4.5.2.3)	X	
d. Engineer's name, address, signature and seal (4.5.2.4)	X	
e. Surveyor's name, address, signature and seal (4.5.2.5)		X
f. Scale, both in graphic and written form (4.5.2.6)	X	
g. Date and Revision box (4.5.2.7)	X	
h. Zoning designation(s) (4.5.2.8)	X	
i. North Arrow (true and magnetic, dated or grid) (4.5.2.9)	X	
j. Ownership, location and present use of abutting land (4.5.2.11)	X	
k. Location map (4.5.2.12)	X	
l. Streets, existing & proposed, with curve data (4.5.2.13 & 4.6.2.5)	X	
m. Drainage and erosion control (4.5.2.14)	X	
n. Utilities, existing and proposed (4.5.2.15)	X	
o. Topography, 2 foot contours (4.5.2.16)	X	
p. Parcel boundaries and dimensions (4.5.2.17)	X	
q. Proposed Use of the property (4.5.2.18)	X	
r. Proposed public or common areas (4.5.2.19)	X	
s. Boundary Survey and associated information (4.5.2.20)		X
t. Traffic controls, off-street parking and facilities (4.5.2.21)	X	
u. Proposed fire protection plans or needs (4.5.2.22)		X
v. Landscaping and buffering (4.5.2.23)	X	
w. Outdoor lighting plan (4.5.2.24)	NA	
x. Freshwater wetlands (4.4.1.14)	X	
y. River, stream or brook (4.4.1.15)	X	
Information Required in Written Project Narrative See Augusta Land Use Ordinance for greater detail	Included	Waiver Requested
a. Pollution – Undue water or air pollution (4.4.1.1)	X	
b. Water – Sufficient potable water (4.4.1.2)	NA	
c. Municipal Water – is there adequate supply (4.4.1.3)	NA	
d. Soil Erosion – unreasonable soil erosion (4.4.1.4)	X	
e. Road congestion and safety (4.4.1.5 & 4.5.2.21)	X	
f. Sewage waste disposal – adequate provisions (4.4.1.6)	NA	
g. Solid waste – adequate provisions (4.4.1.7)	X	
h. Aesthetic, cultural, and natural values (4.4.1.8)	X	
i. Conformity with city ordinances and plans (4.4.1.9)	X	
j. Financial and technical ability (4.4.1.10)	X	
k. Surface water, shoreland, outstanding rivers (4.4.1.11)	X	
l. Ground water – negative impact (4.4.1.12)	X	
m. Flood areas (4.4.1.13)	X	
n. Freshwater wetlands – description of impact (4.4.1.14)	NA	
o. Stormwater – management plans (4.4.1.16)	X	
p. Access to direct sunlight (4.4.1.17)	X	
q. State Permits – description of requirements (4.4.1.18)	X	
r. Outdoor lighting – description of lighting plans (4.4.1.20)	NA	

Additional Information Required in Written Narrative See Augusta Land Use Ordinance for greater detail Where the items below duplicate the items above, identical responses are permitted and encouraged.	Included	Waiver Requested
s. Neighborhood Compatibility – description per ordinance (6.3.4.1)	X	
t. Compliance with Plans and Policies (6.3.4.2)	X	
u. Traffic Pattern, Flow, and Volume analysis (6.3.4.3)		X
v. Public facilities – Utilities including stormwater (6.3.4.4)	NA	
w. Resource protection and the environment (6.3.4.5)	X	
x. Performance Standards (6.3.4.6)	X	
y. Financial and Technical Ability (6.3.4.7)	X	

Application Materials

The application materials that are required for a complete application are listed below:

Paper Copies	Included	Waiver Requested
10 copies of the application form and narrative	X	
10 copies of the deed, Purchase & Sale agreement, or other document to show standing	X	
3 copies of any stormwater report	X	
2 copies of any traffic report	NA	
6 reduced-sized copies of the complete plan set on 11" x 17" size paper	X	
4 full-sized copies of the complete plan set on ANSI D or E size paper	X	
10 copies of a letter authorizing the agent to represent the applicant	NA	
Payment in full of application fee (Note: an abutter notification fee will be assessed after the application is determined to be complete. The fee is \$0.15 plus the cost of first class postage for each abutter that will be notified as required by the ordinance.)		X
Electronic Copy		
1 CD that includes each of the application documents in Adobe PDF format	X	

For Official Use:

\$_____ **Application** Fee Paid. Received By (Initials): _____ Date: _____

\$_____ **Abutter** Notification Fee Paid. Received By (Initials): _____ Date: _____

CITY OF AUGUSTA, MAINE

Amendment Review: Major Development

Applicant / Owner Information

CHECK if this application is an expansion or change to an existing development.

1. Applicant Name: Capital Area Recreation Association, Attn: Steve Roberge

Mailing Address: PO Box 2222, Augusta, Maine 04338

Phone Number: 207-242-6248 Fax Number 207-622-1676

2. Authorized Agent for Applicant:

Name of Firm: SJR Engineering Inc.

Fax Number 207-622-1676

Contact Name: Steve Roberge

Phone Number: 207-622-1676

Mailing Address: 21 Mayflower Road, Augusta, Maine 04330

3. Property Owner Name: State of Maine, Attn: Dave Rodrigues Phone Number: 207-287-4917

Mailing Address: Department of Conservation, Harlow Building, Augusta, Maine 04333

4. Which form of required "evidence of standing" is being submitted with this application?

Deed Lease Contract to Purchase / Lease Signed Agreement from Owner

Basic Project Information

5. Briefly describe below your proposed project, identifying:

- a. the type and scale of project? (e.g.: 50,000 sq.ft. retail expansion; 1000 student high school, etc.)
- b. all the existing and proposed land-uses at this location?;
- c. the size of existing impervious areas for buildings & parking (sq. ft.);
- d. the size of impervious areas for buildings & parking after development (sq. ft.);
- e. description of any new driveways or access roads to be built as part of this project?
- f. if the existing parcels are anticipated to be subdivided as part of this project?
- g. what MDEP and/or MDOT permits/approvals will be needed for this project?

(**check box** if a "Project Description" sheet answering these questions is attached to this form)

6. Lot Size: 84.0 ac. 7. Frontage: NA 8. Zoning District(s): RRES

9. Project Location: Piggery Road

Tax Map 10 Lot 32

Street

Assessor Tax Map # + lot #(s)

Applicant Acknowledgments

10. **Complete Application Required.** This application is being submitted under the requirements of the Augusta Land-Use Ordinance. As the applicant, I understand that this application must contain a complete submission of required materials by the application deadline date in order to be heard by the Planning Board. The deadline allows for adequate review by City Staff and the Planning Board; and as such, any applications that are not complete by the application submission deadline date will not be placed on the Planning Board meeting agenda. To insure review by the Planning Board on the date desired, the applicant should submit materials at least 7 days ahead of the application deadline so that staff can determine completeness of materials.
11. **Drawings by a Professional Engineer** are required as submittals to the Planning Board for Major Development applications. Drawings are critical to the Planning Board and City staff in adequately understanding existing and proposed site conditions, as well as seeing the relationships between proposed structures and the projected impacts of parking, traffic, stormwater runoff, buffer areas, noise, etc. on abutters and surrounding areas. See attached submission requirements.

