



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
106 HOGAN ROAD, SUITE 8
BANGOR, MAINE 04401

AMANDA E. BEAL
COMMISSIONER

PERMIT

AMENDMENT B TO DEVELOPMENT PERMIT DP 4485

The Maine Land Use Planning Commission (LUPC or Commission), through its staff, after reviewing the application and supporting documents submitted by Rangeley Sand and Gravel, LLC (Applicant or Permittee) for Amendment B to Development Permit DP 4485, finds the following facts:

- Applicant:** Rangeley Sand and Gravel, LLC
Attn: Kenneth J. Haley, M&H Logging, LLC
PO Box 565
Rangeley, Maine 04970
- Date of Completed Application:** May 17, 2019
- Location:** Lang Township, Franklin County, Maine
Maine Revenue Service Map FR006, Plan 01, Lot 1.12
- Site Zoning:** Commercial Industrial Development Subdistrict (D-CI)
- Lot Size:** 62.7 Acres (owned)
- Principal Use:** Gravel Pit
- Accessory Structures:** Existing Refueling Pad (Approximately 15 ft. by 20 ft.)
Existing Concrete Pads to Support Concrete Batch Plant:
One Square Pad (12 ft. by 12 ft.),
Two Rectangular Pads (2 ft. by 12 ft.), and
One U-Shaped Pad (2 ft. by 13 ft., 2 ft. by 15 ft., and 2 ft. by 13 ft.)
Proposed Generator with 50-Gallon Diesel Fuel Tank

ADMINISTRATIVE HISTORY

- Zoning Petition ZP 632, issued to Rangeley Sand and Gravel, LLC on May 20, 1999, authorize rezoning of 25 acres of the Applicants 62.7-acre lot in Lang Township, Franklin County, Maine.

9. Development Permit DP 4485, issued to Rangeley Sand and Gravel, LLC on May 30, 2001, authorized: the expansion of the Applicant's 5-acre gravel pit to 25 acres; the operation of mineral processing equipment at the site, such as portable screeners, crushers, and batch plants; and the construction of a 40-foot by 100-foot pole barn and an impermeable pad for refueling equipment. The refueling pad has been constructed; however, the pole barn has not been constructed and is no longer proposed.
10. Amendment A to Development Permit DP 4485, issued to Rangeley Sand and Gravel, LLC on April 26, 2019, authorized the construction of four concrete pads in the southeasterly portion of the gravel pit to support a concrete batch plant. The concrete pads were to be set back at least 75 feet from the interior access road, more than 250 feet from water bodies and wetlands, and more than 25 feet from property boundary lines. The batch plant was proposed to be approximately 75 feet tall. The concrete pads have been constructed and the concrete batch plant is being set up.

PROPOSAL

11. The Applicant now proposes to install a generator with a 50-gallon diesel fuel tank onto the concrete batch plant. The tank would be double-walled and would have a drip pan and a cover to keep out weather, and appropriate fuel lines. Additionally, the Applicant proposes that appropriate fuel spill signage and safety signage would be utilized. The diesel fuel tank would be set back at least 150 feet from all water bodies and non-forested P-WL1 wetlands, 75 feet from the access road, and 25 feet from property boundary lines.
12. On October 17, 2019, the Office of the State Fire Marshal issued a *Permit for Above Ground Storage of Flammable and Combustible Liquids*, Permit Number 00005104, for aboveground storage of 50 gallons of diesel fuel.
13. The Maine Department of Environmental Protections (MDEP) reviewed the proposal and stated that the proposed design was sufficient; however, the MDEP requested that the Applicant keep sorbent pads and speedy dry on-site for small maintenance spills. In addition, the MDEP indicated that the proposal complies with the requirement of the Wellhead Protection law, needs no MDEP registration as the tank holds 60 gallons or less, and may be permitted if it complies with the Statutes and Rules of the Office of the State Fire Marshal. Lastly, the MDEP reviewed the Applicant's water quality monitoring data and indicated that a pattern was not detected in the diesel range organics (DRO) results and that while small spills may be an issue, site review while operating might be as effective as requiring additional monitoring wells.
14. On October 25, 2019 the MDEP issued a *Facility Registration Certificate for an Above Ground Storage Tank*, Facility Registration Number 22216.

