

York Police Department Public Safety Building

Sketch Plan Narrative

Executive Summary

This narrative is for the York Police Station and Connector Road project. The project started with a site selection process in 2006 that concluded with selection of the site presented in this application in 2010. Conceptual plans were developed for the project and town residents approved the design and budget that was presented in the form of a ballot question in May 2011. Following the ballot approval, permitting plans were developed and permits were received from Maine Department of Environmental Protection (MDEP) and US Army Corps of Engineers (USACE). The project was also reviewed by the York Planning Board, starting with sketch plan review in August 2011 and concluding with the issue of final approval for the project in August 2012. Site work on the project was commenced immediately following receipt of approvals. Site work on the project was halted due to procedural and permitting violations in August 2012. As a result of these, the Planning Board voted in October 2012 to rescind the original approvals. Since that time the project has been placed on hold pending resolution of the outstanding violations and re-permitting. Unauthorized clearing at the site also violated the conditions of the MDEP and USACE permits issued for the project. An amendment to the MDEP permit, addressing the stormwater impacts of the unauthorized activities was approved in November 2012. A formal Restoration Plan, detailing proposed restorative actions for the cleared natural resource buffer areas has been submitted to Maine DEP and USACE and approved at staff level. Full implementation of the Restoration Plan will be required to bring the project into compliance with the current State and Federal permits. Additional amendments to State and Federal permits will be required to reflect changes to the approved site plans.

Background:

The need for a new Town Police Department facility has been known for many years. The 2009 update to the Town of York Comprehensive Plan highlighted significant deficiencies in the existing Town Police Department facility. These included a lack of sufficient space, lack of adequate parking, poor handicap accessibility and fire code and safety concerns. The need for a new Police Station to better serve the needs of the town, and to accommodate future growth projections is clearly stated in the Municipal Capacity - Inventory & Analysis section of the document. The town, assisted by professional consultants, investigated a number of alternative sites starting in 2006, in order to establish a feasible and appropriate location for the new facility. The site between Ridge Road and Route 1 was selected as the most suitable available site in 2010 and was acquired by the town. Preliminary design and permitting investigations were then undertaken to establish site constraints and budget costs for the development. The conceptual level design and cost information was presented to town residents in May 2011, in the form of two referendum questions asking for funding for the design and construction of the connector road and the police station. In both cases the votes were in favor of the projects.

Project Site:

The site for the new police station and connector road is located between Ridge Road and Route 1, adjacent to the York Wild Kingdom property. The entire property is approximately 56 acres in size, including a small 1.9 acre triangular shaped parcel on the north side of the York Wild Kingdom property. The address of the property is 1051 US Route 1, and it is shown on The Town of York GIS Map as Assessing ID 134-101, Parcel ID 0094-0077. The property spans three separate zones in the town. The northwest portion of the site (towards Route 1) is in the RT1-4 zone. The central portion of the property is in the GEN-3 zone and the southeast portion of the property (towards Ridge Road) is in the RES-7 zone. The site of the new police station facility spans the GEN-3 and RES-7 zones. Municipal offices are an allowed use in both of these zones. The Shoreland Zone mapping shows a Mixed Use Shoreland Zone associated with the largest (central) wetland on the project site. There is also a small

area of Shoreland Zone at the Ridge Road end of the site. The site zoning is shown on Figure 2 of this submission.

The topography of the site is gently rolling with typical slopes of between 2% and 10%, upland areas sloping towards intermittent drainage features that occur throughout the property. Subsurface soil conditions at the site typically comprise topsoil, marine deposits, sandy loams and glacial till. Groundwater is expected to be within three to four feet of the surface at most locations and shallow ledge was observed in a number of preliminary probes and borings that were recently undertaken at the site. Maine Geological Survey information indicates that underlying bedrock in the area is igneous granite and metamorphic schist.

A number of the drainage features on the site are associated with protected natural resources. A freshwater wetland delineation was undertaken by Stantec (then Woodlot Alternatives) in 2007. In 2012 further work was undertaken at the site to verify the previously delineated wetland edges and to identify and characterize a number of vernal pools that were identified in the proximity of the site. The identified natural resource boundaries and buffers were used in developing the designs for the connector road alignment and the police station.

There is a single flood plain on the property associated with the most easterly drainage feature. A flood zone A (no elevation) is delineated on FEMA Flood Insurance Rate Map Community Panel Number 230159 0026D. It should be noted that new draft flood plain maps for York County have been produced by FEMA, but these are still under review and have not yet been adopted.

Project Design:

The basic elements and technical aspects of the project design have not changed since it was originally proposed under the previous sketch plan submission in July 2011. The proposed development consists of two parts. The first is the new through road between Route 1 and Ridge Road to provide access to the police station and to serve as a new roadway connection to York Beach, and the second is building/site development at the police station site.

A recent survey of the adjacent York Wild Kingdom property revealed some discrepancies with the boundary definition shown of the town owned property. These discrepancies will be subject of a boundary line agreement to be determined by the abutting property owners. The area in dispute is outside the limits of the project and resolution of this matter has no direct bearing on the project design. However, this is a matter that we would like to discuss with the Planning Board. A sketch showing the boundary discrepancy is included in Attachment 1 of this submission.

Through Road:

In order to allow for efficient access to all part of town, the YPD must be able to access the York Beach community as well as Route 1. A new road at this location would also provide a much needed direct connection between US Route 1 and York Beach that will serve as a gateway to the beach area of town. In order to achieve this, a roughly 4,800 LF connecting road between these two points will be constructed within a new 60-foot wide Right-Of-Way. The horizontal and vertical geometry of the road has been designed to meet Town of York Collector Street standards and to avoid and minimize impacts to adjacent natural resources to the maximum extent practical. The road will have a paved width of 24 feet with 3 foot gravel shoulders at each side. Turning lanes will be provided at the intersections with Route 1 and Ridge Road, with two outward (right and left turn) lanes extending approximately 200-feet onto the site. Crossing culverts will be constructed at locations where the new road crosses the existing drainage features on the property.

An eight foot wide multi-use trail will be constructed along the new road alignment, connecting Ridge Road to the police station site. The sidewalk will be paved from Ridge Road to the new Police Station site, with a seasonal stone dust trail continuing through the remainder of the property, connecting the police station to US Route 1.

The new Connector Road crosses the Craigin parcel to access Ridge Road. There is an existing ROW easement on the north side of the Craigin land, adjacent to the Post Office. However, connecting the road at the easement location would require an extensive wetland crossing. This would add significantly to both permitting and construction costs. Therefore, a land swap agreement has been reached with Craigin whereby the new Right-Of-Way for the Connector Road will cross the south side of the parcel. The land swap agreement facilitating the road alignment was approved by a town vote in May 2013.

At the Route 1 end of the site a traffic signal is proposed on the outlet of the Connector Road. The cost of the signal and the associated off-site improvements were not included in the original budget for the project. An effort to add scope and budget to the project to include the signal and intersection improvements was rejected by a town vote in May 2013. Alternatives for funding intersection improvements at the Route 1 end of the new Connector Road could include Maine DOT municipal partnership initiatives.

Police Station Site

The police station site is located on a small knoll to the east side of the new access road, approximately 1,000 feet from Ridge Road, allowing easy access to both Route 1 and the York Beach area. The new York Police Department building is an approximately 18,000 SF building that will provide appropriate accommodations for the Police Department staff in a modern, energy efficient environment. The design of the building provides a structure which is, first and foremost, a response to functional needs of the department. Operational needs have determined the configuration of the building areas with respect to each other, and internally. The shape of the building has been driven by the desire of the town to have a building with sloped roofs.

The police station building is being designed to meet LEED® Silver standards, reflecting the importance that is being given to energy efficiency and environmental footprint throughout the design and construction processes. A geothermal heat recovery system is planned for the building, and the structure has been oriented to maximize solar potential. The site plan for the police station provides the town ordinance minimum required parking spaces to reduce the impervious footprint, and further LID BMPs are used for stormwater treatment in and around the new facility. These include filtering roof drip strips, Bioretention cells and underdrained filters, all of which will aid in reducing runoff from developed areas and providing water quality treatment for any discharge from the site.

It is hoped that this project will set the standard for further development of this important area of York and encourage similar techniques to be used in future proposals.

Access and Parking:

The police station will be accessed at two locations from the new through road. The westerly access will be for staff, cruisers and official visitors, and the easterly access will be for the public. The Town of York code requirement for parking for this type of facility is established as four spaces for every 1,000 SF of floor area. At 18,000 SF the resultant requirement is 76 parking spaces. While the initial program suggested more parking than that, the LEED Silver requirement has lead to a decision not to seek that additional parking. All parking shall be 90 degrees to access aisles.

Communications Tower:

The new site plan for the facility includes a 140ft communications tower that is located to the rear of the garage/storage building. The tower will be town owned and hence is exempt from the Wireless Communications Ordinance. However, the tower will be constructed under a partnership agreement between the town and Verizon Wireless agreed by the Board of Selectmen on March 25th 2013. The agreement includes lease by Verizon Wireless of space on the tower and land to house related equipment.

Utilities:

Power and communications -The new facility will be served by three-phase power from the CMP system in Ridge Road. The new service will run underground from the Ridge Road, along the new Connector Road in two five-inch diameter conduits encased in concrete, at a minimum depth of 30-inches. A pad-mounted transformer will be installed adjacent to the new Police Station with ongoing secondary service to the building. Communications and cable conduits will be installed in the same trench as the electrical service to the specifications of the governing utilities.

Sewer - The original design for the project included a single sewer service to the property that connected to Ridge Road via a pump station and force main. Since then York Sewer District determined that it would be in the best interests of the project and the sewer service network to re-design the system to drain via Caddy's Way. CLD Consulting were contracted to design a gravity system that drains in this direction and continues into the site, along the new Connector Road. The new police station site will connect to this line.

Water - Water service to the site will be provided and constructed under contract with the York Water District. A new 8" Ductile Iron diameter water main will be constructed between Ridge Road and the Police Station site to provide fire and domestic supply. The water main will be looped to the end of the main in Caddy's Way, providing enhanced performance and reliability by enabling the property to be fed from two directions. The individual domestic and fire services will be tapped off the new service main. A fire hydrant will be installed in the parking lot adjacent to the new building.

Stormwater Management - Stormwater from the newly developed areas of the site and roadway will be captured and treated in accordance with the State of Maine Chapter 500 Stormwater Law. Small Bioretention cells and vegetated buffers will be used to treat runoff from the new roadway. Bioretention cells in and adjacent to parking lots and around the building will treat runoff from these areas. In addition, a number of areas alongside the road will be utilized as Stormwater Buffers. These areas will be deed restricted in accordance with MDEP requirements. Several of the buffers were disturbed during unauthorized clearing activities at the site. Two of the impacted buffers will need to be re-configured and re-planted as part of the restorative action. This is included in the Restoration Plan in Attachment 5 of this submission.

Natural Resources

Natural resource protection was one of the primary objectives considered during the evolution of the concept design for the new facility and connector road. The design was developed to achieve the program goals while avoiding natural resources impacts and, where unavoidable, minimizing those impacts. Figure 3 shows the mapped natural resources on the site and how the design of the project was influenced by the need for impact avoidance and minimization.

From inception of the project and site selection the town sought out existing conditions information that identified where streams and wetlands existed and whether any vernal pools were involved with them. With that information, the Town's consultants proposed a design for the project that met appropriate site and safe road alignment guidelines, while avoiding wetland and vernal pool buffer impacts to the greatest practicable extent and minimizing the impacts that could not be avoided. A great deal of effort has gone into designing the project to meet State and federal guidelines for natural resource impact avoidance and minimization. The design limits all proposed wetland impacts to the Right-of-Way associated with the new road, and largely associated with necessary crossings of drainage features on the site. As explained in the following section, some unforeseen natural resource impacts occurred through unauthorized clearing activities at the site. These are currently the subject of regulatory orders and mandated restoration plans.

Project History

The project was originally designed and submitted for permitting in 2011/2012. The original Planning Board review extended from the Sketch Plan Submission in August 2011, to final review and a vote of project approval in August 2012. Concurrent with the local site permitting process State and Federal permit applications for the project were submitted to US Army Corps of Engineers (USACE) and Maine Department of Environmental Protection (MDEP). A Site Location of Development Act (SLODA) and Natural Resource Protection Act (NRPA) permit was issued for the project by MDEP on June 29th 2012 (Order #L-25623-26-A-N/B-N). A USACE Maine General Permit for the project was issued on June 13th 2012 (NAE-2010-01928).

Some clearing of the site was undertaken prior to the vote of final approval by the Planning Board.

Following the August meeting of the Planning Board, at which approval was granted by vote, site construction on the project was commenced in earnest. A building permit was ultimately not issued by the CEO because the York Water District and York Sewer District Superintendents did not sign off on the final plans. The reason for their refusal to sign was due to a dispute over ownership of the property between the building and Ridge Road. This property was shown as town owned on the Boundary Survey undertaken by BH2M, consistent with the recorded deed. The town has since obtained a second opinion and a legal opinion that concur with the findings shown on the original Boundary Survey plan.

After the start of site work MDEP Third Party Inspector notified MDEP of a possible permit violation. A site visit by MDEP Project Manager Bill Bullard on August 14th 2012 discovered unauthorized clearing in two areas of the site and damage to stormwater buffers that were to remain undisturbed. The impacted areas were clearly outside the limits of work shown on the approved plans and permit documents, and therefore represented a violation of the permit conditions. A sketch of the impacted areas was forwarded to SMRT and USACE and the town were immediately informed of the implications of the unauthorized clearing. The areas impacted included approximately four acres of clearing behind the former Blinn property at the Route 1 end of the site and approximately three acres of land immediately to the north of the Police Station site plus treatment buffers along the roadway. The cleared areas were surveyed using GPS equipment and the limits of clearing were overlaid onto the site plans to show the discrepancies. The overlay plans are included in Attachment 2 of this submission. The cleared area adjacent to the Police Station site included minor impacts to a regulated vernal pool, and clearing of a significant area of jurisdictional vernal pool buffer. Following an inspection of the site, the town issued a violation letter for the clearing activities on August 17th 2012, and construction on the project was halted. Copies of the violation letters are included in Attachment 3 of this submission.

Subsequent to the issue of the violation notices, meetings were scheduled with regulatory agencies to discuss the impacts and prioritize restorative action plans. These included a meeting with the Maine DEP third party inspector on August 15th 2012 to inspect the site, and meetings with MDEP enforcement and project staff and USACE and town Code Enforcement Staff.

Following these meetings, MDEP staff requested that work being immediately on quantifying the impacts to the vernal pool wetland and buffer and the development of a formal Restoration Plan. MDEP also requested immediate submission of and after-the fact permit amendment including revised plans and calculations to mitigate for stormwater impacts related to the unauthorized clearing at the northern end of the property (adjacent to Blinn). In response to these requests, SMRT produced a SLODA Amendment application that was submitted on August 30th 2012. This was reviewed, responses to comments were issued and the permit amendment was approved on November 14th 2012. A copy of the approved permit amendment is included in Attachment 4 of this submission.