CHECKLIST OF REQUIRED SUBMISSION MATERIALS:

A) Evidence of Right, Title, or Interest being *submitted by APPLICANT*:

Deed Lease Contract to Purchase/Lease Signed, Written Agreement from Landowner

B) Detailed Narrative & Documentary Evidence Report identifying : *Note: this is a crucial piece of your application, and detailed information will greatly speed the review process.*

The applicant will submit quantitative and/or documentary evidence with the application for **each** of the **20** State of Maine / City of Augusta’s Major Development criteria identified in section 4.4.1 of the Land Use Ordinance. (see **Attachment A** for a list of the 20 required criterion) and for **each** of the **7** City of Augusta Conditional Use Criteria identified in section 6.3.4 of the Land Use Ordinance (see **Attachment B** for the list of the 7 required criterion).

C) Stamp of Land Surveyor Registered in the State of Maine on Mylar Plan

The Plan shall also be annotated with a note stating that it amends (or supercedes) the “named” original subdivision plan approved on “date approved”, with a deed reference to that plan (county, book, page).

D) Street Design Plans Stamped by Professional Engineer (if Applicable)

See Section 4.6.2 of the Augusta Land Use Ordinance for requirements.

E) Required number of submission copies:

- (2) Full-Size Original Mylars of any submitted plans / drawings; *plus*
- (3) Copies of this form, narrative, and (3) Full-Size plans/drawings; *plus*

(13) Reduced-Size (11" x 17" preferred) copies of any submitted plans drawings (full-sized plans are acceptable).

F) Application Processing Fee: \$500.00

▶ Signature of Applicant/Agent: _____

▶ Signature of Property Owner _____

Today's Date: _____

For Official Use:

\$500 **Amendment to a Major Development** Application Fee Paid

Received By (Initials): _____ Date: _____

ATTACHMENT A

City of Augusta Major Development Review Criteria:

	Criterion
1	<p>Pollution: The proposed subdivision will not result in undue water or air pollution. In making this determination, consideration shall be given to:</p> <ul style="list-style-type: none"> (a) The elevation of the land above sea level and its relation to the flood plains; The proposed site is above sea level and is not located within a defined flood plain. (b) The nature of soils and subsoils and their ability to adequately support waste disposal; The project is not proposing any type of subsurface waste disposal. (c) The slope of the land and its effect on effluents; The land is relatively flat for use as a recreation playing field. New improvements to the area will continue to utilize the field area for recreational sports activities. (d) The availability of streams for disposal of effluents; No streams will be utilized/impacted by effluent from this project. (e) The applicable state and local health and water resource rules and regulations; The project is not proposing to utilize any public resources.
2	<p>Sufficient water: The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;</p> <p>NA</p>
3	<p>Municipal water supply: The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used;</p> <p>NA</p>
4	<p>Soil erosion: The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;</p> <p>The soils on the site are clays which are prone to erosion. Caution will be taken during construction to prevent erosion and sedimentation. We have prepared and noted in the plans specific items of erosion control. Items such as hay blankets, seeding and mulching disturbed area, filter ponds, silt fencing and/or erosion control mix, and a stabilized construction entrance will limit unreasonable soil erosion. The project is designed in a manner that minimizes a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.</p>
5	<p>Highway or public road congestion: The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed; and for Major Developments, the developer has made adequate provision for traffic movement of all types into, out of or within the development area. The board shall consider traffic movement both on-site and off-site. Before issuing a permit, the board shall find that any traffic increase attributable to the proposed development will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed development.</p> <p>We expect no increase in traffic from the proposed improvements to the playing fields.</p>
6	<p>Sewage waste disposal: the proposed subdivision will provide adequate sewage waste disposal.</p> <p>We are not proposing any sewage connection to the Greater Augusta Utilities District. Sewage is currently managed by port-a-potties during the three playable seasons at the facility.</p>
7	<p>Municipal solid waste and sewage waste disposal: The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste and sewage, if municipal services are to be utilized.</p> <p>NA</p>
8	<p>Aesthetic, cultural and natural values: The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Maine Department of Inland Fisheries and Wildlife or the City of Augusta, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;</p>

	<p>The site currently exists as a recreational complex. The proposed improvements will enhance the current condition of the fields by installing underdrain within the playing surfaces and provide for on-site parking with the proposed parking facility (and with grassed overflow parking). We do not feel undue adverse impacts will occur due to the proposed improvements.</p>
<p>9</p>	<p>Conformity with City Ordinances and Plans: The proposed subdivision conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan.</p> <p>We believe the project conforms to the City of Augusta land use plan, comprehensive plan, and site ordinance as the project is basically on previously disturbed soils.</p> <ul style="list-style-type: none"> A) We are meeting performance and dimensional standards as they relate to bufferyards between uses and at the perimeter of parking lots (see attached landscape plan). B) We do not anticipate that any excessive noise will be generated by the playing fields other than normal construction activities during the building of the project. C) No excessive glare or heat is expected to be generated by the project. D) No lights are being proposed. E) No landscaping is being proposed. F) No new signage is being proposed at this time.
<p>10</p>	<p>Financial and Technical Capacity: The sub-divider has adequate financial and technical ability to develop the project in a manner consistent with state and local performance, environmental and technical standards.</p> <p>Capital Area Recreation Association is a 501C3 organization that relies on playing field rental fees, concession stand operations, and area business/personal donations as the source for operational funds. The entire Piggery Road complex has been created from volunteers and donations to establish this outstanding asset to the City of Augusta residents. These proposed improvements will follow a similar theme of constructing the project only when enough donations/volunteers are available to finance/construct the project. We are currently undertaking a fundraising effort to finance this construction. We have commitments for at least \$50,000 of donations towards this project. The project will be Phased over a period of years depending on the cost and fundraising success.</p>
<p>11</p>	<p>Surface Waters; Outstanding River Segments</p> <p>Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.</p> <p>A. When lots in a subdivision have frontage on an outstanding river segment, (Edward's Dam north to Town line) the proposed subdivision plan must require each lot's principal structure to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.</p> <ul style="list-style-type: none"> 1. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore. 2. The frontage and setback provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, M.R.S.A. Chapter 3, subchapter I, article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 4401, subsection 1, on September 23, 1983. (The section referenced includes the definition of "densely developed area," which is also included in this ordinance.) <p>The project currently exists as a playing field and has obtained both the City of Augusta and DEP approvals during the original construction. This Phase 2 proposal will construct a new grassed covered parking area and re-align and widen the existing driveways entering the field from the baseball fields.</p>
<p>12</p>	<p>Ground Water: The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.</p> <p>There are no identified sand and gravel aquifers on the site. No adverse environmental effect on groundwater is anticipated due to the development.</p>
<p>13</p>	<p>Flood Areas: Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant, whether the subdivision, or any part of it, is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plat approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.</p>

