

April 10th, 2025

Penobscot Planning Board
Town of Penobscot
1 Southern Bay Rd
Penobscot, ME 04476

My name is Doug Campbell. My wife Elizabeth Daus and myself have owned and lived at 19 Bayview Rd since October 2020. We abutt on two sides the property of the proposed apartments and are immediately downhill from the property. During periods of heavy rain the culvert that goes through our property overflows and spills through our backyard, goes around the garage and empties into the stream that borders our property on the west. This runoff then flows under Bayview Rd and into Northern Bay.

According to the Subdivision Ordinance of The Town of Penobscot Section VI Subsection 1 part B2n

There should be provisions for collecting and discharging storm drainage in the form of a drainage plan.

Part B2O

Preliminary designs of any bridges or culverts which may be required and

Part B2T

A soil erosion plan and sediment control plan as required by the planning board and in compliance with the standards of The Hancock County Soil and Water Conservation District and the Maine Soil and Water Conservation Commission.

Our property has been designated as wetlands by Watershed Resource Consultants LLC. In Maine, the discharge of stormwater runoff into wetlands is regulated under a combination of state and federal laws, primarily focusing on protecting water quality and wetland functions.

1. Maine Stormwater Management Law (38 M.R.S. ss 420-D and Chapter 500 rules):

Permitting: Projects disturbing one acre or more of land generally requires a stormwater permit from the Maine Department of Environmental Protection (DEP). This law aims to prevent and control the release of pollutants to waterbodies, wetlands, and groundwater.

Stormwater standards: These regulations establish standards for stormwater management systems to control the quantity and quality of runoff. They emphasize:

Pollutant Removal: Implementing Best Management Practices (BMPs) to remove pollutants like sediment, nutrients, and heavy metals.

Channel Protection: Managing the rate and volume of stormwater discharge to prevent erosion and sedimentation in receiving waters.

Cooling: Ensuring that stormwater discharged to streams is not excessively warm.

Infiltration: Encouraging practices that allow stormwater to soak into the ground.

Wetland Protection: Specific provisions address discharge into wetlands:

Stormwater runoff must meet general, phosphorous, and urban impaired stream standards before entering a wetland.

Runoff can not increase the peak storage depth in a wetland by more than two inches during a two year storm.

Any increased water level due to stormwater runoff must return to the pre-development elevation within 24 hours after a storm ends.

2. Natural Resources Protection Act (NRPA) (38 M.R.S.ss 480-A to 480-Z):

Wetland Permitting: This act requires permits for activities that may alter freshwater wetlands, including discharges of stormwater that could impact their functions and values.

No Net Loss Goal: Maine supports the national goal of no net loss of wetland functions and values, influencing permitting decisions.

Buffer Zones: While not strictly stormwater specific, NRPA regulations and local shoreland zoning often establish buffer zones around wetlands, which can indirectly help manage runoff reaching these areas. Activities within 75 feet of a wetland may require a permit.

In summary, Maine law aims to carefully regulate stormwater runoff into wetlands through a permitting process, specific performance standards, and the implementation of best management practices. The goal is to protect the ecological functions and water quality of these valuable resources from the impacts of development and associated stormwater discharges.

I am very concerned about the possible effects that this project may have on the water quality of Northern Bay. The native soils around Northern Bay are not well suited for septic systems and the history of septic issues at the former nursing home are well known. Having four leach fields grouped together and all within roughly 100 feet of a stream – that is a direct conduit to Northern Bay – is of great concern.

The Town of Penobscot and individual homeowners around Northern Bay have spent a lot of money to remediate failing septic systems including the removal of the overboard discharge from the elementary school. In 2010 and 2022, The Department of Environmental Protection and Department of Marine Resources conducted shoreline surveys and identified 23 possible malfunctioning septic systems. To date, all issues have been remediated or resolved. The overboard discharge at the former nursing home was discontinued in 2018. Several hundred thousand dollars have been invested in improving the water quality of Northern Bay.