Concurrently, SMRT and Stantec Consulting worked in conjunction with town staff to develop a Buffer Restoration Plan for submission, review and approval of MDEP and USACE staff. This plan went through a process of detailed review, discussion and revision with the regulatory authorities (MDEP and USACE)

and a final Buffer Restoration Plan was issued on May 1st 2013. A copy of the Restoration Plan is included in Attachment 5 of this submission.

Current Status

The project has a standing Site Location of Development Act permit and a standing Natural Resource Protection Act permit. The violations of the permit conditions related to the unauthorized clearing must be resolved in order for the agencies to issue letters on compliance with these permits. The plan for restoring the impacted area around the vernal pool has been reviewed by MDEP and USACE staff and is considered an acceptable approach to resolve these issues. It should be noted that formal letters on compliance will not be issued by the agencies until the restoration plan has been fully implemented. At the local level, the site is in violation of local codes and all future plans will need to include restorative action that achieves compliance with the restorative action letter issued by the Code Enforcement Department.

The original budget for the project, as approved by town-wide vote in May 2011 was approximately \$8.4M for the Police Station and Connector Road. Information provided by the Town Manager states that current expenditure on the project is approximately \$2M, leaving approximately \$6.4M in available funds.

Jurisdiction

The new application for this project falls under the following jurisdictional reviews:

Federal

USACE Programmatic General Permit - Permit in-hand, revised plans showing the Communication Tower, and revised sewer service location will be required to update the permit. Implementation of the Buffer Restoration Plan will be required to achieve compliance.

State

Maine Department of Environmental Protection Natural Resource Protection Act Permit
Maine Department of Environmental Protection Site Location of Development Act - Permits in-hand. A Minor Amendment will be required to cover the addition of the Communication Tower and the revised sewer service location. Implementation of the Buffer Restoration Plan will be required to achieve compliance.

Local

Site Plan Review
Shoreland Permit
Wetlands Permit
Flood Hazard Development Permit
Zoning Ordinance - All Provisions
Zoning Ordinance Article 9 - Green Buildings

Summary

The new York Police Station project is designed to address the significant deficiencies in the current facility described in the Comprehensive Plan. The location for the project was selected in 2010 as the most appropriate available site and the preliminary design has been tailored to meet appropriate road safety and design standards while avoiding and minimizing impacts to natural resources.

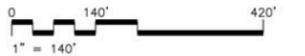
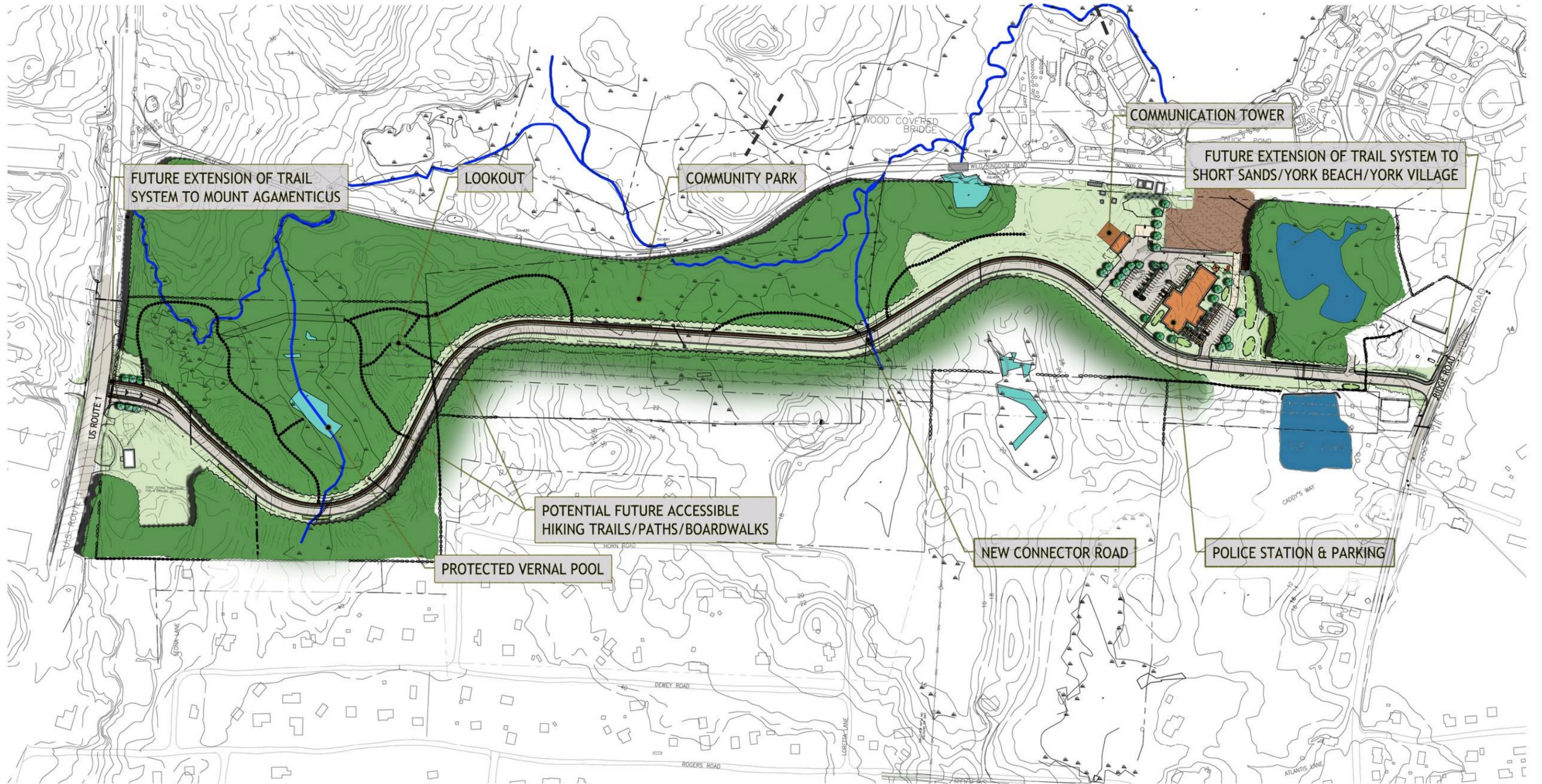
The project was originally reviewed by the Planning Board and State and Federal agencies in the period between 2011 and the 2012, resulting in approval of site permits and the start of construction. The project was then halted due to procedural and permitting violations that are now the subject of restorative actions.

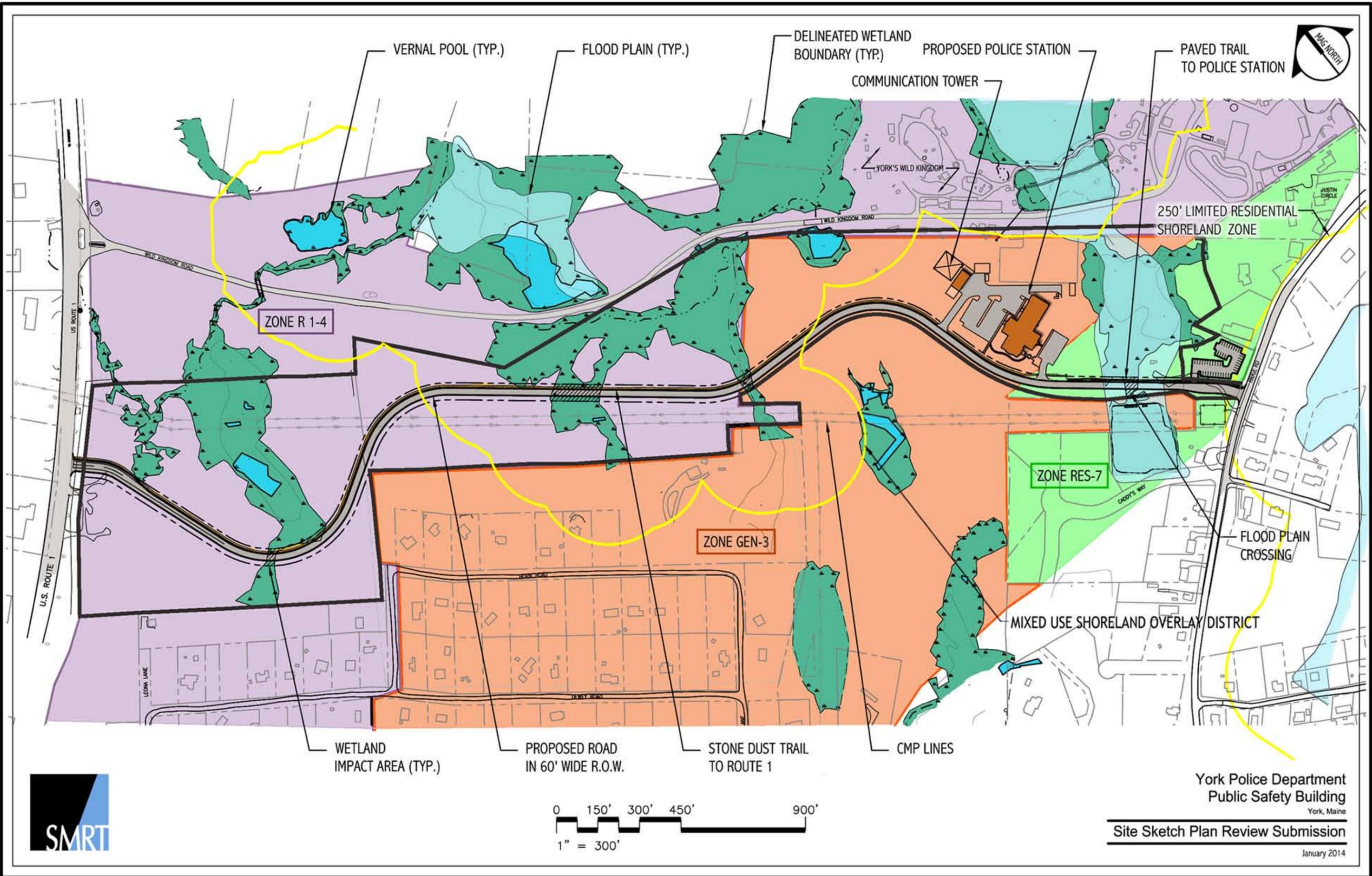
It is hoped that this application will provide a fresh start for the project and enable the town to move forward with plans to provide much needed new facilities that will allow the police department to better serve the Town of York over the coming years.

Items for Discussion with the Planning Board

The following is a list of items that the Applicant wishes to discuss with the Planning Board in order to provide direction in future submissions.

1. In a letter dated March 25th 2013, the Planning board requested that the town appoint a Project Manager to oversee the project. The town would like to discuss the scope and duties associated with this new role.
2. The town would like to review the history of the project with the board and specifically discuss the violations and actions taken to address them.
3. The preceding narrative includes a description of discrepancies found between the survey undertaken for the town on the project parcel, and a recent survey undertaken for York Wild Kingdom on the abutting property. The area in dispute is outside the area of proposed development and the town believes that resolution of this matter does not have any bearing on future permit approvals. However, we would like to discuss this with the Planning Board.
4. The town would like to review the jurisdictional findings expressed in this narrative and obtain concurrence with the board on these items.
5. It is our understanding that the Community Development Office has \$12,000 in funds allocated for project review. This will not cover the cost of the review contract issued for this project. The town would like to discuss payment for external review of the project submissions, as it relates to the currently available budget.