	No portion of the project lies within the floodplain.
14	<p>Freshwater Wetlands: All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the Kennebec County Soil and Water Conservation District.</p> <p>We have noted any wetlands within the project area. We will impact 3,980 sf during construction of the access roads and culvert extension. This wetland impact has already been approved by DEP during the entire project review and approval.</p>
15	<p>River, Stream, or Brook: Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, 'river, stream or brook' has the same meaning as in Title 38, M.R.S.A. section 480-B, subsection 9 (also defined in this ordinance.)</p> <p>We have located a stream adjacent to the proposed construction on the parcel and have identified it on the plans. The stream crossings to gain access to the playing field have already been impacted with culvert crossings. This proposal will extend the width of the crossings (culvert extensions) to allow vehicle access.</p>
16	<p>Storm water: The proposed subdivision will provide for adequate storm water management.</p> <p>Drainage flows are currently directed toward wetlands and the adjacent stream. No changes to the direction or significant impact to stormwater enhancements is anticipated. The project has been reviewed in it's entirety by DEP and has been granted an approval for the project.</p>
17	<p>Access to Direct Sunlight: The Planning Board may, to protect and ensure access to direct sunlight for solar Energy systems, prohibit, restrict or control development. The subdivider shall, on request of the Planning Board or staff, submit development plans which include either one or a combination of the following:</p> <ul style="list-style-type: none"> (a) Restrictive covenants; (b) Height restrictions; (c) Increased setback requirements <p>The proposed project will not block access to direct sunlight to any structures utilizing solar energy.</p>
18	<p>Title 38 M.R.S.A. (as amended): Section 484 Standards for Development; Chapter 371, Definition of Terms used in the Site Location of Development Law and Regulations; Chapter 373, Financial Capacity Standard; Chapter 374, Traffic Movement Standard; Chapter 375, No Adverse Environmental Effect Standard; Chapter 376, Soil Types Standard; and Chapter 377, Review of Roads, shall apply to review of Major Developments.</p> <p>Not applicable</p>
19	<p>Spaghetti-lots Prohibited: If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1.</p> <p>Not applicable</p>
20	<p>All outdoor lighting shall be of a design and construction that prevents light trespass beyond the boundaries of the property on which it is located.</p> <p>Not applicable</p>

ATTACHMENT B

Site Plan Review Criteria for Conditional Uses

(1) NEIGHBORHOOD COMPATIBILITY:

- (a) Is the proposal compatible with and sensitive to the character of the site and neighborhood relative to:

- (i) Land uses;

The surrounding uses are recreational sports fields, undeveloped woods, and residential homes. The character of the area is currently predominately three season sports uses (ie lacrosse and soccer uses). The proposed project is in keeping with the character of the neighborhood regarding bulk, scale, height, orientation, and visual integrity (ie continued sports field use).

- (ii) Architectural design;

No new buildings are proposed at this time.

- (iii) Scale, bulk and building height;

No new buildings are proposed at this time.

- (iv) Identity and historical character;

The current use of the parcel and immediate area is recreational sports (ie Lacrosse and Soccer) for the Spring/Summer/Fall seasons. It is intended this same timeframe/identity be utilized with the proposed improvements.

- (iv) Disposition and orientation of buildings on the lot;

No buildings are proposed at this time.

- (vi) Visual integrity;

The proposed improvements to the area will be in keeping with current visual integrity of the area.

- (b) Are the elements of the site plan (e.g., buildings, circulation, open space and landscaping) designed and arranged to maximize the opportunity for privacy by the residents of the immediate area?

The proposed project is not immediately adjacent to any residential properties. All proposed construction is to be improved along the most southerly side of the site. There should be no noticeable loss of privacy to any adjacent residents.

- (c) Will the proposal maintain safe and healthful conditions within the neighborhood?

Safety and health are not expected to be an issue with this project.

- (d) Will the proposal have a significant detrimental effect on the value of adjacent properties (which could be avoided by reasonable modifications of the plan)?

The project is in keeping with existing land uses, does not negatively alter the character of the area, and should not affect the value of surrounding properties.

(2) PLANS AND POLICIES:

- (a) Is the proposal in accordance with the adopted elements of the 1988 Growth Management Plan?

The 2007 Comprehensive Plan identifies this area as a recreational area compatible with surrounding land uses.

(3) TRAFFIC PATTERN, FLOW AND VOLUME:

- (a) Is the proposal designed so that the additional traffic generated does not have a significant negative impact on surrounding neighborhood?

No new traffic is anticipated with the proposed improvements.

- (b) Will safe access be assured by providing proper sight distance and minimum width curb cuts for safe entering and exiting? See City of Augusta Technical Standards Handbook.

The traffic pattern will be enhanced to accommodate vehicular parking on the improved Lacrosse field. This will also help to create additional overflow parking for tournament situations at the complex for soccer.

- (c) Does the proposal provide access for emergency vehicles and for persons attempting to render emergency services?

The improved plan will construct a new grassed overflow parking lot and re-align/widen access roads to the playing field facility. This will allow emergency vehicles access to the fields during all weather conditions.

- (d) Does the entrance and parking system provide for the smooth and convenient movement of vehicles both on and off the site? Does the proposal satisfy the parking capacity requirements of the city and provide adequate space suited to the loading and unloading of persons, materials and goods?

Access to the site (playing field) is being created that will allow for smooth and convenient movement of vehicles and more than satisfies required parking per ordinance. The soccer complex requires additional parking during tournaments and can utilize this space for overflow parking. The parking lot on the playing field level will help to provide ease of loading/unloading for spectators/players and other ancillary equipment.

(4) PUBLIC FACILITIES:

Is the proposal served by utilities with adequate capacity or have arrangements been made for extension and augmentation of the following services:

- (a) Water Supply (both domestic and fire flow); **Not applicable**
- (b) Sanitary Sewer/subsurface waste disposal system; **Not applicable**
- (c) Electricity/Telephone; **extension of electricity will be provided for power source to scoreboards.**
- (d) Storm Drainage? **A new filter pond is being constructed for stormwater management enhancements directly below the proposed gravel parking area (Phase 1 improvement).**

(5) RESOURCE PROTECTION AND ENVIRONMENT:

- (a) If the proposal contains known sensitive areas such as erodible or shallow soils, wetlands, aquifers, aquifer recharge areas, floodplain or steep slopes (over fifteen (15) percent, what special engineering precautions will be taken to overcome these limitations? **The existing fields are proposed to have underdrain installed to help playing conditions during the Spring and Fall wet seasons. Approximately 3,980 sf of wetlands will be impacted by the widening and creation of access roads to the field level. The wetland impacts have already been approved by DEP in the review of the project in it's entirety. No special engineering precautions are to be noted other than normal erosion control practices.**
- (b) Does the proposal conform to applicable local, State DEP and Federal EPA air quality standards including but not limited to odor, dust, fumes or gases which are noxious, toxic or corrosive, suspended solid or liquid particles, or any air contaminant which

may obscure an observer's vision? **Not applicable, as we have no proposed impact to air quality.**

- (c) Does the proposal conform to applicable local, State DEP and Federal EPA water quality standards, including but not limited to erosion and sedimentation, runoff control, and solid wastes and hazardous substances? **The project will conform with applicable local/State/Federal standards for erosion control and stormwater management. Erosion control and pond construction are shown on the construction plan set and are intended to meet (or exceed) applicable laws. Solid wastes and hazardous substances are not applicable to this project.**
- (d) Will all sewage and industrial wastes be treated and disposed of in such a manner as to comply with applicable federal, state and local standards? **Not applicable to this project.**
- (e) Shoreland and Wetland Districts: Will the proposal:
 - (i) Maintain safe and healthful conditions;
 - (ii) Not result in water pollution, erosion, or sedimentation to surface waters;
 - (iii) Adequately provide for the disposal of all wastewater;
 - (iv) Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
 - (v) Conserve shore cover and visual, as well as actual points of access to inland and coastal waters;
 - (vi) Protect archeological and historic resources as designated in the 1988 Growth Management Plan
 - (vii) Avoid problems associated with flood plain development and use; and
 - (viii) Conform with the provisions of Section 5.3.1, Special Shoreland Standards.

