

February 07, 2020

Bowdoinham Planning Board
Town of Bowdoinham
13 School Street
Bowdoinham, ME 04008

**Re: APPROVAL CRITERIA NARRATIVE
SHORELAND ZONING APPLICATION – PROPOSED CONVENIENCE MARKET,
RIVER ROAD, BOWDOINHAM, ME**

Dear Bowdoinham Planning Board Members,

The following narrative serves to address specific standards of the Town of Bowdoinham Land Use Ordinance Article 7: Shoreland Zoning C) Approval Criteria and D) Performance Standards. We trust that you will find each standard has been addressed and met, allowing this exciting project to move forward.

C) APPROVAL CRITERIA

- 1) The proposed project will improve safe and healthful conditions of Sampson's Creek. The 25 foot shore setback area from the Creek will act as a vegetative buffer to the resource.
- 2) The proposed use does not include activities which would result in increased water pollution. There is no domestic water from the store that will be discharged directly into the local environment.
- 3) The water quality of surface water leaving the new site will be an improvement compared to current conditions. The site is currently a gravel parking lot. The proposed site includes a storm water settling basin to treat the surface water from the paved parking area. Loam and seed will be applied to remaining areas, slowing the surface water flow and promoting ground infiltration. Drainage off the roof will be collected via a stone curtain drain along the north side of the building, and discharged into the swale to the rear of the premises.
- 4) Silt fence will be installed and maintained throughout construction to hedge against soil erosion and sedimentation of the adjacent waterway. The silt fence will be removed only after vegetation on all disturbed areas has become firmly established.
- 5) There will be no adverse effects to Sampson Creek and any associated wetlands as there are no activities proposed in these areas. The vegetative buffer will further enhance protecting these resources.
- 6) The proposed septic system has been designed by a licenses site evaluator, and is located as far as possible from Sampson Creek.
- 7) There are no activities proposed within the riparian zone. Hence no adverse impact is expected on the adjacent wildlife habitat.
- 8) Existing healthy trees along Sampson Creek are to remain. Additional trees will become established along the creek bank over the coming years, further hedging against erosion and sedimentation.
- 9) This item is not applicable; there are no existing visual corridors.
- 10) This item is not applicable; there is no existing public access point to Sampson Creek on the site.
- 11) This item is not applicable; historically the property has been developed with manmade improvements.
- 12) There are no activities proposed that will interfere with any commercial fishing or maritime activities in or along Sampson Creek.
- 13) The development will be in compliance with Bowdoinham's floodplain management provisions. The proposed finished floor elevation is three feet above the 100 year flood elevation determined by FEMA.

D) PERFORMANCE STANDARDS

- 1) It appears the Minimum Lot Standards are not applicable as the property is an existing lot of record.
- 2) The proposed structure exceeds the 25 foot minimum setback from the normal high water line of Sampson Creek. The proposed structure will not exceed 35 feet in height.
- 3) There are no structures proposed that will extend over the normal high water line of Sampson Creek.
- 4) This item is not applicable; there will be no camping allowed.
- 5) This item is not applicable; there is no farm stand proposed.
- 6) This item is not applicable; there will be no camping allowed.
- 7) The proposed use is a convenience store, which is not a prohibited commercial use.
- 8) The parking area is greater than 25 feet from the shoreline and therefore exceeds the minimum requirement for the Limited Commercial Shoreland Zoning district.
- 9) This item is not applicable; there are no new roads or driveways proposed.
- 10) This item is not applicable; there are no stream crossings.
- 11) The sign will not exceed 16 square feet. A sign design will be submitted to and approved by the Bowdoinham Codes Enforcement Officer prior to installation.
- 12) The improvements are designed to minimize storm water runoff and will improve upon the current site conditions. The existing trees, vegetated 25 foot buffer, and proposed level spreader will work together to reduce runoff and encourage storm water infiltration.
- 13) No significant vegetation exists at the proposed location of the subsurface sewage disposal system. The system shall be installed as designed in order to conform to the State of Maine Subsurface Wastewater Disposal Rules.
- 14) This item is not applicable; there are no essential services proposed as part of this project.
- 15) This item is not applicable; there is no mineral exploration and extraction activity proposed.
- 16) This item is not applicable; there are no agricultural activities proposed.
- 17) This item is not applicable; there is no timber harvesting proposed.
- 18) This item is not applicable; there are no hazard, storm-damaged, or dead trees requiring removal.
- 19) This item is not applicable; there is no clearing/removal of vegetation proposed.
- 20) This item is not applicable; there is no revegetation effort required.
- 21) The site improvements are designed to minimize erosion and sedimentation of Sampson Creek. All control measures are included on the site plan and include (i) loaming, seeding, mulching and establishing vegetation on all disturbed soils (ii) temporary runoff control feature comprised of silt fencing will be installed and maintained until vegetation becomes firmly established and (iii) permanent rip-rap stabilization structures are to be installed at the outlet of the level spreader and outlet of the foundation drain and the north roof curtain drain.
- 22) The existing soils are not native and appear to have been installed over many decades of intensive human activity and use of the property. The existing soil is coarse and gravelly in nature, being a perfect base for the proposed improvements.
- 23) There is no activity related to the proposed use which is anticipated to add pollution to ground water and Sampson Creek.
- 24) The project is not adjacent to or across from a site listed on the National Register of Historic Places per the National Park Service U.S. Department of the Interior GIS last updated in April 2014. It does not appear the project is adjacent to a site eligible to be listed on the National Register of Historic Places.
- 25) This item is not applicable; there is no marina proposed.