Section IX of The Town of Penobscot Subdivision Ordinance contains roughly 8 pages of design criteria for road construction, culverts, and catch basins. I did not see any technical drawings of road design or drainage plans. I have heard that since the roads will be private roads that this section of the ordinance does not apply. I would like to point out that all subdivision roads are private roads until they are formally accepted as town roads by a vote of the legislative body at a town meeting. These design criteria are included in the ordinance to protect the environment from runoff contamination, provide safe access for residents of the subdivision, and most importantly, to ensure that emergency vehicles can access each residential unit within the subdivision. The radius of the road at the southern corner of the proposed west wing is too sharp for a fire engine to navigate. It also appears that the road to the two proposed duplexes will be built on the former sand filter that was part of the former nursing home septic system. Will that section of road support the weight of a fire engine?

There are no setback distances shown between the wetlands that were identified by Watershed Resource Consultants LLC and the proposed duplexes 1 & 2, the access road to the duplexes, and the parking area for the two duplexes. Given the apparent proximity of new construction to wetlands and a stream, permits per the Natural Resource Protection Act are required.

The giant X along the southerly property line that is denoted as a *Drywell Catch Basin* was a cesspool that was part of a septic system that was discontinued long ago – but may still be a source of contamination.

Bailey Boudier
11 NORTH PENOBSCOT ROAD
MAP 23 LOT 18
MAP 23 LOT 19

April 10, 2025

Dear Members of the Planning Board,

My name is Heather Emanuelson and I live at 22 N. Penobscot Road. I have lived here just about 7 years. I abut the property we're here for tonight on two sides. I am writing as an abutting property owner to express my concerns regarding the proposed redevelopment of the former nursing home property into affordable apartments and the addition of duplexes. While I support the town's efforts to expand housing options, I have serious concerns about how this project may impact the character and livability of our neighborhood—particularly with regard to green space, noise, lighting, and parking.

1. Green Space and Neighborhood Buffering:

The proposed development should incorporate substantial green space to maintain the residential character of the area and provide a visual and acoustic buffer between the new buildings and existing homes. Trees, berms, and natural landscaping would soften the visual impact of the development, promote privacy, and help preserve the neighborhood's quiet, peaceful atmosphere.

2. Noise and Lighting Impact:

With the addition of multiple new housing units, we can expect increased noise from traffic, outdoor activity, and mechanical systems. I urge the developers to include sound mitigation strategies—such as densely planted vegetation or sound-buffering features—to reduce the impact on neighboring homes.

Equally important is the design and placement of exterior lighting. To prevent light pollution and maintain the nighttime ambiance of the neighborhood, all lighting should be fully shielded and directed away from adjacent properties. Excessive or poorly directed lighting can interfere with residents' sleep, enjoyment of their property, and overall well-being.

3. Parking Capacity and Overflow:

The proposed parking plan includes only 14 spaces for 10 apartment units (6 one-bedroom and 4 two-bedroom), plus 3 guest spots. This raises concerns about insufficient parking capacity, especially if tenants have more than one vehicle—as is often the case in multi-adult households or for families with young drivers. Limited on-site parking could lead to overflow parking on North Penobscot Road and Southern Bay Road, creating congestion, safety issues, and inconvenience for current residents.

The following is a quote from Penobscot subdivision ordinance Section VIII, G. Lots, 2.

Depth and width of properties reserved or laid out for any purpose shall be adequate to provide for off-road parking and service facilities for vehicles required by the type of use and development contemplated.

I respectfully request that the Planning Board ask the developers to revisit the parking plan and ensure that it adequately accounts for realistic tenant needs, including the possibility of multiple vehicles per unit. Additional parking spaces or alternative solutions should be considered to avoid burdening the surrounding neighborhood.

I appreciate your time and attention to these important quality-of-life issues. I hope the Planning Board will ensure that this development proceeds in a way that is both thoughtful and respectful of the existing community.

Thank you, and I look forward to hearing how these concerns will be addressed during the planning process.

Sincerely,

A handwritten signature in cursive script that reads "Heather Emanuelson". The signature is fluid and elegant, with a large initial 'H' and a long, sweeping tail on the 'n'.