The project has been designed to meet the applicable standards noted above.

(6) PERFORMANCE STANDARDS:

- (a) Does the proposal comply with all applicable performance and dimensional standards as outlined in this ordinance? **The project complies with performance and dimension standards as outlined in the current ordinance. No building construction is proposed at this time.**
- (b) Can the proposed land use be conducted so that noise generated shall not exceed the performance levels specified in the performance standards section of this ordinance? Detailed plans for the elimination of objectionable noises may be required before the issuance of a building permit. **The current and proposed land use will remain the same (ie sports playing fields). We do not believe these uses will generate more noise than current levels.**
- (c) If the proposal involves intense glare or heat, whether direct or reflected, is the operation conducted within an enclosed building or with other effective screening in such a manner as to make such glare or heat completely imperceptible from any point along the property line? Detailed plans for the elimination of intense glare or heat may be required before issuance of a building permit. Temporary construction is excluded from this criterion. **Not applicable to this project.**
- (d) Is the exterior lighting, except for overhead street lighting and emergency warning or traffic signals, installed in such a manner that the light source will be sufficiently obscured to prevent excessive glare on public streets and walkways or into any residential area? **Not applicable to this project.**

- (e) Does the landscaping screen the parking areas, loading areas, trash containers, outside storage areas, blank walls or fences and other areas of low visual interest from roadways, residences, public open space (parks) and public view? **Not applicable to this project as new parking areas are adjacent to existing parking and are located as far from residential properties as possible.**
- (f) Are all the signs in the proposal in compliance with provisions of this ordinance? **Not applicable to this project as no new signs are proposed.**

(7) FINANCIAL AND TECHNICAL ABILITY:

- (a) Does the Applicant have adequate technical ability to meet the terms of the Ordinance? **Capital Area Soccer Club will be the project manager for development of the fields for the CARA organization. Steve Roberge, President of the organization (and a professional engineer employed by SJR Engineering) will be involved with the construction improvements of the field (with many other volunteers).**
- (b) Does the Applicant have adequate financial ability to construct the development in compliance with the terms of the Ordinance? **Capital Area Recreation Association is a 501C3 organization that relies on playing field rental fees, concession stand operations, and area business/personal donations as the source for operational funds. The entire Piggery Road complex has been created from volunteers and donations to establish this outstanding asset to the City of Augusta residents. These proposed improvements will follow a similar theme of constructing the project only when enough donations/volunteers are available to finance/construct the project. We are currently undertaking a fundraising effort to finance this construction. We have commitments for at least \$50,000 of donations towards this project. The project may need to be Phased over a period of years depending on the construction cost and fundraising success.**

February 7, 2014

Matt Nazar, Planner
Susan Redmond, Assistant Planner
Augusta Planning Board
City Center Plaza
16 Cony Road
Augusta, Maine 04330



Re: Capital Area Recreation Association, Phase 2 Lacrosse Field improvements, DEP # L-17173-26-A-N

Dear Matt/Susan,

CARA has previously decided to break the lacrosse field project up into 3 phases such that each phase is under 1 acre of disturbed area and is therefore regulated as a minor development. CARA has received approval from the State of Maine, Department of Conservation, the Maine DEP, and the City of Augusta Planning Board for Phase 1 of the project. We have begun construction on Phase 1 and hope to complete the parking lot and driveway connection to the soccer field this Spring. CARA now requests approval for Phase 2 of the project. Phase 2 is construction of a grassed over new gravel support parking lot for overflow parking and a re-alignment of access roads entering the project from the baseball fields. The widened access roads will make traffic access within the site easier and safer for vehicular traffic. Phase 3 construction (not requested for approval at this time) is contemplated for some point in the undetermined future and involves clearing approximately 1 acre of woods and constructing half sized practice fields. A property survey would be performed and marked on the ground prior to undertaking any construction for Phase 3.

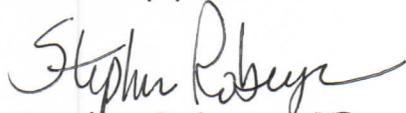
I have changed the applicant to Capital Area Recreation Association (CARA) rather than Capital Area Soccer Club (CASC) as there are no sub-leases to any of the individual sports complexes along Piggery Road. However, CASC will administer the construction management for the project. I have requested a letter from the State of Maine, Department of Conservation (David Rodrigues, Senior Planner, Acquisitions and Conservation Easements, Maine Division of Parks and Public Lands, 22 State House Station, Augusta, Maine 04333 Tel:(207) 287-4916) for State review and approval to move forward with this project. We will forward that letter once we have received it.

I've attached revised copies of the master site plan, amendment materials to major development city application materials (revised 02072014) and the Development Review Application (revised 02072014).

I have attached a check for the \$250 application fee and \$103.68 abutter notification fee (total \$353.68).

Please feel free to contact me if you have any questions concerning the project.

Sincerely yours,



Stephen Roberge, PE
for SJR Engineering Inc.



February 7, 2014

Matt Nazar, Planner
Susan Redmond, Assistant Planner
Augusta Planning Board
City Center Plaza
16 Cony Road
Augusta, Maine 04330



Re: CARA/Lacrosse Field improvements

Dear Matt/Susan,

CARA requests that a survey waiver be granted for construction improvements associated with Phase 2 of the lacrosse Field parking lot.

Please feel free to contact me if you have any questions concerning the project.

Sincerely yours,

A handwritten signature in black ink that reads 'Stephen Roberge'.

Stephen Roberge, PE
for SJR Engineering Inc.

BUREAU OF PUBLIC LANDS
DEPARTMENT OF CONSERVATION

LEASE

This Lease Agreement is made by and between the **Bureau of Public Lands, Maine Department of Conservation** (hereinafter called "Lessor") and **Capitol Area Recreation Association, Inc.**, a Maine non-profit corporation (hereinafter called "Lessee") pursuant to the provisions of Title 12 M.R.S.A. §554 and §585 Subsection 4.J. and Public Laws of 1991, Chapter 538. For the considerations hereinafter set forth, Lessor hereby leases to Lessee, and Lessee hereby takes from Lessor, the certain premises in Augusta, Kennebec County, Maine, which property is depicted in Exhibit "A", attached hereto and incorporated herein, and which, together with the improvements to be placed thereon, is hereinafter referred to as the "Property;" subject to the following terms and conditions:

1. Term. Notwithstanding the limitations placed upon lease terms under 12 M.R.S.A. §585, Subsection 4.J, this Lease shall commence on January 1, 1993 and shall continue until December 31, 2092.
2. Rent. Lessee shall pay to Lessor a one-time administrative fee of one dollar (\$1.00) upon execution of this Lease.
3. Use. The Property shall be used for non-profit outdoor recreational uses only, and for parking of cars necessary to such uses. Except as otherwise expressly permitted herein, no commercial activity shall be allowed to take place on or in connection with Lessee's use of the Property and no other use shall be made of any portion of the Property. In connection with the various outdoor recreational activities (e.g. Little League Baseball, etc.), to be conducted on the Property, it is contemplated that there be concession stands for the sale of food and drink and similar goods, that there may be

fundraising activities on and in connection with the operation of the Property (such activities being hereinafter referred to as "fundraising"). Lessee agrees (i) that all of the income derived from such activities shall be used for the operation and development of the Property for the purposes of this Lease, (ii) that the nature of the goods or services sold and the extent of the fundraising shall not exceed that which is reasonably and prudently required for the operation, maintenance and development of the Property hereunder, (iii) that the manner in which such fundraising is conducted shall be consistent with the non-profit public nature of the enterprise and (iv) that it will maintain or cause to be maintained such records as are necessary for the State to fairly determine whether there has been compliance with the foregoing provisions, which records (of lessee or its sublessees or contractors) shall be available for inspection and audit by Lessor at reasonable times. If Lessor determines that there has not been compliance with the foregoing provisions, Lessor shall have the right to establish and charge rental hereunder.