Thank you for your consideration. We look forward to meeting with you in the coming weeks.

Regards,



Patrick F. Harty, PLS

TOURTELOTTESHORELAND020720.DOC

EROSION AND SEDIMENTATION CONTROL PLAN

The site plan drawing reflects the erosion control measures proposed at the site. All erosion control measures will be undertaken in accordance with the "*Maine Erosion and Sediment Control BMPs*" as published by the Maine Department of Environmental, March 2003, during construction and until a stabilized condition exists.

A. General

1. All soil erosion and sediment control will be done in accordance with the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, Cumberland County Soil and Water Conservation District, Department of Environmental Protection, May 2003, and as currently revised.
2. The Contractor or its agent will be responsible for the repair, replacement, and maintenance of all erosion control measures until all disturbed areas are stabilized.
3. Disturbed areas will be permanently stabilized within 15 days of final grading. Disturbed areas not to be worked upon within 14 days of disturbance, shall be temporarily stabilized within 7 days of the disturbance.
4. In all areas, removal of trees, bushes and other vegetation, as well as disturbance of topsoil will be kept to a minimum while allowing proper site operations.
5. Any suitable topsoil will be stripped and stockpiled for reuse in final grading. Topsoil will be stockpiled in a manner such that natural drainage is not obstructed and no off-site sediment damage will result. If a stockpile is necessary, the side slopes of the topsoil stockpile will not exceed 2:1. Topsoil stockpiles will be surrounded with siltation fencing and will be temporarily seeded with Aroostook rye, annual or perennial ryegrass, within 7 days of formation, or temporarily mulched if seeding cannot be done within the recommended seeding dates. Recommended seeding dates and application rates are as shown on the plans.

B. Temporary Measures

1. Silt Fence

- (a) Silt fence will be installed prior to and downgradient of all construction activity where soil disturbance may result in erosion.
- (b) The height of a silt fence will not exceed 36 inches.
- (c) The filter fabric will be purchased in a continuous roll cut to the length of the barrier to avoid the use of joints. When joints are necessary, filter cloth will be spliced together only at a support post, with a minimum 6-inch overlap, and securely sealed.
- (d) Unless prefabricated silt fence is used, posts will be spaced a maximum of 10 feet apart at the barrier location and driven securely into the ground (minimum 12 inches). When extra strength fabric is used without wire support fence, post spacing will not exceed 6 feet.
- (e) A trench will be excavated approximately 4 inches wide and 4 inches deep along the line of posts and upgradient from the barrier.
- (f) When standard strength filter fabric is used (unless prefabricated silt fence is used), a wire mesh support fence will be fastened securely to the upgradient side of the posts using heavy duty wire staples at least 1 inch long, tie wires or hog rings. The wire will extend more than 36 inches above the original ground surface.
- (g) The standard strength of filter fabric will be stapled or wired to the fence, and 8 inches of the fabric will be extended into the trench. The fabric will not extend more than 36 inches above the original ground surface. Filter fabric will not be stapled to existing trees.
- (h) When extra strength filter fabric and closer post spacing are used, the wire mesh support fence may be eliminated. In such a case, the filter fabric will be stapled or wired directly to the posts with all other provisions of item (g) applying.
- (i) The trench will be backfilled and the soil compacted over the filter fabric.
- (j) Silt fences will be removed when they have served their useful purpose, but not before the upslope areas have been permanently stabilized.
- (k) Silt fences will be inspected immediately after each rainfall and at least daily during prolonged rainfall. They will be inspected if there are any signs of erosion or sedimentation below them. Any required repairs will be made immediately. If there are signs of undercutting at the center or the edges, or impounding of large volumes of water behind them, they will be replaced with a temporary crushed stone check dam.
- (l) Should the fabric on a slit fence decompose or become ineffective prior to the end of the expected usable life, and the barrier still be necessary, the fabric will be replaced promptly.