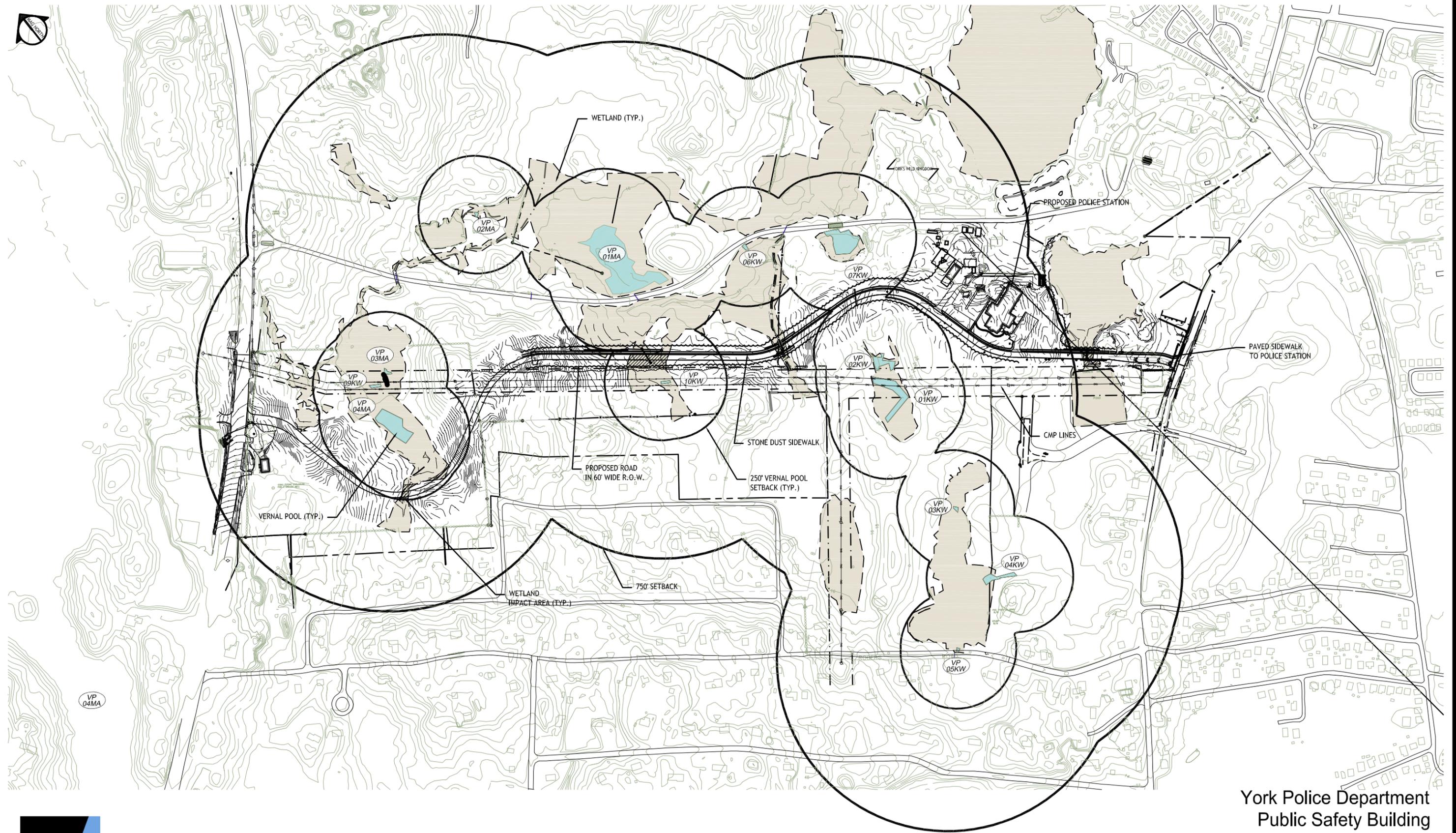




York Police Department
Public Safety Building
York, Maine

Site Sketch Plan Review Submission

January 2014



Natural Resource Plan Showing Buffers

York Police Department
Public Safety Building
York, Maine

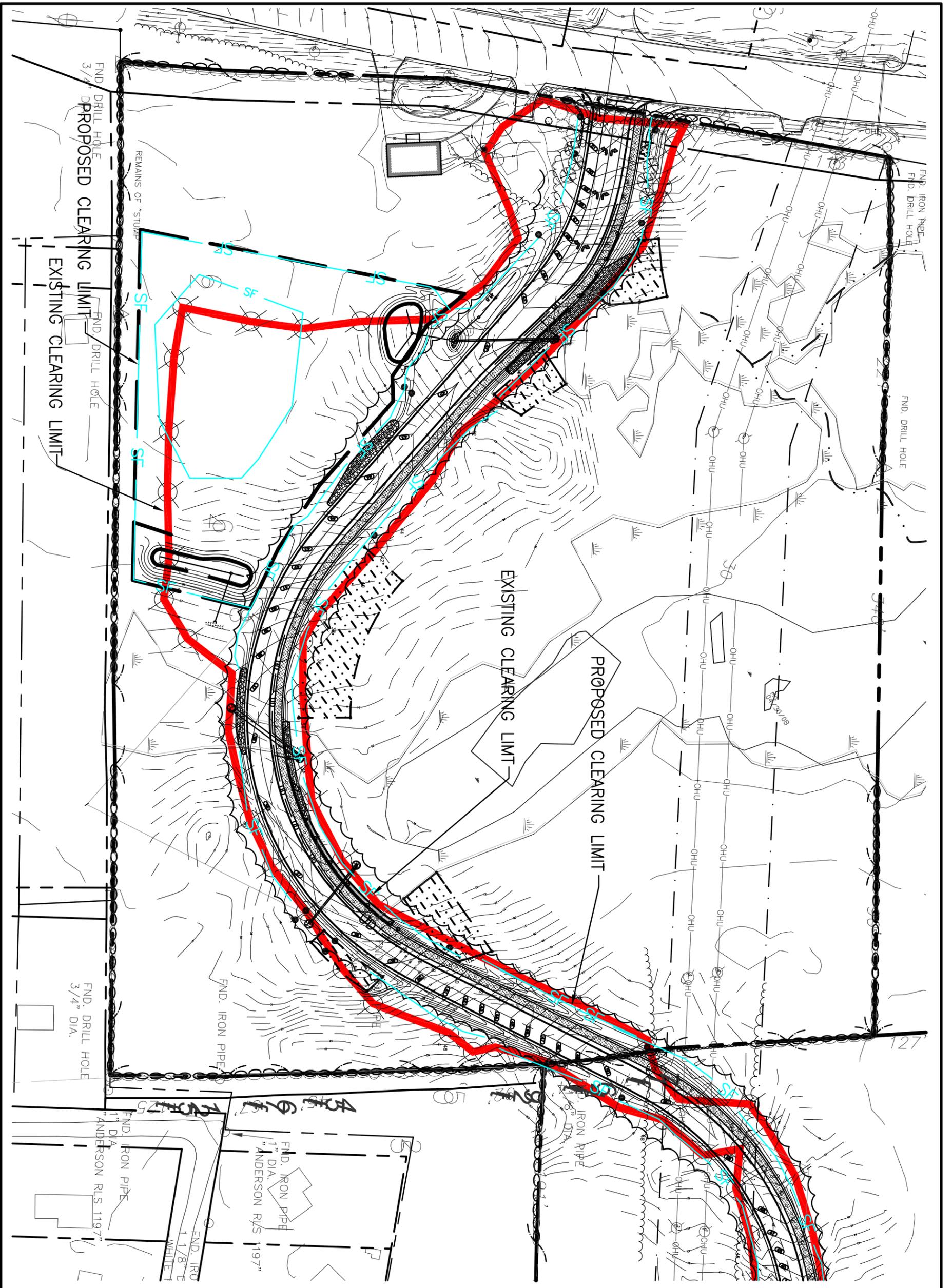
Site Sketch Plan Review Submission

January 2014



Attachment 1 - Boundary Discrepancy Sketch

Attachment 2 - Surveyed Location of Cleared Areas



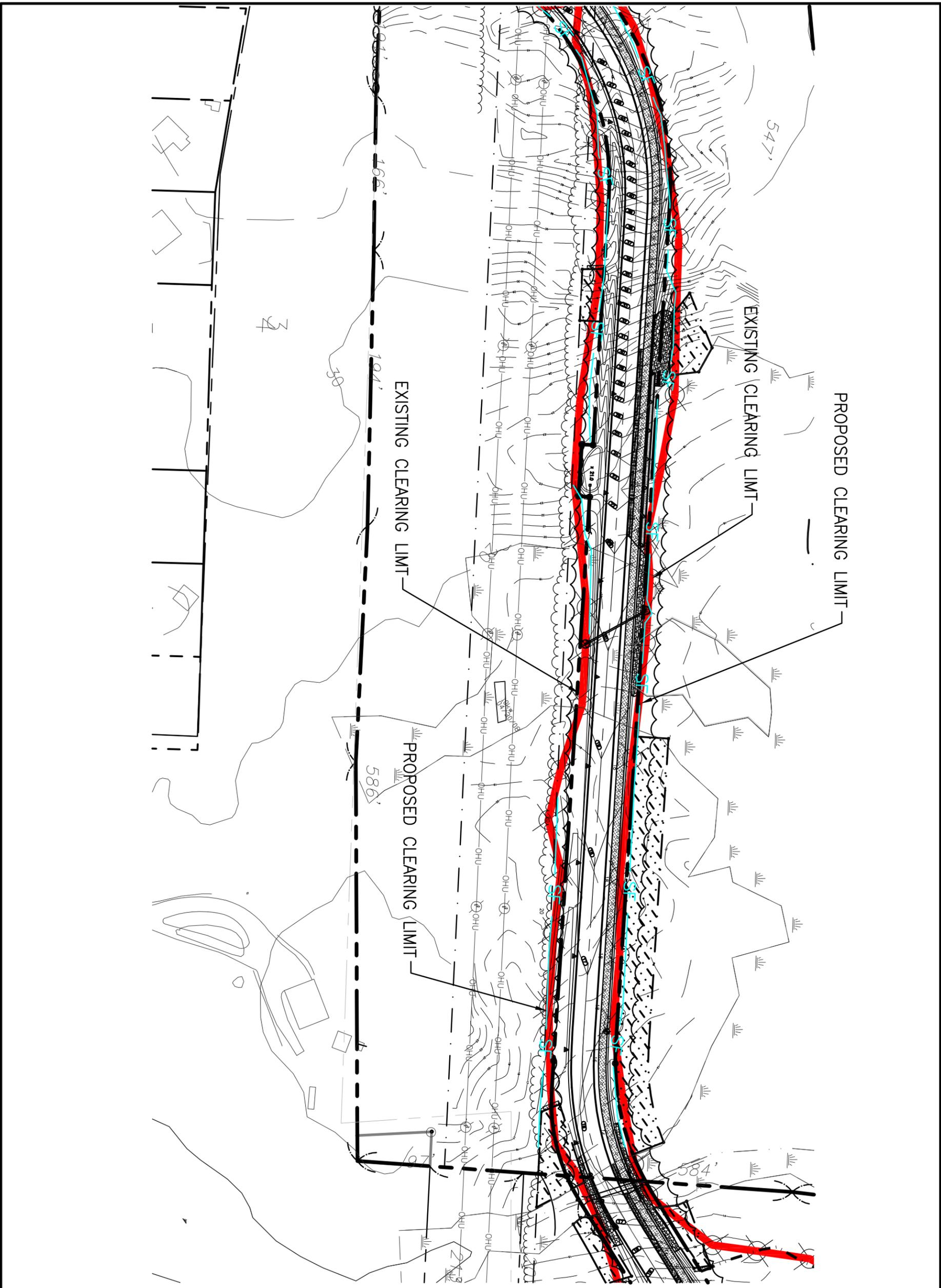
REV	DESCRIPTION	DATE

SCALE:	1" = 100'
PROJECT MANAGER:	DRL
JC/DRAWN BY:	WSM
A/E OF RECORD:	ADJ
CAD FILE:	Clearing Limits-06122
PROJECT NO.:	06122
DATE:	11-02-12
SHEET TITLE:	CLEARING LIMITS
SHEET No.	1

SMRT
 ARCHITECTURE
 ENGINEERING
 PLANNING
 INTERIOR DESIGN
 COMMISSIONING

144 Fore Street/P.O. Box 618
 Portland, Maine 04104
 tel. (207) 772-3846
 fax. (207) 772-1070
 www.smrtinc.com

YORK POLICE DEPARTMENT
NEW ACCESS ROAD
 YORK, MAINE



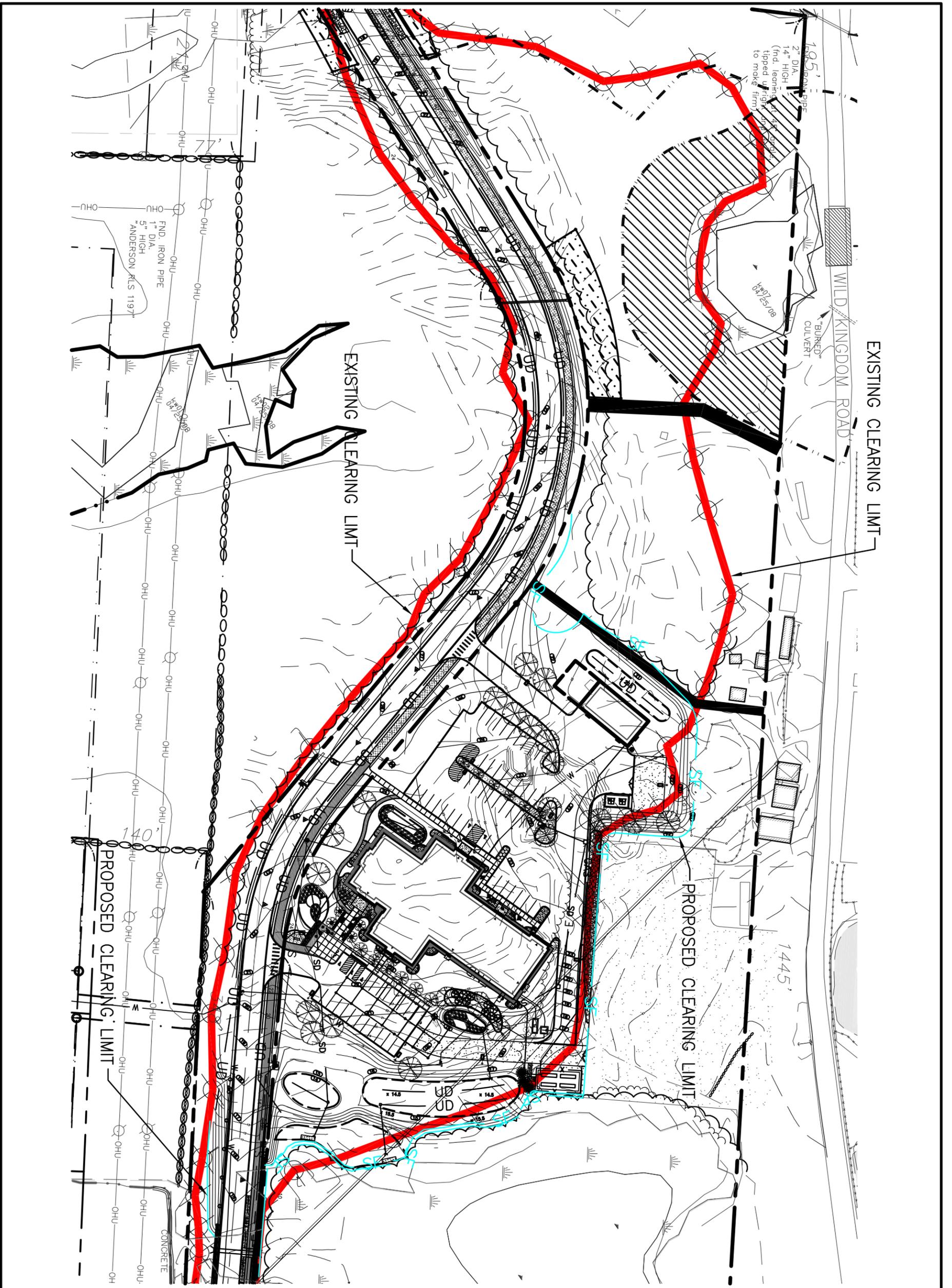
PROPOSED CLEARING LIMIT

EXISTING CLEARING LIMIT

EXISTING CLEARING LIMIT

PROPOSED CLEARING LIMIT

<p>ARCHITECTURE ENGINEERING PLANNING INTERIOR DESIGN COMMISSIONING</p>		<p>144 Fore Street/P.O. Box 618 Portland, Maine 04104 tel. (207) 772-3846 fax. (207) 772-1070 www.smrtinc.com</p>
<p>SMRT</p>		<p>YORK POLICE DEPARTMENT NEW ACCESS ROAD YORK, MAINE</p>
<p>SCALE: 1" = 100'</p>	<p>PROJECT MANAGER: DRL</p>	<p>DATE: 11-02-12</p>
<p>JC/DRAWN BY: WSM</p>	<p>A/E OF RECORD: ADJ</p>	<p>PROJECT NO: 06122</p>
<p>CAD FILE: Clearing Limits-06122</p>	<p>SHEET TITLE: CLEARING LIMITS</p>	<p>SHEET No. 2</p>
<p>REV</p>	<p>DESCRIPTION</p>	<p>DATE</p>



EXISTING CLEARING LMT

PROPOSED CLEARING LMT

PROPOSED CLEARING LMT

EXISTING CLEARING LMT

WILD KINGDOM ROAD

FND. IRON PIPE
1" DIA.
5" HIGH
ANDERSON RLS 1197

140'

CONCRETE

1445'

1095'
2" DIA.
14" HIGH
(Incl. leaning of sections
tipped upright for
to make firm)

"BURIED"
CULVERT

ARCHITECTURE
ENGINEERING
PLANNING
INTERIOR DESIGN
COMMISSIONING

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YORK POLICE DEPARTMENT
NEW ACCESS ROAD
YORK, MAINE

SCALE:	1" = 100'
PROJECT MANAGER:	DRL
JC/DRAWN BY:	WSM
A/E OF RECORD:	ADJ
CAD FILE:	Clearing Limits-06122
PROJECT NO.:	06122
DATE:	11-02-12
SHEET TITLE:	CLEARING LIMITS
SHEET No.	3

REV	DESCRIPTION	DATE

Attachment 3 -Violation Letters



Town of York

186 York Street
York, Maine 03909-1314

August 17, 2012

Robert Yandow, Town Manager
York Town Hall

re: Police Station and Connector Road Site - Corrective Order
414 Ridge Road
Map 94, Lot 77

Rob,

I believe that work to date at the police station and connector road site has violated Town Zoning and the State Site Location Permit, and is inconsistent with the vernal pool mitigation proposed to the U.S. Army Corps of Engineers. This is work completed by the contractor outside the road right-of-way and apart from the actual site of the proposed police station and adjacent parking and site improvements.