4. Incremental Development. Prior to February 1st of any year during the term hereof, Lessee shall deliver to Lessor written notice of Lessee's intention to develop any additional portion of the Property. Lessee shall include with such notice to Lessor a description of the area and reasonably specific plans for the use and development of the area. Lessor shall approve said plans when it determines that the proposed use for the additional area is consistent with the purpose of this Lease and that the siting of proposed development is environmentally sound. Lessor shall respond within 60 days of receipt of the plans. Upon approval of the plans, Lessee shall be entitled to develop the approved area pending necessary approval by state and municipal regulatory agencies. Lessee shall complete the development of the approved area in accordance with the approved plans.

5. Alteration. Lessee may make no substantial alteration to the Property and may erect no structures thereon without the prior written consent of Lessor.
6. Piggery Road. Lessee may not close off, or allow any of its members to close off, or otherwise obstruct or block access to the Piggery Road from Hospital Street, except with Lessor's prior written consent. Likewise, Lessee shall, if the State so directs, close off or otherwise control and regulate access to the Piggery Road from Hospital Street, and maintain the Piggery Road, at Lessee's expense, to a condition consistent with the use thereof by Lessee, its invitees and sublessees.
7. Applicable Laws. Lessee shall, in the construction and operation of the Property and any improvements thereon, comply with all applicable laws, regulations and ordinances and shall obtain and comply with all terms and conditions of all permits authorizing the construction and operation of the Property.
8. Assignment. Lessee shall not assign this Lease or sublet any portion of the Property without the prior written consent of Lessor. It is contemplated that much of the recreational development and operations under this Lease will be conducted through subleases with non-profit entities. Each sublease shall recite that it is subject to the conditions of this Lease.
9. Taxes. Lessee shall pay and discharge all taxes, charges, assessments and other impositions levied on the Property, including improvements thereon and fixtures attached thereto, when due and payable.
10. Maintenance. Lessee shall keep the Property free of all manner of garbage, refuse, trash and unsightly conditions and shall maintain all improvements on the property in good condition and repair, reasonable wear and tear excepted. No livestock or poultry shall be kept temporarily or permanently on the Property. No nuisance shall be permitted on the Property.

11. Access. Lessor and its agents, shall have access to the Property at any reasonable time. In addition, Lessor shall have the right to cross and recross the Property and to make any use of the Property provided that it does not unreasonably interfere with Lessee's use thereof. If Lessor causes any damage to Lessee's improvements, Lessor shall reimburse Lessee for the reasonable value thereof.
12. Encumbrance. Lessee shall not mortgage or otherwise encumber the Property or any improvements thereon or permit the same to become subject to any mechanic's, materialmen's or other liens without Lessor's prior written consent.
13. Indemnity. Lessee shall indemnify and hold Lessor harmless from and against any and all claims, suits, actions, damages or expenses brought against or incurred by Lessor resulting partially or wholly from the use or occupancy of the Property by Lessee or its invitees, guests, employees or agents.
14. Insurance. Lessee covenants and agrees that there shall be maintained in full force and effect throughout the term of this Lease with respect to those portions of the Property developed as of the date hereof and for which development has been approved under paragraph 4, public liability insurance with liability limits of not less than \$100,000 for each person, \$300,000 for each accident and \$50,000 property damage and workmen's compensation insurance, such policies of insurance to be issued by insurance companies qualified to do business in Maine, to name Lessor as an additional insured as its interests may appear and to provide for no cancellation thereof without notice to Lessor. Lessee shall deliver to Lessor promptly upon its request a certificate evidencing such insurance coverage.

15. Notices. Any notice, demand, request, statement or other document which may be desired to be given or is required to be given hereunder shall be in writing and delivered to the party to be affected thereby at the address of such party hereinafter set forth or at such other address as Lessor or Lessee may have theretofore specified by written notice hereunder. All notices to Lessor shall be sent to:

State of Maine
 Bureau of Public Lands
 State House Station 22
 Augusta, Maine 04333
 Attn: Director, Bureau of Public Lands

All notices to Lessee shall be sent to:

Capitol Area Recreation Association, Inc.
 P.O. Box 344
 Augusta, Maine 04330

16. Holding Over. At the expiration of the term hereof, Lessee shall deliver up the Property, and all presently existing improvements and structures thereon, in good condition and repair, reasonable wear and tear excepted. All improvements placed on the Property by Lessee shall be the Property of Lessee and Lessee may, and if required by Lessor, Lessee shall remove them at the expiration of the term hereof. If Lessee shall hold over beyond the term of this Lease, Lessee shall be deemed to be a tenant at sufferance.

17. Default. The following events shall be deemed to be events of default by Lessee under this Lease:

- (1) Lessee shall fail to comply with any term, provision or covenant of this Lease, and shall not cure such failure as promptly as the nature of the failure of compliance permits, but in any event no longer than thirty (30) days after written notice thereof to Lessee.
- (2) Lessee shall become insolvent or shall make a transfer in fraud of creditors or shall make an assignment for the benefit of creditors.

- (3) Lessee shall file a petition under any section or chapter of the National Bankruptcy Act, as amended, or under any similar law or statute of the United States or any State thereof; or Lessee shall be adjudged bankrupt or insolvent in proceedings filed against Lessee thereunder.
- (4) A receiver or trustee shall be appointed for all or substantially all of the assets of Lessee.
- (5) Lessee shall desert or vacate any substantial portion of the Property.

Upon the occurrence of any of such events of default, Lessor shall have, in addition to all other remedies available to it, the option to terminate the Lease without notice or demand, in which event Lessee shall immediately surrender the premises to Lessor, and if Lessee fails so to do, Lessor may enter upon and take possession of the Property and expel or remove Lessee and any other person who may be occupying said premises or any part thereof, by force if necessary, without being liable for prosecution or any claim of damages therefore; and Lessee agrees to pay to Lessor on demand the amount of all loss and damage which Bureau may suffer by reason of such termination.

18. Entire Agreement. This instrument contains the entire and only agreement between the parties, and no oral statements or representations or prior written matter not contained in this instrument shall have any force or effect. This Lease shall not be modified in any way except by a writing subscribed by both parties.

19. Miscellaneous. Failure of either party to complain of any act or omission on the part of the other party, no matter how long the same may continue, shall not be deemed to be a waiver by said party of any of its rights hereunder. No waiver by either party at any time, express or implied, of any

breach of any provisions of this Lease, shall be deemed a waiver of or a consent to any subsequent breach of the same or any other provision. If any action by either party shall require the consent or approval of the other party, the other party's consent to or approval of such action on any one occasion shall not be deemed a consent to or approval of any other action on the same or any subsequent occasion. This Lease shall be interpreted in accordance with the laws of the State of Maine.