Heather Emanuelson

Dear Planning Board and Penobscot Residents,

Thank you for taking the time to hear this letter. I regret that I could not attend, as I am attending training for the fire department tonight.

First, I would like to state that I think redevelopment of the nursing home would be a great benefit for the community. I also understand a lot of planning and hard work has gone into this permitting process.

Full disclosure, I am a nearby resident of the former nursing home. I am also a geologist, and I work with water treatment systems and water wells as part of my profession.

Also as a geologist, I have taken an oath to protect the health and safety of the public. If I become aware of possible harm to the public safety in my area of work, I am obligated to report it. I hope this letter is received with that understanding: ensuring the health and safety of the public and our community. It is with this obligation, as well as my personal concerns, that I write this letter.

I have been made aware of three issues that are a potential danger to public health and potentially the environment.

First, I am aware of two private wells near the nursing home, one which abuts the property, that have been tested for PFAS (the forever chemical). Both wells tested above EPA drinking water advisory limits for PFAS. The presence of PFAS in any well drilled on the nursing home property is almost certain. Additionally, I have been informed that, in the past, there was likely a fuel oil spill on the property. A water treatment system, and regular water testing, for any water supply wells onsite will very likely be required to protect the health of its users. Also note, a licensed operator is required to operate any treatment system that is part of a public water supply¹.

The second topic is related to the water supply system for the new development. The current plans are for 14 separate units and 24 bedrooms. This means the water supply for the development will be a public water system². Public water systems are regulated by the state (e.g. cannot be approved by the town itself) and must go through a state approval process prior to supplying water to residents³.

Additional safety requirements are part of permitting a public water supply, but I will only discuss one here. Public wells must be at least 300 feet from any source of contamination⁴, e.g. septic fields. Attached is a map showing approximate locations of some of the septic fields on and surrounding the nursing home property. This map is incomplete; it does not contain all septic fields surrounding the property and all septic field locations have not been verified. Based on this very preliminary review, there is, unfortunately, no area on the nursing home property that is not within 300 feet of a septic system, leaving no safe place to install a well.

The last topic is the septic-system design. As just mentioned, any water supply well must be 300+ feet from a septic field. Current septic design specifies only 100 feet. The design must be updated, if feasible, to ensure a 300 foot setback of the water well from the septic field (as well as other sources of contamination).

Setbacks from septic fields aren't limited to water supply wells. Numerous other setbacks are required to protect both the public and the environment, and these setbacks are based on how many gallons per day of sewage a septic field receives⁵.

Currently, the setbacks in the plans are based on the amount of sewage each *individual* septic field receives. However, when septic fields are crunched together (less than 100 feet apart), setbacks are based on the combined total flow of all septic fields⁶. This is not a minor detail. This is for health reasons, because when septic fields are close together, it reduces the sewage treatment effectiveness of each septic field. The septic fields in the proposed development are very close together, meaning setbacks must be based on the combined flow of the septic fields. The total combined flow is over 2000 gallons of sewage per day, so setbacks from the septic fields must be based on 2000+ gallons per day systems. From Maine regulations on septic field setbacks⁷, some important setbacks include (depending on if this is a replacement or new septic system):

- 300 feet from any public water supply.
- 75 to 150 feet from minor streams

The current design does not meet these, and potentially other setbacks, which are meant to protect public health and the environment.

I have not compared all regulations required of public water supplies and septic systems, only those that I am familiar with and are related to my experience. The issues discussed tonight are complicated, and there are a lot of details that require specialized knowledge to address. I request the board hire outside consultant(s) to review the application and specifically address concerns brought to the board tonight.

I will end by saying that, while I would like to see development of the nursing home property, I do not see how the current plans can meet public health and environmental requirements considering the number of residents and limited size of the property.