- (m) Sediment deposits should be removed after each storm event if significant buildup has occurred.

2. Stone Check Dams

- (a) Stone check dams should be constructed of 2 to 3 inch stone. Hand or mechanical placement will be necessary to achieve complete coverage of the ditch or swale and to ensure that the center of the dam is lower than the edges.
- (b) Check dams should be installed as the swale is being constructed.
- (c) Sediment will be removed from behind the check dams when it has accumulated to one half of the original height of the dam.
- (d) Check dams will be removed when the grass has matured sufficiently to protect the ditch or swale. The area beneath the check dams will be seeded and mulched immediately after they are removed.
- (e) Regular inspections will be made to ensure that the center of the dam is lower than the edges. Erosion caused by high flows around the edges of the dam will be corrected. If evidence of siltation in the water is apparent downstream from the check dam, the check dam will be inspected and adjusted. Check dams will be checked for sediment accumulation after each significant rainfall.

3. Catch Basin Hay Bale Barriers

- (a) Catch basin hay bale barriers shall be installed at all catch basin inlets and remain in place until site is stabilized.
- (b) Bales should be either wire-bound or string-tied with the bindings oriented around the sides rather than over and under the bales.
- (c) Bales shall be placed length wise in a single row surrounding the inlet, with the end of adjacent bales pressed together.
- (d) The filter barrier shall be entrenched and backfilled. A trench shall be excavated around the inlet the width of a bale to a minimum depth of 4". After the bales are
- (e) Each bale shall be securely anchored and held in place at least 2 stakes or rebars driven through the bale.
- (f) Loose hay shall be wedged between bales to prevent water from entering between the bales.
- (g) The structure shall be inspected after each rain and repairs made as needed.
- (h) Sediment shall be removed and the trap restored to its original dimensions when the sediment has accumulated to 1/2 the depth of the trap. Removed sediment shall be deposited in a suitable area and in such a manner that it shall not erode.
- (i) Structures shall be removed and the area stabilized when the remaining drainage has been properly stabilized.

4. Erosion Control Blankets
 - (a) Erosion control blanket consisting of straw or Excelsior filler with biodegradable netting shall be applied to all non-rock disturbed slopes greater than 3:1 and as lining for drainage swales.
 - (b) Install erosion control blanket over prepared topsoil after fertilizing and seeding in accordance with the manufacturers recommended installation practices.
 - (c) Erosion control blanket shall be DS150 as manufactured by North American Green, Evansville, Indiana or approved equivalent.

5. Riprap aprons, inlet/outlet protection and ditches.
 - (a) Construct riprap ditches, inlet and outlet protection, and aprons in accordance with the detail(s) shown on the drawings.
 - (b) Stone for riprap shall consist of sub-angular fieldstone and rough un-hewn quarry stone of approximately rectangular shape. The stone will be hard and such quality that it shall not disintegrate on exposure to water or weathering, be chemically stable and suitable in all other respects for the purpose intended. The bulk specific gravity (saturated surface-dry basis) of the individual stones shall be at least 2.5.
 - (c) The riprap shall be placed so that it produces a dense well-graded mass of stone with a minimum of voids. The desired distribution of stones throughout the mass may be obtained by selective loading at the quarry, controlled clumping of successive loads during final placing, or by combination of these methods. The riprap shall be placed to its full thickness on one operation. The riprap shall not be placed in layers. The riprap shall not be placed by dumping into chutes or similar methods which are likely to cause segregation of the various stone sizes. Care shall be taken not to dislodge the underlying material when placing the stones.
 - (d) Riprap shall be inspected periodically to determine if high flows have caused scour beneath the riprap or dislodged any of the stone. If repairs are needed, they shall be accomplished as soon as possible.

6. Stabilized construction entrance to be installed in accordance with the plans and details included on the contract drawings and remain in place until the access is stabilized with the compacted gravel materials specified.

C. Permanent Measures

1. Topsoil, Seed, Mulch

- (a) Topsoil: Use stockpiled materials spread to a depth of 4 inches, if available. Approved topsoil substitutes may be used (refer to Section 13.0 of Best Management Practices Handbook, see Note 2).

Mix topsoil with the subsoil to a minimum depth of 6 inches.