20. Termination. Notwithstanding anything in this Lease to the contrary and notwithstanding rights to terminate under certain conditions specified in this Lease, either party may terminate this Lease at any time upon at least six months written notice, in accordance with the provisions of Public Laws of 1991, Chapter 585 Section 3. In the event of such termination, no adjustment or compensation shall be due to Lessee on account of such termination.

In witness whereof the parties hereto have set their hands this 18 day of March, 1993.

DEPARTMENT OF CONSERVATION
BUREAU OF PUBLIC LANDS

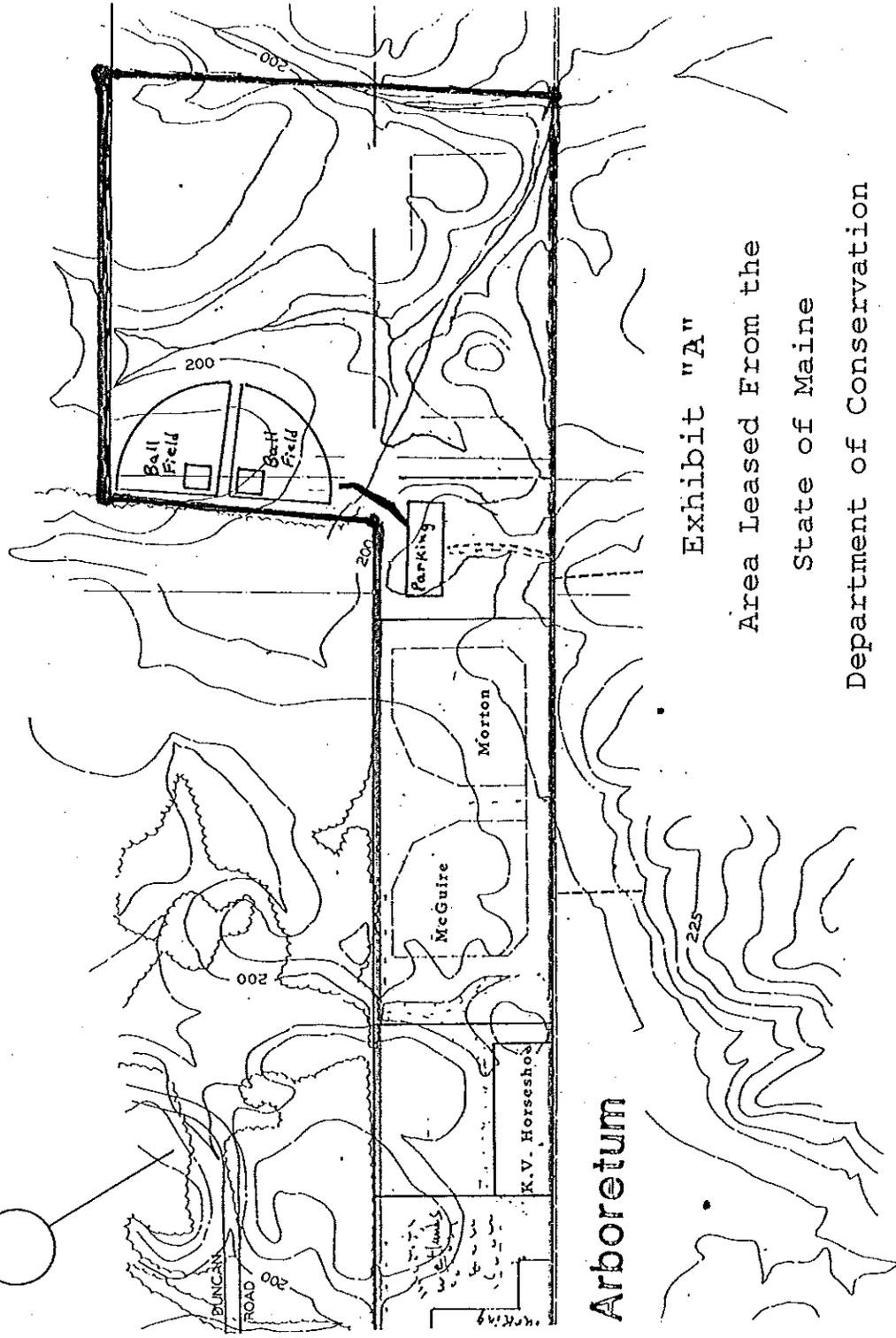
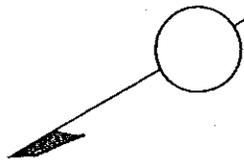
BY: Thomas Morris

DIRECTOR

CAPITOL AREA RECREATION ASSOCIATION

BY: Joseph A. Linscott

PRESIDENT



Arboretum

Exhibit "A"
 Area Leased From the
 State of Maine
 Department of Conservation
 Bureau of Public Lands

to
 Capitol Area Recreation
 Association

January 1, 1991



Google earth

feet
meters





STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

November 2013

Capital Area Recreation Association
c/o Paul Potvin, President
P.O. Box 2222
Augusta, ME 04338

RE: Site Location of Development Act Minor Amendment and Natural Resources Protection Act Tier 2 Applications, Augusta, DEP #L-17173-26-AJ-B/L-17173-TE-AK-N

Dear Mr. Potvin:

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

If you have any questions about the permit or thoughts on how the Department processed this application please get in touch with me directly. I can be reached at (207) 446-1586 or at beth.callahan@maine.gov.

Sincerely,

Beth Callahan, Project Manager
Division of Land Resource Regulation
Bureau of Land and Water Quality

pc: File

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

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

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

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143



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

DEPARTMENT ORDER

IN THE MATTER OF

CAPITAL AREA RECREATION ASSOCIATION)	SITE LOCATION OF DEVELOPMENT ACT
Augusta, Kennebec County)	NATURAL RESOURCES PROTECTION ACT
LACROSSE FIELD IMPROVEMENTS)	FRESHWATER WETLAND ALTERATION
L-17173-26-AJ-B (approval))	WATER QUALITY CERTIFICATION
L-17173-TE-AK-N (approval))	MINOR AMENDMENT
	FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 481 et seq. and 480-A et seq., and Section 401 of the Federal Water Pollution Control Act, the Department of Environmental Protection has considered the application of the CAPITAL AREA RECREATION ASSOCIATION with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

I. PROJECT DESCRIPTION:

A. History of Project: In Department Order #L-17173-26-A-N, dated December 19, 1990, the Department approved the construction of a new Maine Department of Motor Vehicles facility, the Maine Veterans Home, the State Police Crime Laboratory, and all post-1970 construction on the Augusta Mental Hospital Institute (AMHI) site. Since 1990, the Department has issued several modifications to State-owned land in the City of Augusta.

As part of this development, the Capital Area Recreation Association (CARA) maintains a sports field complex on the north side of Piggery Road in Augusta. CARA has a 100-year lease on the property from the State of Maine, administered by the Maine Department of Agriculture, Conservation, and Forestry's Division of Parks and Public Lands. The Department has issued several permit modifications for this complex. Most recently, in Department Order #L-17173-26-AA-M/L-17173-AB-M, dated November 6, 2003, the Department approved the construction of two basketball courts, a connector road, and 330-spaces worth of parking. The Department further approved 8,725 square feet of freshwater wetland impact. However, the applicant did not construct the project completely, omitting a 70-space gravel parking area which impacted 4,500 square feet of freshwater wetlands. The cumulative amount of wetland impacts at the project site totals 35,408 square feet.