Regards,

Ben Petersen

**References to regulations described in the letter are listed on the next page.*

Referenced Regulations

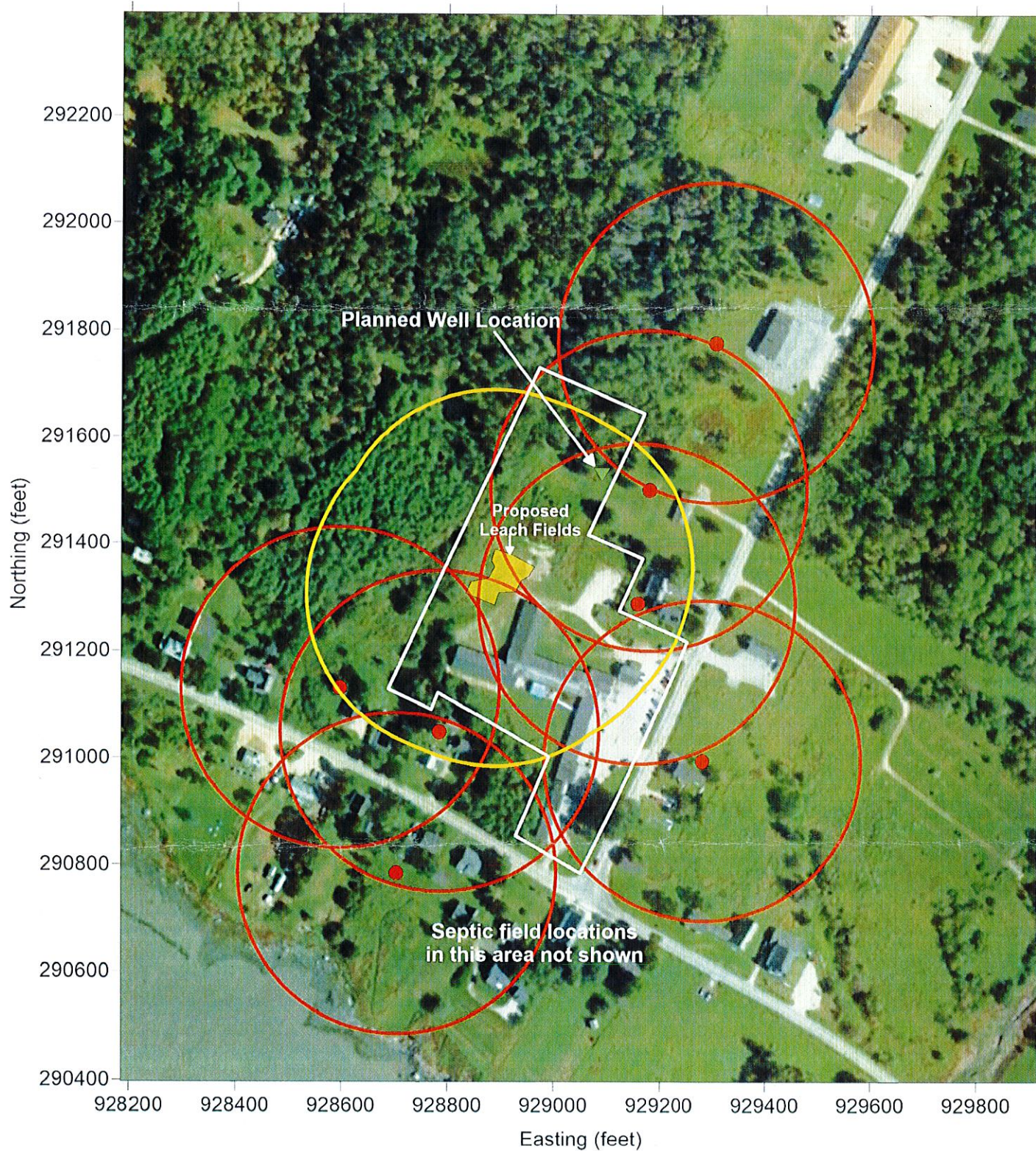
Regulations for Public Water Supply System can be found in "STATE OF MAINE RULES RELATING TO DRINKING WATER: 10-144 CMR Ch. 231", May 9, 2016

Regulations for Septic Systems may be found in "STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULE 10-144 CMR Ch. 241", September 23, 2023