- (b) Seeding should be completed by August 15 of each year. Late season seeding may be done between August 15 and September 15. Areas not seeded or which do not obtain a satisfactory growth by October 1, will be reseeded with Aroostook rye or mulched at rates previously specified herein. After November 1, or the first killing frost, disturbed areas should be seeded at double the specified application rates, mulched and anchored.
- (c) If permanent vegetated stabilization cannot be established due to the season of the year, all exposed and disturbed areas not to undergo further disturbance are to have dormant seeding applied and be temporarily mulched to protect the site. A suitable binder such as Curasol or Terratack shall be used to secure the hay mulch. The following methods may be used to perform a dormant seeding:
 - (1) Prepare the seedbed, add the required amounts of lime and fertilizer, then mulch and anchor. After the first killing frost and before the snowfall, broadcast or hydroseed the selected seed mixture. Double the regular seeding rates for this type of seeding.
 - (2) When soil conditions permit, between the first killing frost and before snow fall, prepare the seedbed, lime and fertilize, apply the selected seed mixture, and mulch and anchor. Double the regular seeding rates for this type of seeding.

Dormant seedings need to be anchored extremely well on slopes, ditch bases and areas of concentrated flows.

Dormant seeding requires inspection and reseeding as needed in the spring. All areas where cover is inadequate must be immediately reseeded and mulched as soon as possible.

D. Maintenance Plan

1. Routine Maintenance

At a minimum, a qualified person shall perform inspections monthly during wet weather (March to September) to ensure that the facility performs as intended. Inspection priorities shall include checking erosion controls for accumulation of sediments.

2. Grassed Areas

- (a) Lime according to a soil test or at a minimum of every five years using a rate of 2 tons per acre (100 pounds per 1,000 S.F.).
- (b) Topdress with fertilizer in the early spring (before May 15) one year after planting with a balanced fertilizer, applying 50 pounds of nitrogen per acre (500 pounds of 10-20-20 per acre). Thereafter, fertilize according to a soil test or broadcast biennially, 300 pounds of 10-10-10 or equivalent per acre (7.5 pounds per 1,000 S.F.).

E. Inspections

Inspections will be undertaken by qualified personnel to ensure that temporary and permanent erosion and sedimentation controls are properly installed and correctly functioning, and that additional erosion control measures are installed if needed. Such inspections will occur bi-weekly and after each significant rainfall event (1-inch or more within a 24-hour period) during construction until permanent erosion control measures have been properly installed and the site is stabilized.

F. Conclusion

The foregoing measures and controls will help to ensure that no unreasonable erosion of soil or sediment will occur as a result of the proposed development or operation of the facilities.

TOURTELOTTE PROPERTIES

369 Millay Road, Bowdoinham, Maine 04008
(207) 666-5941

COST OF PROJECT

COST OF BUILDING \$300,000.00

COST OF EXCAVATION \$100,000.00

COST OF PAVING \$28,000.00

ESTIMATED COST OF EQUIPMENT AND INVENTORY \$76,000.00

ESTIMATED TOTAL COST UP AND RUNNING \$504,000.00

**BOWDOINHAM WATER DISTRICT
P. O. BOX 86
BOWDOINHAM, ME 04008
TEL: (207) 737-4721
FAX: (207) 737-2427**

email: bowdoinhamwater@ne.twcbc.com

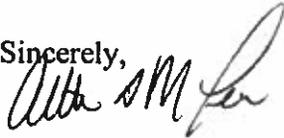
February 20, 2020

To Whom It May Concern:

RE: Proposed convenience market at 50 River Road, Bowdoinham

In regards to the above referenced project, Bowdoinham Water District will be able to meet all domestic water service needs. There is an 8" line that goes by the property and the fire hydrants are sufficient for fire flow for the area.

Sincerely,



Art McLean
Superintendent

**UNANIMOUS WRITTEN CONSENT OF ORGANIZER AND MEMBERS
OF
ATDT, LLC**

Pursuant to the Maine Limited Liability Act, contained in 31 M.R.S.A. §1501 et seq., the undersigned, being the sole organizer, and the Members of ATDT, LLC (hereinafter referred to as "Company") hereby waive formal notice, calling and holding of the organizational meeting of the organizer and, in lieu thereof, consents to, approves, adopts and ratifies the following acts and resolutions:

1. The Members accept, ratify and approve in all respects the Certificate of Formation filed with the Secretary of State for the State of Maine on June 7, 2017.