Regarding the local issues, Ben McDougal and Brett Horr visited the site earlier this week and found unpermitted work in the Shoreland Overlay District - clearing and stockpiling of earth just west of the proposed new police station. This work required a written permit or approval, but none was obtained. The area cleared is too close to Shoreland wetland, and stockpile is too close to the wetland as well. Near this area, vehicles have been driving through a wetland, which is also identified as Vernal Pool 07KW. There is also a second cleared opening being used to stockpile earth behind the former Blinn house. Neither of these areas was shown on the plans reviewed and approved by the Planning Board.

Regarding State and Federal requirements, this cutting and activity outside the road right-of-way contradicts the State-approved stormwater management plan, and is inconsistent with the vernal pool impact mitigation as proposed to the Army Corps of Engineers. The nature and extent of these problems is described in the Third Party Inspection Report dated August 17, 2012.

These problems must be addressed, and it makes sense to do so in a unified manner. Therefore, I require the project engineer, Andrew Johnson of SMRT, to draft a unified plan to correct all these problems simultaneously. I will expect a written draft plan from Mr. Johnson by the end of the day on Friday, August 31st.

Town Manager/
Selectmen
(207)363-1000

Town Clerk/
Tax Collector
(207)363-1003

Finance/
Treasurer
(207)363-1004

Code Enforcement
(207)363-1002

Planning
(207)363-1007

Assessor
(207)363-1005

Police Department
(207)363-1031

Dispatch
(207)363-2557

York Beach Fire
Department
(207)363-1014

York Village Fire
Department
(207)363-1015

Public Works
(207)363-1011

Harbor Master
(207)363-1000

Senior Center/
General Assistance
(207)363-1036

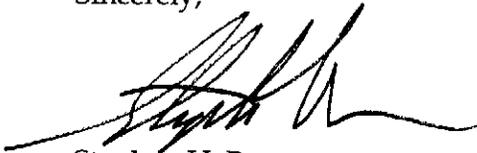
Parks and
Recreation
(207)363-1040

Fax
(207)363-1009
(207)363-1019

This plan shall be distributed to all involved parties - Town, MDEP, Army Corps, PC Construction, and SMRT. I also require a meeting of all these parties no later than Friday, September 7th so that we can discuss the proposal and decide on the most appropriate course of action to correct these problems. A final report and action to correct local, state and federal errors will be required as soon thereafter as possible. In the mean time, no physical work shall occur which would further these problems.

I am available at your convenience to help with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen H. Burns", written over a horizontal line.

Stephen H. Burns

Community Development Director and Assistant Code Enforcement Officer

cc: Ben McDougal, Code Enforcement Officer
property file (414 Ridge Road, 0094-0077)



Town of York

186 York Street
York, Maine 03909-1314

Town Manager/
Selectmen
(207)363-1000

Town Clerk/
Tax Collector
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Finance/
Treasurer
(207)363-1004

Code Enforcement
(207)363-1002

Planning
(207)363-1007

Assessor
(207)363-1005

Police Department
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Dispatch
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York Beach Fire
Department
(207)363-1014

York Village Fire
Department
(207)363-1015

Public Works
(207)363-1011

Harbor Master
(207)363-1000

Senior Center/
General Assistance
(207)363-1036

Parks and
Recreation
(207)363-1040

Fax
(207)363-1009
(207)363-1019

www.yorkmaine.org

August 30, 2012

Robert Yandow, Town Manager
York Town Hall

re: Police Station and Connector Road Site - Response to Corrective Order
414 Ridge Road
Map 94, Lot 77

Rob,

Regarding the concept restoration plan to correct the wetland and shoreland violations which I cited on August 17th, the proposal by Bryan Emerson and transmitted via e-mail on August 29, 2012, at 11:15 AM is sufficient to satisfy the first required action to correct the violations. Because we have already had a site walk, and further because the restoration proposal appears adequate, I no longer require a meeting to discuss this proposal. However, the restoration proposal is still subject to USACOE approval, and the violations themselves remain in effect until the restoration work is complete. The only work which is allowed in the area of the violations shall be that of restoration following USACOE approval.

Sincerely,

Stephen H. Burns

Community Development Director and Assistant Code Enforcement Officer

cc: Ben McDougal, Code Enforcement Officer
Andrew Johnston, PE, Authorized Representative to the Planning Board
Bryan Emerson, Stantec
Bill Bullard, Maine DEP
Jay Clement, US Army Corps of Engineers
property file (414 Ridge Road, 0094-0077)

Attachment 4 - SLODA Amendment Approval



STATE OF MAINE
Department of Environmental Protection

PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

November 2012

Town of York
186 York Street
York, ME 03909
ATTN: Rob Yandow

RE: Site Location of Development Act Application, York, #L-25623-26-C-B

Dear Mr. Yandow:

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) 615-3149 or at Bill.Bullard@maine.gov.

Sincerely,

A handwritten signature in cursive script that reads "Bill Bullard".

Bill Bullard, Project Manager
Division of Land Resource Regulation
Bureau of Land & Water Quality

pc: File

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST

BANGOR
106 HOGAN ROAD
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 04769-2094
(207) 764-0477 FAX: (207) 764-3143

WEB SITE: WWW.MAINE.GOV/DEP



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

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF YORK) SITE LOCATION OF DEVELOPMENT ACT
York, York County)
CONNECTOR ROAD STORMWATER) MINOR AMENDMENT
L-25623-26-C-B (approval, after-the-fact)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 481 et seq., the Department of Environmental Protection has considered the application of the TOWN OF YORK 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: Department Order #L-25623-26-A-N/B-N, dated June 29, 2012, approved the development of a new public safety building with a new public road extending approximately 4,800 feet easterly from US Route 1 to Ridge Road in the Town of York.

B. Summary: During construction of the new access road near its westerly terminus at Route 1, approximately 80,000 square feet (1.83 acres) of additional, unapproved developed area was created to stockpile soil and other project materials. The applicant has not determined the final use of this newly cleared area, but is seeking after-the-fact approval to construct two underdrained soil filters at the northerly and southerly edges of the cleared area. The filters will be used initially as temporary sediment basins during project construction and subsequently will be completed and utilized as permanent soil filters if the developed area is not restored to pre-development conditions. The project is shown on a drawing entitled, "Road Plan & Profile - Plan Sheet CP201", drawn by SMRT, dated April 5, 2012, as last revised on October 10, 2012. The project site is located just off the easterly side of Route 1 in the Town of York.

C. Current Use of Site: The site of the proposed project was formerly woodland and currently consists of a cleared and stripped area adjacent to the westerly terminus of the access road at Route 1.

2. STORMWATER MANAGEMENT:

The proposed project includes approximately 0.45 acres of new impervious area and 1.83 acres of new developed area. It lies within the watershed of Briley Brook and several other unnamed streams that discharge eventually to the ocean at York Beach. 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 for the additional clearing consists of two underdrained soil filters which will be used initially as sediment retention basins during construction of the roadway.

A. Basic Standards:

(1) Erosion and Sedimentation Control: The applicant submitted an Erosion and Sedimentation Control Plan that is based on the performance standards contained in Appendix A of Chapter 500 and the Best Management Practices outlined in the Maine Erosion and Sediment Control BMPs, which were developed by the Department. This plan and plan sheets containing erosion control details were reviewed by, and revised in response to the comments of, the Division of Watershed Management (DWM) of the Bureau of Land and Water Quality (BLWQ).

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, and revised in response to the comments of, DWM. 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 DWM'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 Standard:

The applicant's stormwater management plan includes general treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater,

and mitigate potential temperature impacts. This mitigation is being achieved by using Best Management Practices (BMPs) that will control runoff from 96% of the impervious area and 95% of the developed area associated with the clearing.

The stormwater management system proposed by the applicant was reviewed by, and revised in response to comments from, DWM. After a final review, DWM commented that the proposed stormwater management system is designed in accordance with the General Standard contained in Chapter 500(4)(B) and recommended that the applicant retain the services of the design engineer or another qualified professional engineer to oversee construction of the underdrained vegetated soil filters in accordance with the details and notes specified on the approved plans. Within 30 days of the completion of each structure, the applicant must submit a log of inspection reports to the BLWQ for review.

Based on the stormwater system's design and DWM's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the General Standard contained in Chapter 500(4)(B), provided that the inspections are performed and reports submitted as described above.

C. Flooding Standard:

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

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

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

3. ALL OTHER:

All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-25623-26-A-N/B-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 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 storm water 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 a professional engineer to oversee construction of the stormwater management structures and submits inspection reports to the BLWQ as outlined in Finding 2.
- 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 after-the-fact application of the TOWN OF YORK to modify a stormwater management system to serve additional developed area as described above, in the Town of York, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.

3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
4. 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 plan.
5. The applicant shall retain the services of the design engineer or another qualified professional engineer to oversee construction of the underdrained vegetated soil filters in accordance with the details and notes specified on the approved plans, and within 30 days of the completion of each structure, shall submit a log of inspection reports to the BLWQ for review.
6. All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order # L-25623-26-A-N/B-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 14th DAY OF November, 2012.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Keenan for
Patricia W. Aho, commissioner



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

WB/#L25623CB/ATS#75084

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.

STORMWATER STANDARD CONDITIONS

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

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

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

may not begin before the contractor and any subcontractors have been shown a copy of this approval with the conditions by the developer, and the owner and each contractor and subcontractor has certified, on a form provided by the department, that the approval and conditions have been received and read, and that the work will be carried out in accordance with the approval and conditions. Completed certification forms must be forwarded to the department.

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

November 16, 2005 (revised December 27, 2011)



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012

Contact: (207) 287-2811

SUMMARY

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

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

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

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

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

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

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

HOW TO SUBMIT AN APPEAL TO THE BOARD

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

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

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

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

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

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

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

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

II. JUDICIAL APPEALS

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

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

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

ADDITIONAL INFORMATION

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

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

Attachment 5 - Buffer Restoration Documents



Stantec

May 1, 2013

Mr. Jay Clement
U.S. Army Corps of Engineers
Maine Project Office
675 Western Ave #3
Manchester, ME 04351

Mr. Bill Bullard
Division of Land Resource Regulation
Maine Department of Environmental Protection
312 Canco Road
Portland, ME 04103

**Subject: Revised Vernal Pool Buffer and Wetland Restoration Plan
York Police Station Project, York, Maine**

Dear Jay and Bill:

On behalf of the Town of York (Town), Stantec Consulting (Stantec) is providing the attached Revised Vernal Pool Buffer, Stormwater Buffers, and Wetland Restoration Plan associated with the York Police Station project (project). The restoration plan has been developed to address unpermitted impacts to wetlands, a vernal pool buffer, stormwater buffers, and mapped Shoreland Zone. The restoration plan follows the U.S. Army Corps of Engineers' (Corps) recommendations and requirements discussed at a site meeting on September 18, 2012, and outlined in an e-mail from Jay Clement to the Town and Stantec, on September 20, 2012. The plan also addresses the Maine Department of Environmental Protection (MDEP) and the Town's Planning Department requirements for restoration of stormwater buffers and mapped Shoreland Zone, respectively. Subsequent revisions to the plan have been made based on additional discussions with the Corps, MDEP, and the Town, as described below. In keeping with the requirements discussed with the agencies and the Town, we have included the following information in this cover letter: a discussion of the history of the unauthorized/non-compliant buffer and wetland alterations and an outline of the path and timetable for completing the restoration work. An alternatives analysis and a discussion of future development plans for the un-restored portion of the buffer, prepared by the Town, are provided as a separate attachment to this letter.

History of Unauthorized Impacts

In June 2012, the contractor for the Town began clearing and preparing the project site for construction of the police station and associated access road. In August 2012, unauthorized impacts occurred at the project site, including impacts to one wetland, clearing within multiple stormwater buffers, and clearing and grubbing of the upland buffer surrounding a Corps-jurisdictional vernal pool. The activities also included impacts to the Town of York's mapped Mixed Use Shoreland Zone. The MDEP and the Corps were informed of the violations in mid-August 2012. On August 17, 2012, the Town issued a Corrective Order related to the unpermitted impacts and construction work on the project was halted soon after the violations were discovered. Stantec performed a site visit to the project area on August 21, 2012, to assess the scale of the impacts. During the site visit, Stantec located the edge of disturbance with a Global Positioning System (GPS) receiver and determined that an area approximately 2.75 acres in size was impacted.

On August 27, 2012, a meeting was held on-site that included representatives from the Town, PC Construction (the Town's construction contractor), Stantec, and SMRT (the Town's engineer), along with Bill Bullard from MDEP and Stephen Burns from the Town's Code Enforcement office. During the meeting, additional impacts to stormwater buffers at the west end of the road were also discussed. After this meeting, it was agreed that the Town would restore the impacted buffers and wetland areas. Stantec began preparing a restoration plan that included restoration of the wetland area, the stormwater buffers, and the impacts to the upland buffer surrounding the vernal pool. This plan was prepared to satisfy the requirements of MDEP, the Corps, and the Town. Stantec submitted a draft of this plan to the agencies and the Town on September 14, 2012.

On September 18, 2012, the Town arranged a meeting with Jay Clement from the Corps, along with Stantec and SMRT. Members of the Town's Code Enforcement office were unable to attend. At this meeting, the Town proposed restoring less of the 2.75-acre impacted area, as the Town was hoping to maintain a portion of the area for potential future uses. These future uses are discussed in the attached memo from York Town Manager Rob Yandow. The Corps agreed in principal to this plan, as confirmed in an email from Jay Clement on September 20, 2012. The Corps' approval was pending the submission of an alternatives analysis describing why the Town needed the impacted area and potential future uses. Stantec then began work on preparing a revised restoration plan based on this new approach.