B. Summary: The applicant proposes to construct a 24-foot wide gravel access road connecting parking areas with existing lacrosse/soccer fields, a 57-space gravel parking area, and a grassed overflow parking area that can accommodate 70 cars and which will also be utilized as a half-size lacrosse practice field, all in several phases. The proposed project is shown on a set of plans the first of which is entitled "Topographic Site Plan, Lacrosse Field Improvements," prepared by SJR Engineering, Inc. and dated December 2012.

The applicant is also seeking approval under the Natural Resources Protection Act to permanently fill 3,980 square feet of wet meadow freshwater wetlands. Taken together with previous impacts, cumulative wetland impacts on the CARA property will now total 39,388 square feet. The proposed wetland alteration is further discussed in Finding 8.

In addition, the applicant submitted a Notice of Intent (NOI #56402) to comply with the requirements of the Maine Construction General Permit. NOI #56402 was approved by the Department on July 31, 2013.

C. Current Use of Site: The CARA development contains several youth athletic fields, parking areas, and access roads all used by multiple youth athletic organizations. The project area is primarily a mowed field. A portion of an upland wooded area will be cleared to create the grassed overflow parking area/half-sized lacrosse field.

The applicant submitted a letter from the Maine Department of Agriculture, Conservation, and Forestry's Division of Parks and Public Lands, dated February 20, 2013 which grants permission to CARA to construct the proposed lacrosse field improvements on the agency's public land.

2. FINANCIAL CAPACITY:

The total cost of the project is estimated to be \$60,778.00. The applicant intends to finance the proposed improvements through past and future fundraising activities. The applicant submitted an account statement from Kennebec Saving Bank, dated July 1, 2013, indicating an amount of funds available to the applicant which exceeds the cost of the project.

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

3. STORMWATER MANAGEMENT:

The proposed project includes approximately 0.62 acres of new impervious area and 1.20 acres of new developed area. It lies within the watershed of Riggs Brook. The applicant submitted a stormwater management plan based on the Basic, General, and Flooding standards contained in Department Rules, Chapter 500. The proposed stormwater management system consists of one oversized underdrained soil filter.

A. Basic Standards:

(1) Erosion and Sedimentation Control: The applicant submitted an Erosion and Sedimentation Control Plan (Section 14 of the application) that is based on the performance standards contained in Appendix A of Chapter 500 and the Best Management Practices outlined in the Maine Erosion and Sediment Control Best Management Practices (BMPs), which were developed by the Department. This plan and

plan sheets containing erosion control details were reviewed by the Department's Division of Land Resource Regulation (DLRR).

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

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

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

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

B. General Standards:

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

The stormwater management system proposed by the applicant was reviewed by, and revised in response to comments from, DLRR. After a final review, DLRR commented that the proposed stormwater management system is designed in accordance with the General Standards contained in Chapter 500(4)(B) and recommended that the design engineer or a third-party engineer oversee the construction of the stormwater management structures according to the details and notes specified on the approved plans. Within 30 days of completion of the whole system, the applicant must submit a log of inspection reports detailing the items inspected, photos taken and the dates of each inspection to the Department for review.

Based on the stormwater system's design and DLRR's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the General Standards contained in Chapter 500(4)(B) provided that the design engineer or a third-party engineer oversees the construction of the stormwater management structures according to the details and notes specified on the approved plans and a log of inspection reports is submitted to the Department within 30 days of completion of the whole system as described above.

C. Flooding Standards:

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

DLRR commented that the proposed system is designed in accordance with the Flooding Standards contained in Chapter 500(4)(E).

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

4. EXISTING SCENIC, AESTHETIC, RECREATIONAL OR NAVIGATIONAL USES:

The applicant submitted a copy of the Department's Visual Evaluation Field Survey Checklist as Appendix A to the application along with a description of the property and the proposed project. The applicant also submitted several photographs of the proposed project site including an aerial photograph of the project site. Department staff visited the project site on September 17, 2012

The proposed project is not located in, on, or over a waterbody used by the general public. It is located within a freshwater wetland contained on the applicant's property. The nearest scenic resource that is visited by the general public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities, is the Kennebec River. The proposed project at its closest point is located approximately 3,800 feet from the Kennebec River. Because of land topography and a number of structures between the project site and the scenic resource, the proposed project site is not visible from the Kennebec River. Land uses surrounding the athletic complex include an apartment complex, a daycare center, a nursing and rehabilitation facility, and a privately-operated arboretum. The applicant has designed the proposed project to be compatible with the character of the immediately surrounding athletic complex and adjacent residential and commercial structures.

The proposed project was evaluated using the Department's Visual Impact Assessment Matrix and was found to have an acceptable potential visual impact rating. Based on the information submitted in the application, the visual impact rating, and the site visit, the Department determined that the location and scale of the proposed activity is compatible with the existing visual quality and landscape characteristics found within the viewshed of the scenic resource in the project area.

The Department did not identify any issues involving existing recreational and navigational uses of the scenic resource.

The Department finds that the proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses of the protected natural resources.

5. SOIL EROSION:

Approximately 40,000 square feet of upland wooded vegetation will be cleared and re-graded to create the overflow parking area/half-size lacrosse field. The remainder of the project will be constructed over an existing field that was permitted in Department Order #L-17173-26-AA-M/L-17173-AB-M.

The proposed project will disturb approximately 3.0 acres of soil. As described in Finding 3 (A), the applicant submitted a construction plan and an erosion and sedimentation plan for the proposed project, which can be seen on Sheet 2, "Details & Construction Notes, prepared by SJR Engineering, Inc., and dated January 2013. The plans are based on the soil conservation practices outlined in the Department's *Maine Erosion & Sedimentation Control BMPs Manual*, dated March 2003, and describe all measures that will be used to prevent erosion and sedimentation pre-, during, and post-construction of the proposed project.

The Department finds that the activity will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

6. HABITAT CONSIDERATIONS:

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

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

7. WATER QUALITY CONSIDERATIONS:

The Department does not anticipate that the proposed project will violate any state water quality law, including those governing the classification of the State's waters.

8. WETLANDS AND WATERBODIES PROTECTION RULES:

The applicant proposes to directly alter 3,980 square feet of scrub shrub freshwater wetlands associated with the construction of the access road. The cumulative amount of freshwater wetland impacts for the CARA property now totals 39,388 square feet.

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

A. Avoidance. No activity may be permitted if there is a practicable alternative to the project that would be less damaging to the environment. The applicant submitted an alternative analysis for the proposed project completed by SJR Engineering, Inc. and dated October 17, 2013. The purpose of the proposed project is to accommodate an increase in the number of youth sports participants, volunteers, and spectators; to relieve overflow parking that is currently occurring along the road shoulders of Piggery Road; and to create a connecting access between three existing parking areas and the proposed parking areas. The applicant considered several alternative layout designs to the proposed project and considered other alternative locations within the applicant's property. Due to several site constraints, the presence of other protected natural resources, and the fact that the property is mostly developed with designated athletic uses, the applicant determined that it is limited in its options for project placement. However, the applicant determined that its current proposal compacts the road and parking areas into a centralized area, that the proposal impacts less wetlands than those impacted by the 70-space parking area permitted in Department Order#L-17173-26-AA-M/L-17173-TE-AB-M, and that the size of the overall project avoids freshwater wetland impacts to the greatest extent practicable.