2. The attorney for the Company submitted a proposed Operating Agreement. The Members have reviewed the Operating Agreement and unanimously agree to accept it as the official Operating Agreement for the management of the affairs of Company. The Operating Agreement shall be signed by its Members, Douglas Tourtelotte and Ann Tourtelotte, and filed with the other organizational documents of Company.

3. Pursuant to the Certificate of Formation and the Operating Agreement, the parties unanimously agree that Douglas Tourtelotte and Ann Tourtelotte shall be Members of Company. The Members shall manage the operation and affairs of Company.

4. The Members unanimously appoint and confirm Stoddard L. Smith as the Company's registered agent, with an office at 49 Pleasant Street, Brunswick, Maine 04011.

5. The persons whose names appear below were appointed officers of the Company to serve for a period of one year and until their successors are appointed or elected and shall qualify:

President: Ann Tourtelotte
Vice President: Douglas Tourtelotte
Treasurer: Ann Tourtelotte
Secretary: Douglas Tourtelotte

6. The record book, containing a copy of the Certificate of Formation, the Operating Agreement approved under this unanimous consent, and the Schedule of Interests and Transfer Ledger of the Company ("Ledger) is hereby approved and adopted. Membership interests shall be reflected on the Ledger. All transfers of membership interest shall be effected by a written assignment. The Company shall update the Ledger upon any transfer of membership interest. The registered agent is authorized to authenticate the record book and to retain custody of it. This Written Consent of Organizer and Members, together with any future minutes or written consent forms shall be included within the record book.

7. For consideration received, the registered agent is authorized to transfer membership interests in the Company to the following individuals in the percentage indicated under the Operating Agreement:

<u>Member</u>	<u>Ownership Interest</u>
Douglas Tourtelotte	49%
Ann Tourtelotte	51%

The registered agent is authorized to record membership interests in the Ledger.

8. The Company shall be treated as an S corporation for income tax purposes and the Members shall take all action necessary or desirable to comply with all of the requirements of the Internal Revenue Service for making such election. The Company shall elect S Corporation status with the Internal Revenue Service and the Members shall be authorized to sign Form 2553 on behalf of the Company. The registered agent is authorized to file Form 2553 with the Internal Revenue Service on behalf of the Company.

9. The Members are authorized to pay all charges and expenses incident to or arising out of the organization of this Company, and to reimburse any Member who has made disbursements therefore. The Members ratify and confirm all the acts of the organizer in setting up the organization of this Company.

10. The Members are hereby authorized to open a bank account in the name of the Company at Androscoggin Savings Bank in Brunswick, Maine. The Members are authorized to write checks, make transfers, withdrawals, or disbursements on behalf of the Company. Each bank in which an LLC account is maintained is relieved of any responsibility to inquire into a Member's authority to deal with such funds, and is absolved of all liability with respect to withdrawals from such LLC accounts by any person duly authorized by the Members.

11. The Members are individually authorized and directed to obtain any necessary licenses, tax permits or such other authorizations as may be required for the conduct of business in any state or country in which the Company shall do business. For purposes of authorizing the Company to do business in a state, territory, or dependency of the United States, or any foreign country in which it is necessary or expedient to transact business, sole member is hereby authorized to appoint and substitute all necessary agents or attorneys for service of process, to designate the location of all necessary statutory office and, under the company seal, to make and file all necessary certificates, reports, powers of attorney and any other instruments or written documentation which may be required by the laws of such state, territory, dependency or foreign country to authorize the transaction of business therein.

12. The Members agree that the fiscal year shall end on December 31, subject to change as appropriate at the direction of the Members by resolution.

13. The undersigned parties hereby ratify and confirm all the acts of the organizer to the date of this written consent and agree to release, hold harmless and indemnify the organizer for any such acts.

The Members hereby confirm that this unanimous consent form shall be filed with the registered agent of the company and placed in the Company's record book. This unanimous consent form shall have the same effect as a unanimous vote of the organizer and Members of this Company at an organizational meeting called, by formal notice, and may be stated as such in any certificate or document required or permitted to be filed with the Secretary of State and prepare or certified by any member of the company for any purpose.

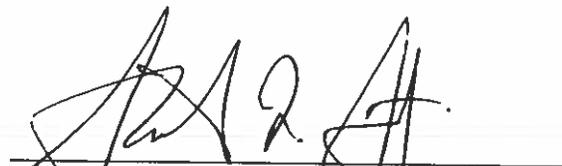
Dated this 22nd day of June, 2017.



Douglas Tourtelotte, Member



Ann Tourtelotte, Member



Stoddard L. Smith,
Organizer/Registered Agent