On September 25, 2012, Stantec and SMRT received an email from Stephen Burns from the Town's Code Enforcement office stating that the revised plan did not rectify the Shoreland Zoning violations. Stantec and SMRT revised the plan to include the entire impacted portion of the mapped Mixed Use Shoreland Zone in the restoration area. This plan was further revised to the current design based on additional input from the Town regarding potential future uses of the cleared area. A conceptual restoration plan was presented as a draft to MDEP, the Corps, and the Town's Code Enforcement office on October 12, 2012, at which point the three entities agreed in principal to the design.

On October 29, 2012, Stantec submitted a revised restoration plan to the Corps and MDEP. Upon review of the plan, the Corps requested minor revisions to the plan, as detailed in an email from Jay Clement dated October 30, 2012. The email also requested that either the Town provide an enhanced alternatives analysis and description of proposed uses of the un-restored area, or increase the size of the buffer restoration. To address this request, the Town has prepared a description of proposed use of the un-restored area, along with an analysis of alternatives, which is attached to this letter.

Restoration Timetable

Wetland Restoration: In late-November 2012, the Town completed the wetland restoration component of the larger buffer restoration effort. A description of the work performed, along with representative photographs, was provided to MDEP and the Corps in a letter from Stantec dated December 20, 2012. Completion of the wetland restoration work prior to formal acceptance of the attached restoration plan was approved by both MDEP and the Corps.

Vernal Pool Buffer and Stormwater/Shoreland Zone Buffer Restoration: Restoration of the vernal pool buffer and the stormwater/Shoreland Zone buffers will be initiated when construction activities are resumed at the police station site, which is dependent on approval of the project from the Town planning board. The restoration will begin with removal of the loam and rock piles from the primary buffer restoration area. Loam spreading, seeding, planting, and mulching will be performed immediately following removal of the rock and loam piles. Restoration activities are expected to be completed before the end of the 2013 growing season, pending planning board approval.

Please feel free to contact me if you have further questions or comments about the information in this letter or in the attached restoration plan.

Sincerely,

STANTEC CONSULTING



Bryan Emerson
Project Manager

Attachment: Vernal Pool Buffer, Stormwater Buffers, and Wetland Restoration Plan
Memo from Rob Yandow: Proposal for Use in Un-Restored Buffer Area

Cc: Stephen Burns, Community Development Director, Town of York
Rob Yandow, Town Manager, Town of York
Andrew Johnston, SMRT
David Lay, SMRT
Doug Stewart, Stantec
File 195600823

Revised Vernal Pool Buffer, Stormwater Buffers and Wetland Restoration Plan

**York Police Station
York, Maine**

October 2012 (Revised May 2013)



Prepared For:
Town of York
186 York Street
York, ME 03909

Prepared By:
Stantec Consulting
30 Park Drive
Topsham, ME 04086

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1.0 PROJECT DESCRIPTION

The Town of York is constructing a new access road that will be located between U.S. Route 1 and Ridge Road in York, ME, as well as a new public safety building for the York Police Department (Figures 1 and 2). The public safety building will be located along the eastern side of the proposed access road and will include an access drive and parking area. In June 2012, the proposed project received both a Maine Site Location of Development Act/Natural Resource Protection Act Tier II Wetland Alteration (Site Location) permit (L-25623-26-A-N/L-25623-TE-B-N) and a U.S. Army Corps of Engineers (Corps) Programmatic General Permit (NAE-201-01928). The project also received approval under the Maine Permit-By-Rule program for impacts that would be associated with two stream crossing and impacts to a Significant Vernal Pool (SVP) buffer, which are the result of new road construction. Under these permits, the project received approval to alter 16,630 square feet (SF) of forested wetlands, 4,920 SF of stream bed, and 12 percent of the critical terrestrial habitat associated with the SVP. A wetland compensation plan was developed to mitigate for these resource impacts, as well as for impacts to the critical terrestrial habitat of three additional non-significant vernal pools that were under Corps jurisdiction. Preservation of a property located on Bell Marsh Road in York, which includes wetlands and vernal pools, was proposed and accepted by the regulatory agencies as mitigation for impacts to resources.

2.0 UPLAND BUFFER AND WETLAND IMPACTS

Following approvals from the regulatory agencies, the contractor for the Town of York began clearing and preparing the site for construction of the public safety building. Activities at the building site included vegetation clearing, blasting to remove ledge/rock, removal of topsoil, and site grading. The contractor also began initial preparation of the road corridor, which was limited to clearing and grubbing. During the course of these initial site preparation activities, planned upland buffers along the road corridor and a portion of a wetland located northeast of the road corridor were altered. In mid-August 2012, the Maine Department of Environmental Protection (MDEP) received notification regarding potential unpermitted impacts. Subsequently, on August 16, 2012, the project's Third-Party Inspector provided notification to the Corps regarding these impacts. On August 17, 2012, the Town of York (Town) Code Enforcement Office issued a Corrective Order related to these unpermitted impacts, which are described below.

2.1 VERNAL POOL BUFFER IMPACTS

The vernal pool buffer is associated with vernal pool VP07KW and located northwest of the public safety building site (Figure 3). This forested buffer was intended to remain intact and to function as critical terrestrial habitat for vernal pool VP07KW, a non-significant vernal pool under Corps jurisdiction. On August 21, 2012, Stantec Consulting (Stantec) conducted a site visit and used a Global Position System (GPS) Trimble® unit to establish the area of the buffer that had been altered. This area is approximately **119,871 SF (2.75 acres)** in size, and has been cleared of vegetation, grubbed, and has had the topsoil removed (Figure 3). Following these activities, topsoil and blasted rock were stockpiled within this area (Photos 1-2).

2.2 STORMWATER BUFFERS B-11 AND B-12 IMPACTS

Stormwater buffers B-11 and B-12 are located to the northwest of the public safety building site and adjacent to the new access road (Figure 3). Both buffers are also within the vernal pool habitat buffer described in Section 2.1. In accordance with the Site Location permit, these two stormwater buffers and 10 others were intended to remain forested to treat runoff from the new access road. All of stormwater buffer B-12 (approximately **5,664 SF**) was impacted, as was approximately **133 SF** of stormwater buffer B-11. The area of impact associated with these two stormwater buffers is included within the approximately 2.75 acres of impacts identified in Section 2.1.

2.3 Stormwater Buffer B-4 Impacts

Stormwater buffer B-4 is located near the western end of the new access road (Figure 5). This buffer was intended to remain forested to treat runoff from the access road. During a site visit conducted on August 27, 2012, SMRT and Stantec determined that all of Buffer B-4 (approximately **1,500 SF**) was cleared of vegetation (Photo 3).

2.4 WETLAND 3 IMPACTS

Wetland 3, which includes vernal pool VP07KW, is located to the northwest of the public safety building site and south of Wild Kingdom Road (Figure 3). Approximately **1,979 SF** of Wetland 3 was cleared of vegetation (Photos 4-5). Clearing occurred along the southwestern edge of the wetland, and a bark-mulch erosion control berm was placed inside of the wetland edge. The vernal pool depression was not directly altered by the clearing activities.

3.0 PRE-DISTURBANCE CONDITIONS

Following are descriptions of pre-disturbance conditions in altered portions of the buffers and Wetland 3.

3.1 WETLAND 3

Wetland 3 is a small, mixed scrub-shrub and emergent wetland that is located southwest of the covered bridge on Wild Kingdom Road (Photo 9). It is hydrologically connected to a larger wetland system located to the northeast via a culvert under the road. The shrub layer, where present, is comprised of highbush blueberry (*Vaccinium corymbosum*), common winterberry (*Ilex verticillata*), speckled alder (*Alnus incana*), and red maple (*Acer rubrum*). The herbaceous layer is dominated by cinnamon fern (*Osmunda cinnamomea*), sensitive fern (*Onoclea sensibilis*), soft rush (*Juncus effusus*), sedges (*Carex* sp.), royal fern (*Osmunda regalis*), common cat-tail (*Typha latifolia*), fowl manna grass (*Glyceria striata*), white meadowsweet (*Spiraea alba*), common arrowhead (*Sagittaria latifolia*), swamp dewberry (*Rubus hispidus*), and wool-grass (*Scirpus cyperinus*). Soils within this wetland are fine sandy loam with a gleyed matrix. At the time of the 2007 delineation, soils exhibited redoximorphic features within seven inches of the mineral soil surface. Hydrologic indicators included saturation to soil surface and water-stained leaves.

The wetland includes a documented vernal pool (Photos 10-12). Stantec surveyed this pool on April 25, 2008. At the time of the vernal pool survey, the pool had more than 12 inches of surface water. Three wood frog (*Lithobates sylvaticus*) egg masses and 15 spotted salamander (*Ambystoma maculatum*) egg masses were observed. Adult green frog (*Lithobates clamitans*) and spring peepers (*Pseudacris crucifer*) also were observed within the pool.

3.2 VERNAL POOL BUFFER & STORMWATER BUFFERS B-11 & B-12

Based upon pre-disturbance observations and data collected to support the permit application process, the upland buffer associated with vernal pool VP07KW was an early to mid-successional forest (Photos 6-8). Trees in this buffer were generally sapling-sized with an average diameter-at-breast-height (DBH) of one to three inches. This area was historically cleared, as evidenced by stumps and skidder/equipment trails. Dominant trees included eastern white pine (*Pinus strobus*), red maple (*Acer rubrum*), sweet birch (*Betula lenta*), and gray birch (*Betula populifolia*), along with scattered northern red oak (*Quercus rubra*), eastern hemlock (*Tsuga canadensis*), red spruce (*Picea rubens*), and American beech (*Fagus grandifolia*). Dominant shrubs included sheep laurel (*Kalmia angustifolia*), highbush blueberry, chokecherry (*Prunus virginiana*), and alder-buckthorn (*Frangula alnus*). Wintergreen (*Gaultheria procumbens*), lowbush blueberry (*Vaccinium angustifolium*), Canada mayflower (*Maianthemum canadense*), and wild sarsaparilla (*Aralia nudicaulis*) occurred commonly in the herbaceous layer.

3.3 STORMWATER BUFFER B-4

Based upon the surrounding habitat, stormwater buffer B-4 was a second-growth forested community prior to disturbance. Red maple, gray birch, sweet birch, and eastern white pine dominated the canopy with a smaller component of eastern hemlock and northern red oak. Seedlings of these canopy species formed much of the understory. Species including bracken fern (*Pteridium aquilinum*), Canada mayflower, and partridge-berry (*Mitchella repens*) were present in the herbaceous layer.

4.0 RESTORATION REQUIREMENTS

Specific buffer and wetland restoration requirements were set forth by MDEP at an August 27, 2012, on-site meeting, and by the Corps at a September 18, 2012, on-site meeting and in a subsequent e-mail. The Town of York Community Development Department, which handles code enforcement, also required restoration of portions of the Shoreland Overlay District Mixed-Use Subdistrict (refer to Figure 3) that were impacted. Restoration will be required to meet the requirements of MDEP Site Location and Stormwater permits, the Corps General Permit, and the standards of the Town of York Zoning Ordinance. Those requirements are summarized below:

1. Top priority is to restore the area of unauthorized wetland alteration (i.e., a portion of Wetland 3). This shall be accomplished in the fall of 2012.
2. The bark mulch erosion control berm previously placed within the wetland shall be fully removed and relocated to the upland, immediately outside the area of wetland restoration.
3. Coarse woody debris, presently stockpiled on site, and stones will be used as appropriate within the restoration area to provide habitat diversity and structure.
4. A 100-foot buffer around the vernal pool boundary is the target for long-term restoration. This will conform to the minimum standards found in the Corps' Maine General Permit and shall be accomplished no later than the end of the 2013 growing season.
5. A 100-foot buffer around the wetland to the northwest of the altered area (Wetland 2) will be restored in order to meet the minimum requirements of the Town's Shoreland Zoning Ordinance.
6. The impacted stormwater buffers located along the proposed road will be relocated or restored to a vegetated state as required in the Site Location permit in order to adequately treat stormwater runoff generated from the project.
7. The revised buffer restoration plan (i.e., this document) shall contain a timetable for both immediate restoration of the wetland and longer-term restoration of the surrounding uplands.

5.0 WETLAND AND UPLAND BUFFER RESTORATION

The following plan addresses the restoration of Wetland 3 and the vernal pool and stormwater buffers to meet the requirements outlined above in Section 4. Restoration areas are shown on Figures 4 and 5.

5.1 RESTORATION GOALS

The principal goals for the restoration are to:

1. Re-establish scrub-shrub vegetation in affected portions of Wetland 3.
2. Re-establish forested conditions in a 100-foot wide vernal pool buffer, a 100-foot wide adjacent wetland/Shoreland Zone buffer, and in designated stormwater buffers B-4 and B-11 that were recently cleared.

3. Relocate and redesign stormwater buffer B-12.
4. Protect these buffers and Wetland 3 from future disturbance.

5.2 RESTORATION SCOPE

The restoration plan includes the following steps:

1. Within cleared portions of Wetland 3, remove the erosion control berm, add coarse woody debris, seed, and plant shrubs to re-establish vegetation.
2. Remove fill and stockpiled rock and soil within 100 feet of the vernal pool, within 100 feet of Wetland 2, and in stormwater buffer B-11, down to the approximate original ground. These buffers are hereafter referred to as the "Primary Buffer Restoration Area" and are shown on Figure 4.
3. Relocate stormwater buffer B-12 into the restored vernal pool buffer, and redesign as a Buffer with Stone Berm Level Lip Spreader, as approximately indicated on Figure 4.
4. Redistribute topsoil across the Primary Buffer Restoration Area to approximately pre-existing grades.
5. Distribute coarse woody debris from topsoil stockpiles across the Primary Buffer Restoration Area.
6. Seed the Primary Buffer Restoration Area and stormwater buffer B-4 to stabilize the soils and provide native plant cover.
7. Plant the Primary Buffer Restoration Area and stormwater buffer B-4 with native woody stock that will re-establish forest and understory cover.
8. Install signs around the Primary Buffer Restoration Area and Wetland 3 to protect these areas from future disturbance.¹
9. Monitor Wetland 3 and all restored buffer areas to determine the success of restoration efforts.

5.3 RESTORATION ACTIVITIES

5.3.1 Construction Oversight

A wetland scientist experienced with wetland and upland restoration will be on-site to monitor the site restoration activities and to help achieve the specifications of this plan. The wetland scientist primarily will be responsible for providing the site contractor with recommendations and guidance on re-soiling, final grading (i.e., matching pre-existing grades), planting, seeding, and coarse woody debris placement.

5.3.2 Restoration of Wetland 3

Schedule

Restoration work at Wetland 3, as described below, will be initiated in the fall of 2012. Signage may be completed in 2013 in association with the buffer restoration work.

Removing Erosion Control Berm:

The erosion and sedimentation control bark mulch berm previously installed in the cleared portion of Wetland 3 and the vernal pool buffer will be removed from the wetland and placed in uplands approximately 5-10 feet from the wetland edge.

¹ The stormwater buffers will be marked in accordance with the requirements of Maine Site Location of Development Act/Natural Resource Protection Act Tier II Wetland Alteration permit (L-25623-26-A-N/L-25623-TE-B-N).