B. Minimal Alteration. The amount of freshwater wetland to be altered must be kept to the minimum amount necessary for meeting the overall purpose of the project. Minimization was achieved by designing steeper side slopes along the access road. The applicant stated that it is unable to further minimize wetland impacts because of the location of existing development and the location of the other higher functioning wetlands. The applicant stated that it minimized impacts to freshwater wetlands to the greatest extent practicable.

C. Compensation. Compensation is required to achieve the goal of no net loss of wetland functions and values when cumulative alterations in a freshwater wetland not of special significance exceed 15,000 square feet. The cumulative amount of freshwater wetland impact at the project site is 39,388 square feet.

In Department Order #L-17173-26-AA-M/L-17173-AB-M, the Department approved a compensation plan to mitigate for the loss of functions and values of 39,908 square feet of previously approved wetland impact. The compensation plan consisted of the mechanical control of purple loosestrife, *Lythrum salicaria*, an invasive wetland plant, from all remaining wetlands on the CARA property. CARA agreed to a three-year effort to remove as many of the flowering spikes and plants as possible by hand once each year. Based on the age and the size of the infestation of the CARA complex, the Department determined that it was unlikely that mechanical removal alone would result in eradication of the species. However, the CARA complex is immediately adjacent to natural wetland systems and wetland creation projects that could be adversely affected if the purple loosestrife population continues to grow or if chemical methods were applied. Following the end of the three-year efforts, the Department determined that the compensation plan to prevent growth of the purple loosestrife population or reduce its distribution was successful. The applicant continues to inspect the property for affected areas of loosestrife and remove plants as appropriate.

After considering the size of the proposed wetland impact, 520 square feet less than the cumulative amount approved in Department Order #L-17173-26-AA-M/L-17173-AB-M, the purpose of the project, and the applicant's continuing efforts to control the distribution of purple loosestrife on the CARA complex in accordance with the previously permitted wetland compensation plan, the Department finds that the proposed project will not have an unreasonable impact to functions and values of the resource. For this reason, the Department waives the requirement for additional compensation at this time.

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

9. ALL OTHER:

All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-17173-26-A-N, and subsequent Orders.

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

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in 38 M.R.S.A. Section 480-P.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 481 et seq.:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.
- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.
- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- D. The proposed development meets the standards for stormwater management in Section 420-D and the standard for erosion and sedimentation control in Section 420-C provided that the applicant retains the services of the design engineer or a third-party engineer to oversee the construction of the stormwater management structures according to the details and notes specified on the approved plans and a log of inspection reports is submitted to the Department within 30 days of completion of the whole system as described in Finding 3.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.

- F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities and solid waste disposal required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities in the municipality or area served by those services.
- G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of the CAPITAL AREA RECREATION ASSOCIATION to construct lacrosse field improvements which include a gravel road, a gravel parking area, and a grassed overflow parking area/half-sized lacrosse practice field and to fill 3,980 square feet of freshwater wetland as described in Finding 1, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
4. The applicant or other responsible party shall, within three months of the expiration of each five-year interval from the date of this Order, submit a report certifying that the items listed in Department Rules, Chapter 500, Appendix B(4) have been completed in accordance with the approved plans.
5. The applicant's design engineer or a third-party engineer shall oversee the construction of the stormwater management structures according to the details and notes specified on the approved plans. Within 30 days of completion of the whole system, the applicant shall submit a log of inspection reports detailing the items inspected, photos taken, and the dates of each inspection to the Department for review.

6. All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order Department Order #L-17173-26-A-N, and subsequent Orders, and are incorporated herein.

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

DONE AND DATED IN AUGUSTA, MAINE, THIS 4th DAY OF November, 2013.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhn
For: Patricia W. Aho, Commissioner



PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

BC/ATS#76378, 76769/L17173AJBAKN

Department of Environmental Protection
SITE LOCATION OF DEVELOPMENT (SITE)
STANDARD CONDITIONS

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

(2/81)/Revised December 27, 2011



Natural Resource Protection Act (NRPA) Standard Conditions

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

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

STORMWATER STANDARD CONDITIONS

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

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

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

with the approval and conditions. Completed certification forms must be forwarded to the department.

- (7) Maintenance. The components of the stormwater management system must be adequately maintained to ensure that the system operates as designed, and as approved by the department.
- (8) Recertification requirement. Within three months of the expiration of each five-year interval from the date of issuance of the permit, the permittee shall certify the following to the department.
 - (a) All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.
 - (b) All aspects of the stormwater control system have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the facilities.
 - (c) The erosion and stormwater maintenance plan for the site is being implemented as written, or modifications to the plan have been submitted to and approved by the department, and the maintenance log is being maintained.
- (9) Severability. The invalidity or unenforceability of any provision, or part thereof, of this permit shall not affect the remainder of the provision or any other provisions. This permit shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

November 16, 2005 (revised December 27, 2011)



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012

Contact: (207) 287-2811

SUMMARY

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

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

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

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

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

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

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

HOW TO SUBMIT AN APPEAL TO THE BOARD

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

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

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

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

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

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

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

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P 80C. A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S.A. § 346(4).

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

ADDITIONAL INFORMATION

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

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



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY

22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

WALTER E. WHITCOMB
COMMISSIONER

PAUL R. LEPAGE
GOVERNOR

February 4, 2014

Capital Area Recreation Association, Inc. (CARA)
Attn. Steve Roberge, PE
SJR Engineering Inc.
Augusta, Maine 04330

Re: Request for permission to construct Lacrosse Field improvements, Phase 2

Dear Mr. Roberge:

This letter is in response to your request for the Maine Bureau of Parks and Lands (BPL) to grant permission for the construction of the Phase 2 improvements to the Lacrosse Field Project which includes construction of a portion of a new grass over gravel parking area, widening upgrades to an existing gravel access road and construction of a new gravel access road, located on the BPL Public Lot leased to CARA and located in Augusta, Maine.

Whereas, CARA was granted a 99 year lease by BPL on March 18, 1993 for use of a portion of the Augusta Public Lot for non-profit outdoor recreational uses; and

Whereas, under § 4, Incremental Development of the lease, CARA shall submit plans for all development on the Property to BPL and acquire written approval from BPL for all development; and

Whereas, CARA has submitted proposed development plans and a written request for written approval for the Phase 2 improvements to the Lacrosse Field; and

Whereas, BPL has reviewed the proposal and performed a site inspection of the development area on the property; and

Whereas, BPL has determined that the proposed development is consistent with the purposes of the lease, will provide outdoor recreational uses and as proposed, appears to be environmentally sound;

Now Therefore, BPL grants permission for the construction of the Phase Two improvements to the Lacrosse Field Project which includes construction of a portion of a new grass over gravel parking area, widening upgrades to an existing gravel access road and construction of a new gravel access road, under the following conditions:

1. Wildlife habitat, wetland habitat, wildlife values and the natural, scenic, educational, recreational, historical and archaeological features of the Property will be preserved.
2. All required Federal, State and local permits will be obtained by CARA.
3. CARA shall comply with all Federal, State and local rules, laws and ordinances.

4. All development shall be performed as shown in the submitted plans and associated applications/documents.
5. All required erosion and sediment controls shall be correctly installed and maintained during construction.
6. Any deviation from the approved plans must have prior written approval from BPL.
7. This approval is only for Phase 2 of this project; CARA must submit the required plans and acquire written approval from BPL to construct Phase 3 of this project.

Should you have any further questions or need additional information please contact David Rodrigues at 287-4916.

Sincerely,



Willard Harris, Director
Maine Division of Parks and Public Lands