***Specific references in the letter:**

1. "Also note, a licensed operator is required to operate any treatment system that is part of a public water supply."
 - a. **Regulation: 10-144 CMR Ch. 231, Section 1, Subsection C**
2. "The current plans are for 14 separate units and 24 bedrooms. This means the water supply for the development will be a public water system."
 - a. **Regulation: 10-144 CMR Ch. 231, Section 2, Public Water Supply**
 - i. *Note: Public Water Supply rules are based on the number of users (in this case, 25 or more), not bedrooms of a facility.*
3. "Public water supply systems...must go through a state approval process prior to supplying water to residents."
 - a. **Regulation: 10-144 CMR Ch. 231, Section 3**
4. "public wells must be at least 300 feet from any source of contamination, e.g. septic fields."
 - a. **Regulation: 10-144 CMR Ch. 231, Section 3, Subsection G**
5. "However, when septic fields are scrunched together (less than 100 feet apart), setbacks are based on the combined total flow of all septic fields."
 - a. **Regulation: 10-144 CMR Ch. 241, Section 5(Q) (Disposal Fields), List number 19**
6. "Numerous other setbacks are required to protect both people and the environment, and these setbacks are based on how many gallons per day of sewage a septic field receives."
 - a. **Regulation: 10-144 CMR Ch. 241, Section 9**
7. "From Maine regulations on septic field setbacks, some important setbacks include:"
 - a. **Regulation: 10-144 CMR Ch. 241, Section 8D, Table 8B** - This table is for new septic systems
 - b. **Regulation: 10-144 CMR Ch. 241, Section 9F, Table 9A**, - This table is for replacement septic systems

Approximate Locations of Septic Fields with 300-foot Rings



Good evening, members of the Planning Board,

My name is Becky Tapley and I live, along with my wife Sylvia Tapley, at 35 Bayview Road, on land that abuts the Northern Bay Commons property.

We've been following the plans for the development of the former nursing home with an open mind. We want something to become of the heart of our town, but have a number of concerns based on the information we have learned to date.

You will hear later about substantial concerns related to the septic and well plans, protection of groundwater and Northern Bay, as well as quality of life for surrounding homes. I share these concerns for public health and the environment. Based on the issues you will hear about, I do not believe the current plans should be approved as submitted. Significant changes should be made to the plans.

I'd like to touch base on a few items of process in my comments.

To date, there have been challenges in following the processes laid out in the "Subdivision Standards of the Planning Board of the Town of Penobscot, Maine." The requirements related to posting a notice of the hearing were not followed for the first planned meeting, and I want to thank you for remedying that and following the stated procedures to notify the public for this meeting. This proposed plan would greatly change our town, and it is important for everyone to be able to be both informed and have the opportunity to raise questions.

In addition to the notification to the public, there are also abutters who were not initially informed, and may still not be informed.

I know you all are putting forth long hours into reviewing this proposal, and I thank you for that. I urge you to take this opportunity tonight to make a renewed commitment to follow the processes set forth in the Subdivision standards.

One part of this process I request that the planning board follows up on is to complete a second vernal pool assessment. The initial assessment was done in the fall and time is of the essence as I *think* we are in the spring season. The size and significance of this vernal pool could have an impact on whether or not the plans proposed have sufficient setbacks.

Another question about the process is how you are classifying the buildings in this phase, as well as the next. Are they residential or commercial? According to the Town of Penobscot Land Use Regulations,

Section 7. STRUCTURES

7.10 There shall be no commercial establishments within the bounds of the Shore-land District or within the bounds of sub-divisions for residential purposes.

7.11 Professional offices such as doctors, lawyers, insurance agents, dentists, optometrists, beauty parlors are the only type allowed in sub-division for residential purposes or the Shoreland District.

When you begin looking at the Phase 2 proposals, I urge you to look closely at those regulations, as I'm sure you will.

As you will hear from others this evening, there are complicated issues, especially related to septic and wells. I respectfully request that the town hires outside consultants to review the application and address the concerns brought up at this meeting.

Thank you for your time and careful consideration.

Becky Tapley
Penobscot, Maine