Distributing Coarse Debris:

The topsoil stockpiles located on-site contain coarse woody debris in the form of stumps, logs (greater than 12 inches in diameter), and root masses. Some of this coarse woody debris, along with a few large rocks and boulders, will be spread randomly across cleared portions of Wetland 3 prior to planting, to cover approximately one to three percent of the total cleared wetland area. This will provide structural diversity and microhabitat for wildlife, in particular for amphibians and small mammals.

Planting Woody Stock

The wetland restoration area, totaling 1,979 SF, will be planted with a mix of native shrubs similar to what is present in the undisturbed portion of the wetland. Shrubs will be planted at a density of approximately 600 plants per acre. Table 1 provides a summary of suggested species and number of plants needed. The actual number of each species to be installed may vary depending on availability at the time of planting. Installation will follow the methods described in Section 5.3.3 below.

Table 1: Recommended Shrub Plantings for Wetland 3 Restoration Area.

Type	Species	Common Name	NWI Status	~ Number of Plants Needed
Shrubs	<i>Alnus incana ssp. rugosa</i>	Speckled alder	FACW	8
	<i>Ilex verticillata</i>	Common winterberry	FACW	8
	<i>Vaccinium corymbosum</i>	Highbush blueberry	FACW	8
	<i>Salix bebbiana</i>	Long-beaked willow	FACW	6
Total Plants:				30

Seeding and Mulching:

The wetland restoration area will be seeded with a native seed mix. It is anticipated that the New England Wetmix® available from New England Wetland Plants, Inc. (Table 2), or similar mix, will be used. The seed mix will be applied per the manufactures recommendations. Seeding and mulching methods will follow those described in Section 5.3.3 below.

**Table 2: Typical Wetland Seed Mix for Wetland Restoration Areas
New England Wetmix®, Example Species Diversity***

Species	Common Name
<i>Alisma plantago-aquatica</i>	Mud plantain
<i>Asclepias incarnata</i>	Swamp milkweed
<i>Symphyotrichum novi-belgii</i> (syn. <i>Aster novi-belgii</i>)	New York aster
<i>Bidens cernua</i>	Nodding bur marigold
<i>Carex comosa</i>	Bristly/Cosmos sedge
<i>Carex crinita</i>	Fringed sedge (Nodding)
<i>Carex lupulina</i>	Hop sedge
<i>Carex lurida</i>	Lurid sedge (Shallow)
<i>Carex scoparia</i>	Blunt broom sedge
<i>Carex vulpinoidea</i>	Fox sedge
<i>Eupatorium maculatum</i>	Spotted joe pye weed
<i>Eupatorium perfoliatum</i>	Boneset
<i>Glyceria canadensis</i>	Rattlesnake grass
<i>Glyceria striata</i>	Fowl manna grass
<i>Juncus effusus</i>	Soft rush
<i>Mimulus ringens</i>	Square stemmed monkey flower
<i>Onoclea sensibilis</i>	Sensitive fern
<i>Scirpus atrovirens</i>	Green bulrush
<i>Scirpus cyperinus</i>	Wool grass
<i>Schoenoplectus tabernaemontani</i> (syn. <i>Scirpus validus</i>)	Soft stem bulrush

*Recommended application: 18 pounds per acre

Installing Signage:

The installation of signs around the vernal pool habitat buffer will include Wetland 3. See Section 5.3.3 below for details.

5.3.3 Primary Buffer Restoration Area

Schedule

Restoration work in the Primary Buffer Restoration Area, as described below, will be initiated when construction activities resume for the York Police Station. It is expected that the restoration work will be completed by the end of the 2013 growing season, pending approval of the project by the Town planning board.

Removing Blast Rock:

The recent fill and stockpiles of blast rock and stone will be removed from the Primary Buffer Restoration Area at the time of the restoration. This material will either be used on site for project construction or will be moved to the cleared and filled area between the proposed police station and the Primary Buffer Restoration Area, depending on the timing of restoration and project construction. Re-located stockpiles will be protected from erosion using Best Management Practices (e.g., erosion control berms, blankets, temporary seeding).

Redistributing Topsoil:

Following removal of rock piles and fill, stockpiled topsoil will be redistributed across the Primary Buffer Restoration Area to approximately match pre-existing grades. The interface between the fill and original ground should be apparent upon fill removal. Approximately 12 to 24 inches of topsoil will be spread evenly over the restoration area to re-create the pre-disturbance grading and contours. To minimize potential erosion and sedimentation, earthwork will not occur during or immediately following heavy rain events.

Distributing Coarse Debris:

The topsoil stockpiles include coarse woody debris in the form of stumps, logs (greater than 12 inches in diameter), and root masses. This coarse woody debris, along with a few large rocks and boulders, will be spread randomly across the Primary Buffer Restoration Area to cover approximately one to three percent of the total area. This will provide structural diversity and microhabitat for wildlife, in particular for amphibians and small mammals.

Planting Woody Stock:

The Primary Buffer Restoration Area, totaling approximately 37,490 SF (+/- 0.86 acre), will be planted with a mix of native trees and shrubs similar to what was present prior to disturbance. Trees and shrubs will be planted at a density of approximately 425 plants per acre, at a ratio of 70 percent trees and 30 percent shrubs. Table 3 provides a breakdown of tree and shrub plantings and the suggested species and number of plants needed to achieve this density.

Table 3: Recommended Tree and Shrub Plantings for the Primary Buffer Restoration Area

Type	Species	Common Name	~ Number of Plants Needed
Trees	<i>Acer rubrum</i>	Red maple	40
	<i>Betula lenta</i>	Sweet birch	20
	<i>Betula populifolia</i>	Gray birch	40
	<i>Quercus rubra</i>	Northern red oak	40
	<i>Picea rubens</i>	Red spruce	40
	<i>Pinus strobus</i>	Eastern white pine	40
	<i>Tsuga canadensis</i>	Eastern hemlock	40
		<i>Total Trees:</i>	260
Shrubs	<i>Corylus cornuta</i>	Beaked hazelnut	40
	<i>Hamamelis virginiana</i>	Witch-hazel	40
	<i>Kalmia angustifolia</i>	Sheep laurel	30
		<i>Total Shrubs:</i>	110
Total Plants:			370

Trees and shrubs will be installed singly or in small groups evenly distributed at approximately 10-foot spacing. At the time of planting, the majority of the trees will range in height from approximately 3 to 4 feet with approximately 10 percent ranging from 5 to 6 feet in height. Shrubs will range from 12 to 36 inches at the time of planting. Actual heights will vary by species and age of available plants. It is anticipated that planting stock will primarily consist of container-grown material.

Trees and shrubs will be planted by hand. Holes will be dug up to 50 percent wider than and as deep as the root mass of the plants. The planting holes will be backfilled with topsoil around the roots and lightly compacted around the plants to remove air pockets. Each plant will be watered immediately following installation unless the soil is sufficiently saturated at the time of planting. Tree guards may be installed on deciduous tree species to protect from browsing and girdling. Bark mulch at least three feet in diameter will be placed around the base of plants for moisture and weed control purposes. As needed, plants may be watered for the first several weeks after installation if natural soil moisture is insufficient or rain is not in the immediate forecast.

The planting schedule for the restoration sites will depend on approval of this plan and the completion of ground preparation activities. Planting will occur only when conditions are favorable for plant survival, which is typically either early fall (September 1 through mid-October) or in the spring (prior to June 20). Summer planting is acceptable, though watering on a weekly basis would likely be required to make up for the typical lack of summer rainfall. The actual planting schedule will be communicated to MDEP and the Corps once the completion of site preparation activities can be accurately predicted. Following the completion of planting, a summary of the number of plants by species installed in each buffer area will be provided to MDEP and the Corps.

Seeding and Mulching:

The Primary Buffer Restoration Area will be seeded with a native seed mix. It is anticipated that the New England Conservation/Wildlife Mix® available from New England Wetland Plants, Inc. (Table 4), or a similar mix, will be used. The seed mix will be applied per manufacturer recommendations. If applied by hydroseeding methods, supplemental watering or mulching may not be required at the time of seeding. If applied by hand (i.e., shoulder-mounted broadcaster), seeded areas will be covered with a thin layer of weed-free straw mulch to retain soil moisture and promote seed germination. Straw mulch will be applied over the seed at a rate of approximately 2 bales per 1,000 SF for a total of approximately 75 bales. Seeded areas may be watered for the first several weeks after seeding, as needed, if natural soil moisture in the restoration area is insufficient or rain is not in the immediate forecast.

If timing of activities allow, seeding will occur following planting at each of the buffer areas but only when conditions are favorable for germination and growth (typically spring, early summer, and early fall). For erosion control purposes, seeding may need to occur before planting. If seeding occurs after approximately October 1, seeding rates will be increased by as much as 50 percent. A cover crop of annual ryegrass (*Lolium multiflorum*) also will be applied during late-season seeding to provide more immediate cover to the areas.

**Table 4: Typical Seed Mix for Upland Buffer Areas
New England Conservation/Wildlife Mix®, Example Species Diversity***

Species	Common Name
<i>Andropogon gerardii</i>	<i>Big bluestem</i>
<i>Asclepias syriaca</i>	<i>Common milkweed</i>
<i>Aster novae-angliae</i>	<i>New England aster</i>
<i>Chamaecrista fasciculata</i> (Cassia f.)	<i>Partridge pea</i>
<i>Desmodium canadense</i>	<i>Showy tick trefoil</i>
<i>Elymus virginicus</i>	<i>Virginia wild rye</i>
<i>Eupatorium maculatum</i>	<i>Spotted joe pye weed</i>
<i>Euthamia graminifolia</i> (Solidago g.)	<i>Grass leaved goldenrod</i>
<i>Festuca rubra</i>	<i>Creeping red fescue</i>
<i>Heliopsis helianthoides</i>	<i>Ox eye sunflower</i>
<i>Panicum clandestinum</i>	<i>Deer tongue</i>
<i>Panicum virgatum</i>	<i>Switch grass</i>
<i>Rudbeckia laciniata</i>	<i>Tall/Green headed coneflower</i>
<i>Schizachyrium scoparium</i>	<i>Little bluestem</i>
<i>Solidago juncea</i>	<i>Early goldenrod</i>
<i>Sorghastrum nutans</i>	<i>Indian grass</i>

*Recommended application: 25 pounds per acre

Installing Signage:

Following the completion of planting and seeding, signs will be installed at 100-foot intervals along the edge of the Primary Buffer Restoration Area. The signs will be mounted on sturdy metal or cedar posts. The signs will indicate that the habitat buffer and wetland are protected and that no vegetation removal or disturbance beyond the boundary of the signs is allowed. The stormwater buffers will be marked in accordance with the requirements of Maine Site Location of Development Act/Natural Resource Protection Act Tier II Wetland Alteration permit (L-25623-26-A-N/L-25623-TE-B-N).

5.3.4 Relocation and Redesign of Stormwater Buffer B-12

Schedule

Stormwater buffer B-12 will be relocated to inside the Primary Buffer Restoration Area, specifically within the 100 foot vernal pool buffer (Figure 4). As indicated in Section 5.3.3 above, it is expected that restoration of this area will be completed by the end of the 2013 growing season, pending approval of the project by the Town planning board. Installation of the redesigned stormwater buffer B-12 will follow this same schedule.

Redesign of Stormwater Buffer B-12

In order to conform to the standards of the MDEP Stormwater Manual, stormwater buffer B-12 will be revised to a Buffer with Stone Berm Level Lip Spreader. For additional information regarding the design of this buffer, refer to addendums to the Stormwater Management Report prepared by SMRT.

5.3.5 Restoration of Stormwater Buffer B-4

Schedule

Restoration work in Stormwater Buffer B-4, as described below, will be initiated in the spring of 2013 and will be completed before July 1, 2013.

Planting Woody Stock:

The planting density for stormwater Buffer B-4, which totals 1,500 SF, will be 600 plants per acre. Because of the small size of this area, only tree species will be planted. Table 5 provides a summary of suggested species and number of plants needed. The actual number of each species to be installed may vary depending upon availability at the time of planting. Methods for planting will follow those described in Section 5.3.3 above.

Seeding and Mulching:

Stormwater buffer B-4 will be seeded with a native seed mix. It is anticipated that the New England Conservation/Wildlife Mix® available from New England Wetland Plants, Inc. (see Table 4 above), or a similar mix, will be used. Seeding and mulching will follow methods described in Section 5.3.3.

Table 5: Recommended Tree and Shrub Plantings for Stormwater Buffers B-4 and B-5

Buffer	Species	Common Name	~ Number of Plants Needed
B-4	<i>Acer rubrum</i>	Red maple	6
	<i>Betula populifolia</i>	Gray birch	6
	<i>Pinus strobus</i>	Eastern white pine	6
	Total Trees:		18

6.0 MONITORING AND REPORTING

6.1 SUCCESS STANDARDS

Post-restoration monitoring is necessary to determine whether the restored upland buffers and wetland are achieving/approaching pre-disturbance conditions. Restoration efforts in the upland buffer areas and wetland will be determined to be successful if at the end of the monitoring period, the following conditions are met.

1. Woody Plant Density: In the Primary Buffer Restoration Area, there are at least 400 native, non-invasive trees and shrubs per acre that are healthy and vigorous and in 75 percent of the planted area. In the restored wetland and in Stormwater Buffer B-4, there are at least 500 native, non-invasive trees and shrubs per acre that are healthy and vigorous and in 75 percent of the planted area. Native, woody volunteer species will be counted toward this density standard.
2. Percent Areal Plant Cover: There is at least 75 percent areal cover by native, non-invasive herbaceous plant species. In the wetland restoration area, at least 60 percent of the areal cover shall consist of native, hydrophytic plant species.
3. Invasive Species: Control of alder-buckthorn, multiflora rose (*Rosa multiflora*), Morrow's honeysuckle (*Lonicera morowii*), Japanese barberry (*Berberis thunbergii*), and other identified non-native, invasive species has been accomplished during the monitoring period, in accordance with the Invasive Species Control Plan for this site (see attached). The goal of the invasive species control will be to not allow invasive species to suppress or hinder the growth of planted

trees and shrubs, and to prevent the occurrence of contiguous, monotypic stands of invasive plants that are greater than 500 square feet in size.

4. Erosion Control: Soils within the restoration areas are stabilized and soil erosion is minimized.

6.2 MONITORING SCHEDULE

Post-Construction monitoring of the upland buffers and the restored portion of Wetland 3 will begin in the first full growing season after the completion of site work and planting. It is anticipated that monitoring will occur on the following schedule:

- Wetland 3 – 2013, 2014, and 2015 (3 years)
- Primary Buffer Restoration Area and Stormwater Buffer B-4 – 2014 and 2015 (2 years)

6.3 MONITORING METHODS

A qualified wetland scientist will conduct and/or oversee the monitoring. Site visits will occur once a year for each of the monitoring years, and will be scheduled towards the end of the growing season (i.e., between July 15 and September 30). Monitoring will include assessments of woody stock survivorship, herbaceous plant cover, the presence of invasive species, and soil stability. During the site visits, each of the buffer areas and the restored portion of Wetland 3 will be evaluated to determine if corrective measures are necessary.