COMMISSION REVIEW CRITERIA

15. Pursuant to *Land Use Districts and Standards*, 01-672 C.M.R. 10 (September 20, 2018 revision¹) (Ch. 10 or Chapter 10), sec. 10.21,A,3,c,(12), mineral extraction including the use of mineral processing equipment and associated structural development, and related accessory structures, may be allowed within a D-CI subdistrict upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, subject to the applicable requirements set forth in Sub-Chapter III.
16. The facts are otherwise as represented in Development Permit DP 4485, subsequent amendments, and supporting documents.

Based upon the above findings of fact, the Commission, through its staff, concludes that:

1. In accordance with Ch. 10, sec. 10.21,A,3,c,(12) the proposed generator with a 50-gallon diesel fuel tank is a use allowed with the D-CI Subdistrict.
2. The proposal complies with the applicable requirements set forth in Sub-Chapter III of Chapter 10.
3. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, § 685-B(4) of the Commission's Statute, 12 M.R.S.

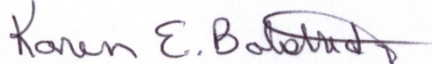
Therefore, the Commission, through its staff, approves the application for Amendment B to Development Permit DP 4458 submitted by Rangeley Sand and Gravel, LLC, with the following conditions:

1. The *Standard Conditions for Development Permits*, version 04/2004, a copy of which is attached.
2. The diesel fuel tank shall be set back at least 150 feet from all water bodies and non-forested P-WL1 wetlands, 75 feet from the access road, and 25 feet from property boundary lines.
3. The Permittee shall additionally keep sorbent pads and speedy dry on-site for small maintenance spills.
4. The Permittee shall secure and comply with all other applicable signage requirements, licenses, permits, and authorizations of all federal, state and local agencies including, but not limited to, the Office of the State Fire Marshal and the Maine Department of Environmental Protection.
5. All conditions of previously issued Commission permits shall remain in effect, except as specifically modified by this permit.

¹ Chapter 10 was last revised June 17, 2019. This amendment application was complete for processing prior to the June 17, 2019 rule change; therefore, the proposal was evaluated under the September 20, 2018 revision of Chapter 10.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the Permittee complies with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT BANGOR, MAINE, THIS 31st DAY OF OCTOBER, 2019.



By: _____
for Jean A. Flannery, Division Manager



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

STANDARD CONDITIONS OF APPROVAL
FOR ALL DEVELOPMENT PERMITS

1. The permit certificate must be posted in a visible location on your property during development of the site and construction of all structures approved by this permit.
2. This permit is dependent upon and limited to the proposal as set forth in the application and supporting documents, except as modified by the Commission in granting this permit. Any variation therefrom is subject to the prior review and approval of the Maine Land Use Planning Commission. Any variation from the application or the conditions of approval undertaken without approval of the Commission constitutes a violation of Land Use Planning Commission law.
3. Construction activities authorized in this permit must be substantially started within two (2) years of the effective date of this permit and substantially completed within five (5) years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
4. The recipient of this permit ("permittee") shall secure and comply with all applicable licenses, permits, and authorizations of all federal, state and local agencies including, but not limited to, natural resources protection and air and water pollution control regulations and the Subsurface Wastewater Disposal Rules of the Maine Department of Environmental Protection and the Maine Department of Human Services.
5. Setbacks of all structures, including accessory structures, from waterbodies, roads and property boundary lines must be as specified in conditions of the permit approval.
6. In the event the permittee should sell or lease this property, the buyer or lessee shall be provided a copy of the approved permit and advised of the conditions of approval. The new owner or lessee must contact the Land Use Planning Commission to have the permit transferred into his/her name and to reflect any changes proposed from the original application and permit approval.
7. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.
8. The permittee shall not advertise Land Use Planning Commission approval without first obtaining Commission approval for such advertising. Any such advertising shall refer to this permit only if it also notes that the permit is subject to conditions of approval.
9. Once construction is complete, the permittee shall notify the Commission that all requirements and conditions of approval have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of the application and the conditions of approval. Following notification of completion, the Commission's staff may arrange and conduct a compliance inspection.

Administrative Policy Revised 04/04