Wetland 3

The conditions within the restored portion of Wetland 3 will be assessed using meander surveys. During the meander surveys, the wetland scientist will count and assess the health of all of the planted woody stock within the restored portion of the wetland. Native woody volunteer species within the wetland restoration area will also be counted. In addition to counting woody species, general signs of herbaceous plant cover, the presence of non-native invasive plants, and soil erosion will be documented. Representative photographs will be taken from similar locations each year.

Primary Buffer Restoration Area - Vernal Pool Buffer & Stormwater Buffers B-11

Seven 10-meter by 10-meter (10-m²) plots will be sampled within the Primary Buffer Restoration Area to evaluate the success of restoration efforts. This sampling level will allow the assessment of approximately 20 percent of the restored area. The plots will be randomly located throughout the restored area at the discretion of the wetland scientist who performs the monitoring. Within each 10-m² plot, planted trees and shrubs will be counted by species, and the overall areal coverage of tree and shrub species within the plot will be estimated to the nearest 5 percent. Native, woody volunteer species within each monitoring plot will also be counted. A meander survey of each plot will be used to assess herbaceous plant cover, the presence of non-native invasive plants, and soil erosion. Representative photographs will be taken from similar locations each year.

Stormwater Buffer B-4

Because of the small size of Buffer B-4, meander surveys will be conducted to count and assess the health of all of the planted woody stock in the area. Native woody volunteer species within the restored buffer will also be counted. In addition to counting woody species, the wetland scientist will record general signs of herbaceous plant cover, the presence of non-native invasive plants, and soil erosion. Representative photographs will be taken from similar locations each year.

6.4 REPORTING

An annual monitoring report will be prepared for each monitoring year and submitted to the Corps and MDEP by January 31 of the year following monitoring. The report will describe the methodology and results of the monitoring, and provide an assessment of the upland buffer and wetland restoration

success relative to the performance standards. The report will also include recommendations for remedial actions that may need to be implemented to improve the success of the restoration, and a description of corrective measures completed during that year. Potential remedial actions identified during monitoring will be addressed in a timely manner. The MDEP and Corps will be consulted on a case-by-case basis regarding the need for on-site corrections or adaptive management measures. Such measures may include replacing dead shrubs and trees, invasive species control, supplemental seeding, fertilizing woody plantings, and erosion control or repair. Rodent or deer browsing will be considered a natural process, and such damage will not be remediated unless it is widespread and significantly impacts restoration of vegetation cover.

APPENDIX A
REPRESENTATIVE PHOTOGRAPHS



Photo 1: Habitat buffer associated with vernal pool 07KW following clearing and stockpile activities. Stantec Consulting. August 21, 2012.



Photo 2: Habitat buffer associated with vernal pool 07KW following clearing and stockpile activities. Stantec Consulting. August 21, 2012.



Photo 3: Access road and stormwater buffer B-4 following clearing activities. SMRT. August 21, 2012.



Photo 4. Wetland 3 following clearing activities. Note bark mulch berm in wetland. Stantec Consulting, August 21, 2012.



Photo 5. Wetland 3 and adjacent upland habitat buffer following clearing activities. Stantec Consulting, August 21, 2012.



Photo 6: Habitat buffer associated with vernal pool 07KW prior to clearing activities. Stantec Consulting. March 4, 2010.



Photo 7: Remaining habitat buffer associated with vernal pool 07KW adjacent to cleared buffer. Stantec Consulting. August 21, 2012.



Photo 8: Remaining habitat buffer associated with vernal pool 07KW adjacent to cleared buffer. Stantec Consulting. August 21, 2012.



Photo 9: Wetland 3 and vernal pool VP07KW in background.
Stantec Consulting. March 4, 2010



Photo 10: Vernal Pool 07KW in Wetland 3.
Stantec Consulting. July 2007.



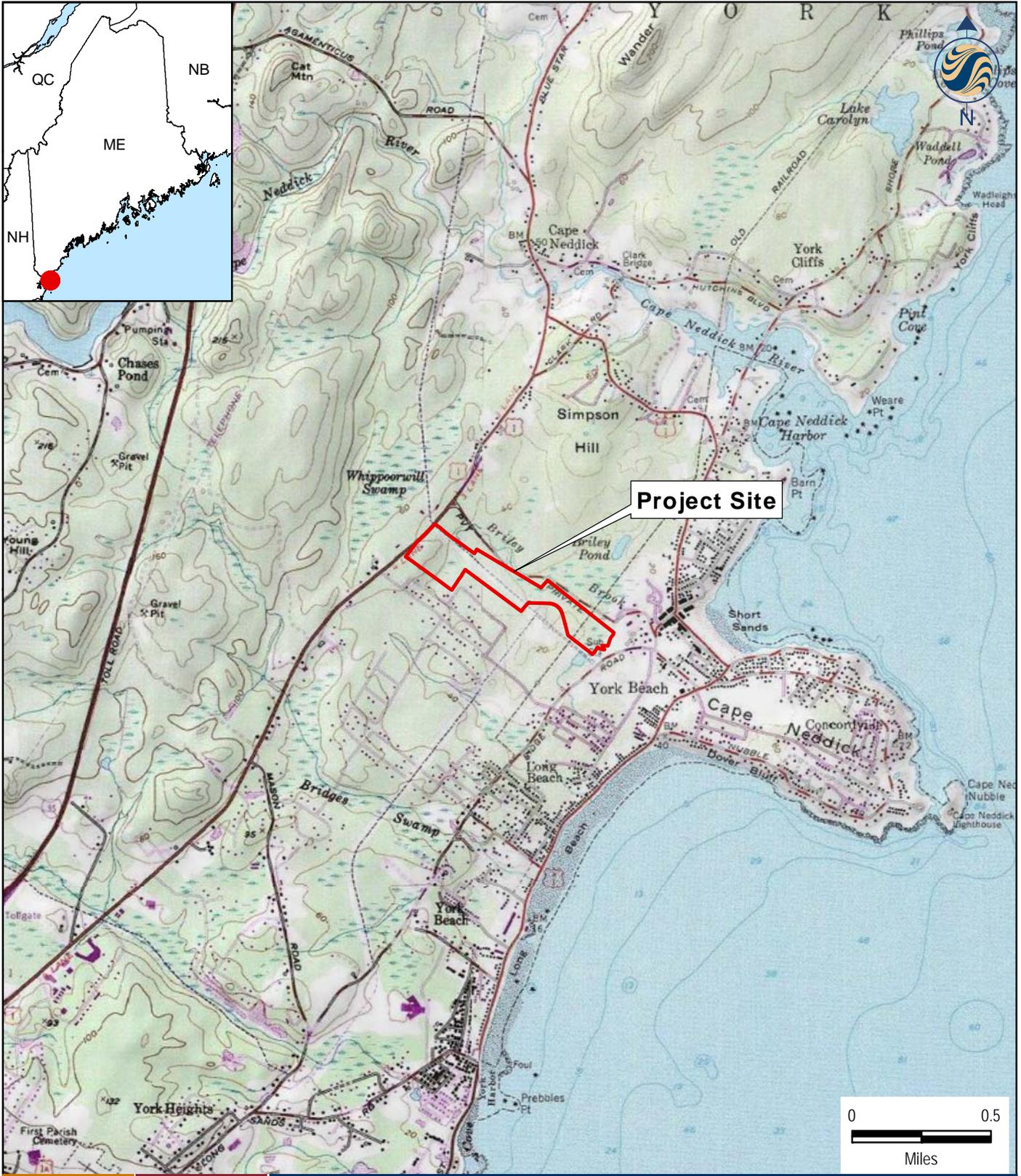
Photo 11: Vernal Pool 07KW in Wetland 3.
Stantec Consulting, April 25, 2008.



Photo 12: Vernal Pool 07KW in Wetland 3.
Stantec Consulting, April 25, 2008.

APPENDIX B

FIGURES



195600823



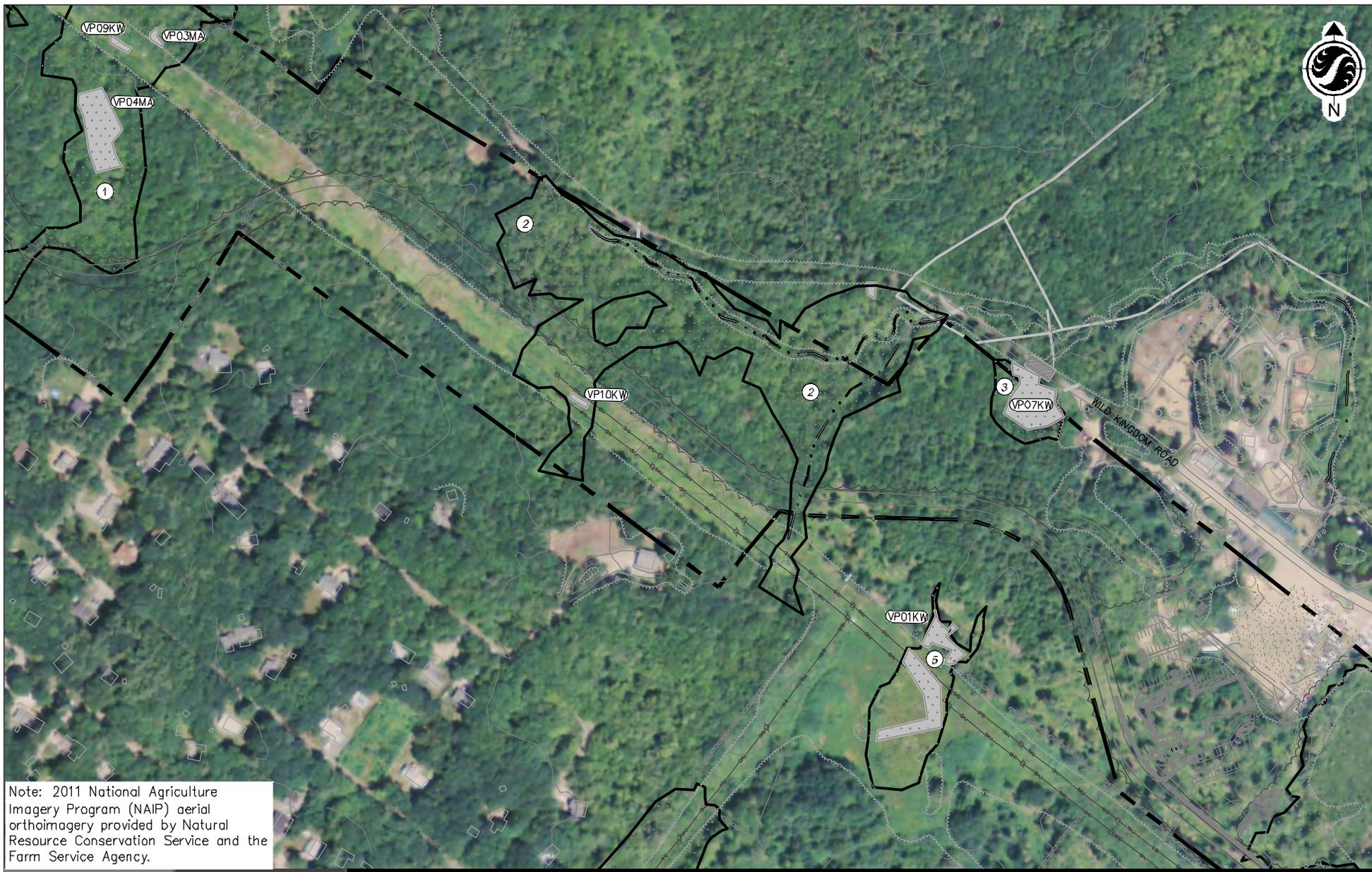
Stantec

Stantec Consulting Services Inc.
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 Topsham, ME USA
 04086
 Phone (207) 729-1199
 Fax: (207) 729-2715
 www.stantec.com

Client/Project
 SMRT
 York Police Station
 York, Maine

Figure No.
 1

Title
Project Site
 September 4, 2012



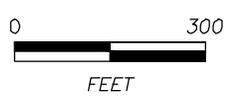
Note: 2011 National Agriculture Imagery Program (NAIP) aerial orthoimagery provided by Natural Resource Conservation Service and the Farm Service Agency.



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Legend

-  Wetland Identified by Stantec
-  Vernal Pool Identified by Stantec
-  MDEP stream identified by Stantec
-  Proposed Developments (Road and Police Station)

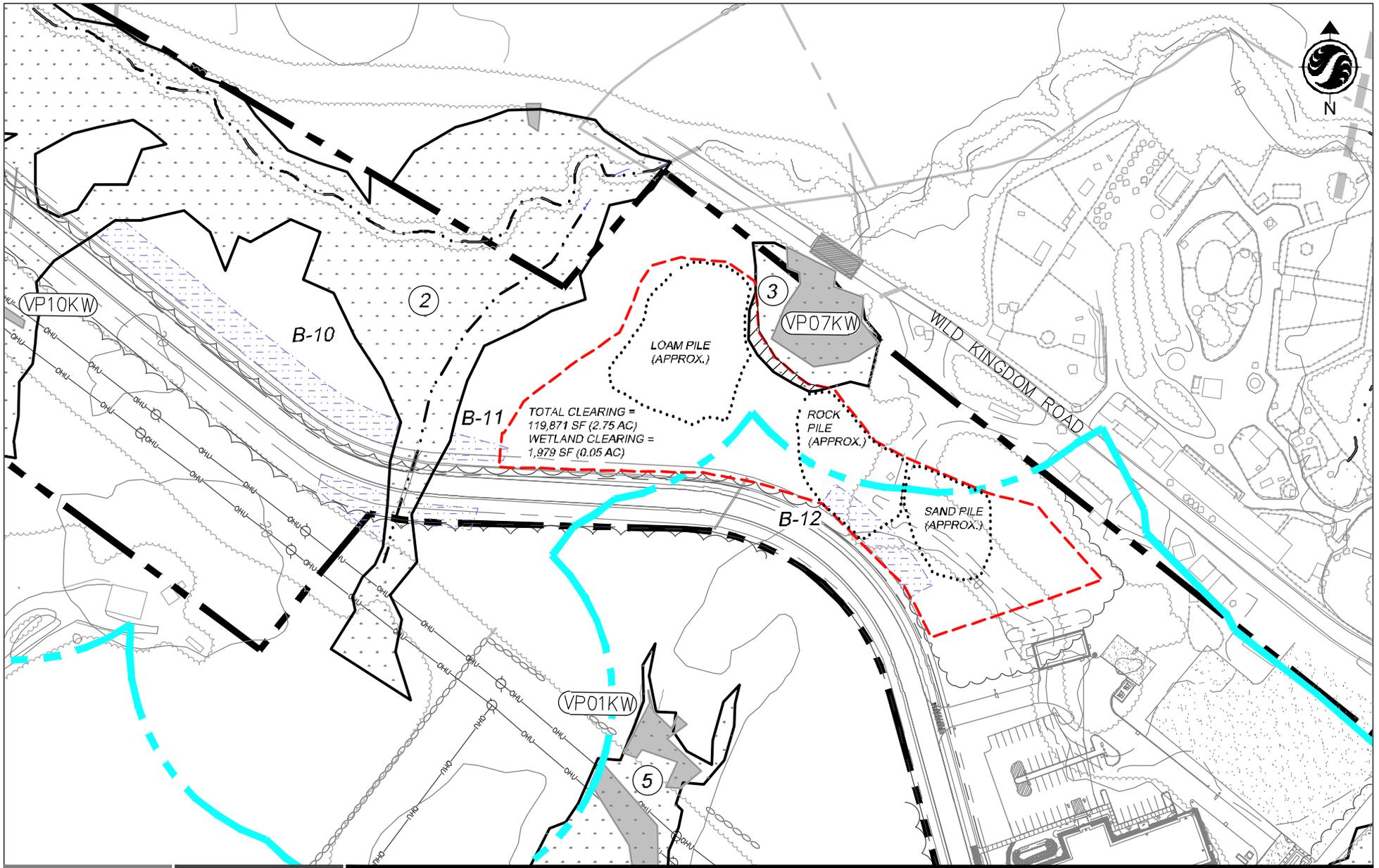


Client/Project 195600823

York Police Station, York ME
 Buffer Restoration Plan
 Figure No. 2

Title
Pre-Disturbance Conditions

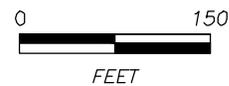
October 3, 2012



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Legend

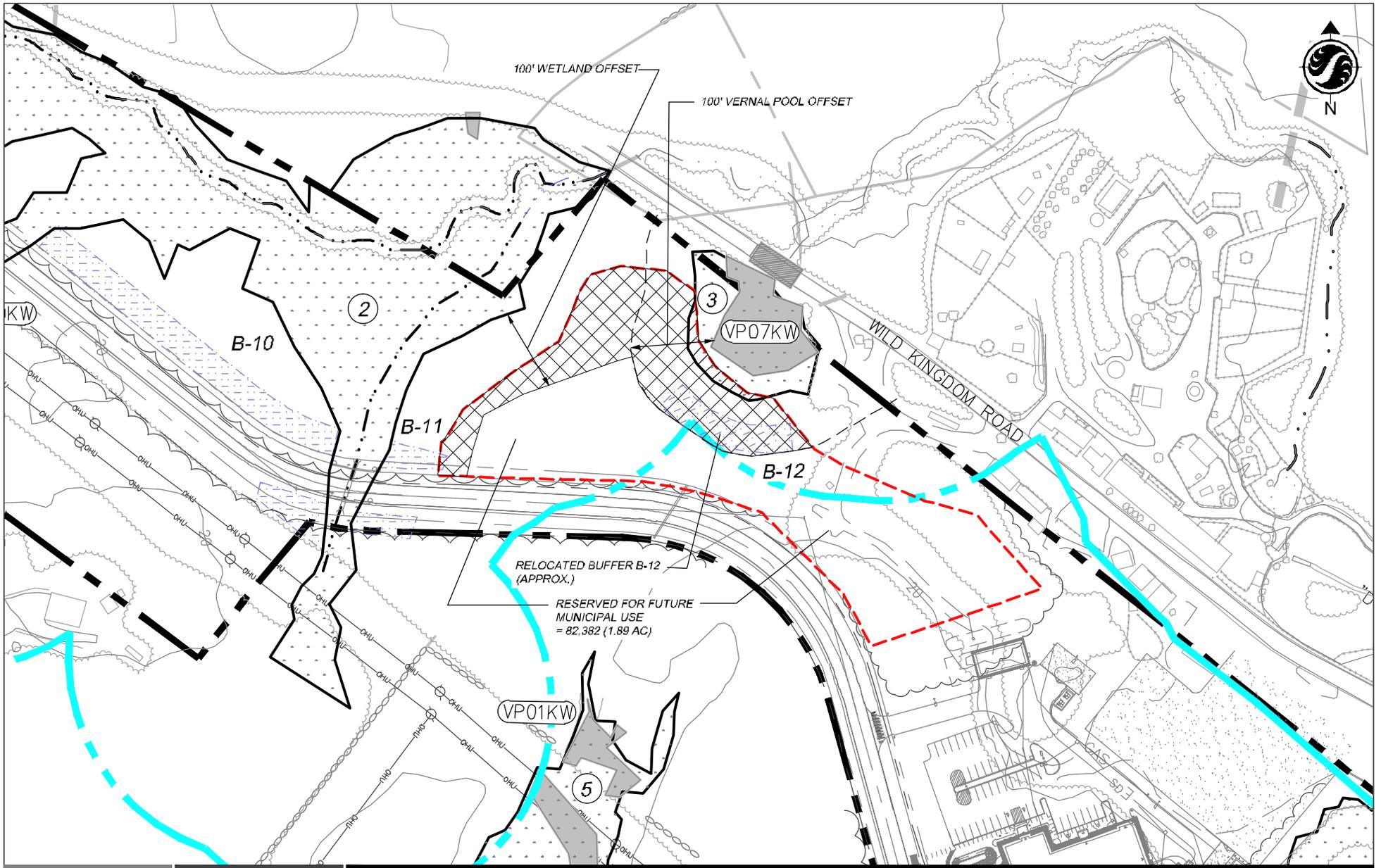
- ② [Dotted Pattern] Wetland Identified by Stantec
- VP01KW [Shaded Area] Vernal Pool Identified by Stantec
- [Dotted Line] MDEP stream identified by Stantec
- [Cyan Dashed Line] Mixed-Use Shoreland Zone (Town of York)
- B-12 [Cross-hatched Pattern] Stormwater Buffer Easement
- [Red Dashed Line] Altered Area (GPS by Stantec, Aug 2012)
- [Diagonal Hatching] Wetland Clearing



Client/Project 195600823

York Police Station, York ME
 Buffer Restoration Plan
 Figure No. 3

Title
 Altered Vernal Pool Buffer and Stormwater
 Buffers B-11 and B-12
 October 3, 2012



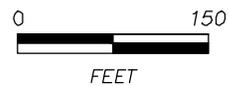
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Legend

- ② Wetland Identified by Stantec
- Vernal Pool Identified by Stantec
- MDEP stream identified by Stantec
- Mixed-Use Shoreland Zone (Town of York)
- Stormwater Buffer Easement
- Altered Area = 119,871 SF (2.75 AC)
- Proposed Wetland Restoration = 1,979 SF (0.05 AC)
- Proposed Primary Buffer Restoration = 37,490 SF (0.86 AC)



Client/Project

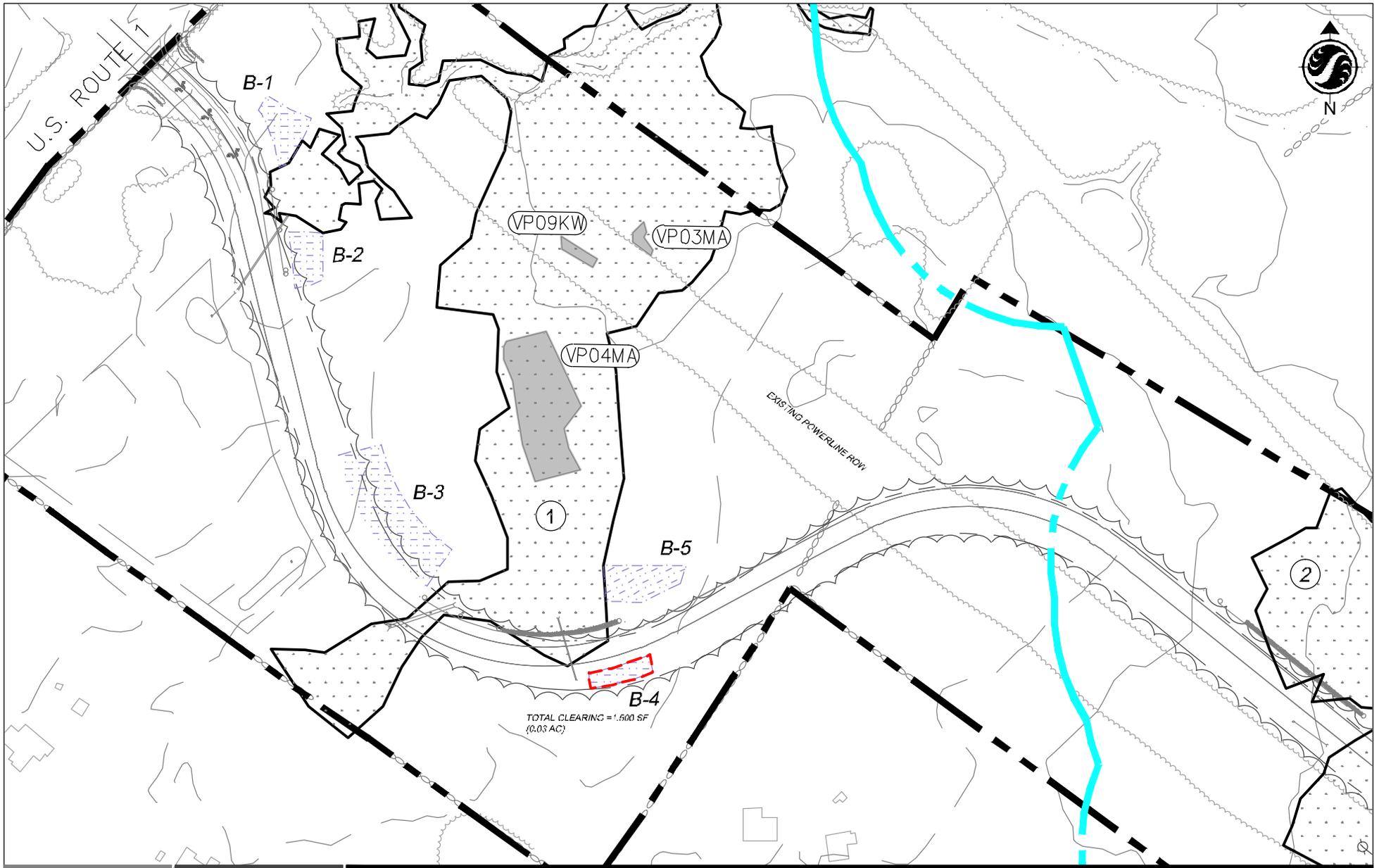
195600823

York Police Station, York ME
 Buffer Restoration Plan

Figure No.
 4

Title

Primary Buffer Restoration Area
Wetland 3 and Buffers B-11 & B-12 Area
 October 22, 2012



TOTAL CLEARING = 1,500 SF
(0.03 AC)



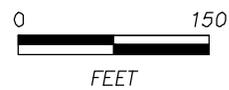
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Legend

- ② [Stippled Box] Wetland Identified by Stantec
- [VP01KW] [Grey Box] Vernal Pool Identified by Stantec
- [Dashed Line] MDEP stream identified by Stantec
- [Cyan Line] Mixed-Use Shoreland Zone (Town of York)
- [Blue Hatched Box] Stormwater Buffer Easement
- [Red Dashed Box] Altered Area (To Be Replanted)

* Not all Legend items appear on map.



Client/Project 195600823

York Police Station, York ME
 Buffer Restoration Plan
 Figure No.
 5

Title
Stormwater Buffer B-4 Restoration Area
Altered Area to Be Re-Planted
 October 22, 2012

APPENDIX C
INVASIVE SPECIES CONTROL PLAN

The approach to controlling invasive plants in the vernal pool and stormwater buffers and wetland restoration area will focus on limiting the establishment of invasive species that could encroach from nearby areas. There are existing invasive plants, in particular alder-buckthorn (*Frangula alnus*), present in the surrounding area. The overall approach, therefore, will be to limit the extent of invasive plants and attempt to keep them from dominating the sites, suppressing the growth of planted trees and shrubs, or forming large (i.e., over 500 square feet in area) contiguous, monotypic stands that significantly affect species diversity and habitat functions and values.

Target Species

Invasive species are currently found in nearby areas, including alder-buckthorn, purple loosestrife (*Lythrum salicaria*), oriental bittersweet (*Celastrus orbiculata*), Japanese barberry (*Berberis thunbergii*), common reed (*Phragmites australis*), Morrow's honeysuckle (*Lonicera morrowii*), and multiflora rose (*Rosa multiflora*). Each of these species poses a moderate to high risk of colonization into the restored areas.

Passive Controls

Passive invasive species control focuses on preventing and limiting the initial introduction of invasive species into the restored areas. The following measures will be implemented to prevent or limit the introduction of invasive species into the restored areas.

- Exposed soil surfaces will be seeded with the prescribed mixes and mulched with weed free straw as soon as possible following final grading. If hydroseeded, fiber mulch will be applied by the hydroseeder, which may require supplemental straw mulch to thoroughly cover the exposed soil. Straw mulch will be applied at a rate of up to 2 bales per 1,000 square feet or as needed to cover the soil.
- If seeding cannot occur immediately following final grading due to seasonal constraints, the exposed soil will be temporarily mulched with straw until seeding occurs.
- Bark mulch with a three-foot diameter will be installed at the base of each installed plant and maintained to reduce competition by invasive species and other weeds.
- The planting plan has been designed to restore upland forested habitat over time. Shade-intolerant species will not be able to persist under the shaded conditions of the forested uplands, and this will be one of the primary means of controlling these species over the long term. However, it is expected that it will take several years (i.e., 10 years or more) for the re-planted areas to develop sufficient canopy and shading to limit these species. In that interim, active methods (as described below) may be implemented to control invasive species and limit competition with the planted trees and shrubs.

Active Controls

Active invasive species controls may need to be implemented within the restoration sites to control invasive plant species that are able to become established following construction. Active invasive control, if needed, will generally begin after restoration and continue through the monitoring period. Active measures may include the following.

- Prior to or shortly after plant installation, invasive plants identified within the upland buffer and wetland restoration areas will be controlled. Small, individual plants will be manually pulled or dug from the ground. Limited herbicide treatments using Rodeo® (active ingredient: glyphosate), a non-selective, systemic herbicide, may be employed on larger individual plants, particularly mature plants capable of producing fruit. As needed, these control methods also will be employed on an annual basis during the monitoring period.
- Within the restoration areas, annual monitoring will be conducted to assess the presence and abundance of invasive species. The course of action will depend primarily on the species present and the abundance. In general, removal by hand and proper disposal will be utilized for small, localized patches or individual plants.