



JANET T. MILLS
GOVERNOR

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

AMANDA E. BEAL
COMMISSIONER

STACIE R. BEYER
EXECUTIVE DIRECTOR

February 24, 2023

Via E-mail Only

Jeremy Ouellette
Vice President of Project Development
Wolfden Mt. Chase, LLC.
20 Main Street
Patten, ME 04756

jouellette@wolfdenresources.com

Dear Mr. Ouellette:

Land Use Planning Commission staff have completed an initial review of Wolfden Mt Chase, LLC.'s application (ZP 779A) to rezone 374 acres in T6 R6 WELS to a Planned Development subdistrict (D-PD) for the purpose of metallic mineral mining (the Pickett Mountain Mine project). Pursuant to Chapter 4, Section 4.05,A,5,a of the Commission's rules, the application has been accepted as complete for processing.

Commission staff have begun a detailed review of the application and have identified several areas where additional information is needed to complete our review. Please respond to the following information requests as soon as possible but at least within 30 days of the date of this letter.

1. Acreages of Current Zones

Surveys of the area to be rezoned have found intermittent streams. By rule these streams are bordered by Shoreland Protection subdistricts (P-SL2) of 75 ft. landward from the normal high-water mark on either side. Please provide a revised total acreage of General Management subdistrict (M-GN) and the total acreage of P-SL2 subdistrict that will be rezoned to the D-PD subdistrict. It is our understanding that the total area proposed for rezoning is 374 acres.

2. Total Number of Employees

Clarify the number of employees and contractors expected to work at the mine site as well as the total number of employees and contractors for the mine plus the offsite concentrator and tailings management facilities. The application provides varying numbers, some of which are described below.

- Executive Summary, ES.1: 272 "project related jobs"

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- Consistency with the Comprehensive Land Use Plan (Exhibit 9), page 9.6: “233 workers”
- Surrounding Uses and Anticipated Impacts (Exhibit 10), page 10.16: 272 “project associated jobs”
- Surrounding Uses and Anticipated Impacts (Exhibit 10), page 10.16: describes 250 jobs
- Surrounding Uses and Anticipated Impacts (Exhibit 10), Attachment 10-A, Economic Assessment, Tables 17 and 18: 236 jobs
- Public Roads (Exhibit 21), WSP Traffic and Transportation Routes Memorandum, Attachment 21-A, Table 1, p. 6: accounting for two weekly shifts results in 212 employee vehicles total (248 vehicles total including contractors)

3. *Underground Facilities*

Clarify the underground facilities that are planned. The Preliminary Economic Assessment (Financial Practicability, Exhibit 14, Attachment 14-A) describes underground facilities that are not included in the Project Description (Exhibit 2): a breakdown maintenance shop, an equipment wash bay, water transfer stations and holding tanks for mine process water, and communication and control systems. Provide detailed schematics for any of these additional underground facilities that are planned.

4. *Spray Irrigation and Snowmaking*

Provide conceptual schematics for proposed spray irrigation and snowmaking equipment for the Water Recharge Areas (WRAs).

5. *Setbacks*

Table 6-1 of Structures, Features, Uses (Exhibit 6) includes several structures (for example: solar panels, warehouse, office, and core shack) and a parking area with proposed 0-foot setbacks from roads. The minimum road setback requirement applicable to the project will be 20 feet unless alternative road setback requirements are included in the proposed Development Plan (Exhibit 27) and approved by the Commission. The application should address one of these options.

In some cases, the setbacks in Table 6-1 do not match those shown on Figure 7-2 in the Site Plans (Exhibit 7). Examples include Water Recharge Area #3 (Map ID 27), Ore (Mill Feed) Storage Pad #2 (Map ID 29), and Water Recharge Area #5 (Map ID 38).

6. *Snow Storage*

Provide evidence that sufficient area is set aside for storing snow from the collection area.

7. *Rock Crushing/Milling*

Clarify if all rock crushing/milling will take place underground. The Project Description (Exhibit 2), Attachment 2-A, Underground Infrastructure Drawings, shows a subsurface crushing station, and the aboveground noise assessment in Harmonious Fit and Natural Character (Exhibit 16) does not include crushing equipment. However, the Project Description (Exhibit 2) and the Site Plans (Exhibit 7)

include aboveground pads described as ore (mill feed) pads, suggesting that some rock crushing/milling could occur at the surface.

8. *Blasting During Construction of Surface Development*

Clarify if blasting may be necessary for construction. Soil Suitability (Exhibit 23) states that “[t]he Project site layout does not require blasting for construction of infrastructure, water collection ponds, or pads” (p. 23.1). This statement conflicts with other areas in the application, described below.

- Soil Suitability (Exhibit 23), Attachment 23-A, Soil Suitability Report: “Due to the topography differential, a single level pad is not likely feasible. Therefore, appropriate engineering and construction practices could include terraced or benched pad construction approach. Blasting may be needed...” (p. 4-4).
- Financial Practicability (Exhibit 14), Attachment 14-A, Preliminary Economic Assessment (PEA) Report, Section 18.3.1: “There is a \$65,000 mobilisation fee plus \$3.45 per cubic yard to drill and blast the material necessary to level out the area” (p. 143) relating to preparation for the main pad.
- Project Description (Exhibit 2): Figures 2-4 through 2-6 show cross-sections with significant cuts that appear to exceed the depth to bedrock provided in the Soil Suitability Report (Exhibit 23, Attachment 23-A).

9. *Traffic*

Clarify the number of trips expected per day and their breakdown into categories. Public Roads (Exhibit 21), Attachment 21-A, WSP Traffic and Transportation Routes Memorandum, shows 254 trips for employees, contractors, and visitors plus 110 trips for hauling ore rock (p. 5 and Table 1, p. 6). Attachment 21-B, WSP Pickett Mountain Mine Site – Gravel Road and Bridge Field Reconnaissance Summary, shows 236 trips for employees, contractors, and visitors, plus a maximum of 10 deliveries per day, plus 110 trips for hauling ore rock (p. 2).

10. *Development Plan (Exhibit 27)*

The Development Plan must be a stand-alone document that follows the structure of the subdistrict sections in the LUPC’s Chapter 10, Sub-Chapter II, Land Use Subdistricts, including the subdistrict purpose, description, and allowed land uses. Please see recommended edits and comments on the draft Development Plan (based on the submission for Exhibit 27) attached to this letter.

11. *Stormwater and Mine Water Management*

The application does not include a sufficient demonstration that the discharge of collected storm and mine waters would have no undue adverse impact on down gradient wetland and stream hydrology, especially considering the timing and quantity of water flows. If any wetland or flowing water will receive more or less water than pre-development, provide evidence to demonstrate that there will not be undue adverse impacts on those habitats or the species depending on those habitats. Consider if water would be diverted from one subcatchment area to another and that water from mine shaft dewatering may not have reached the streams pre-development and therefore will be a source of additional volume.

If you have any questions about this request for information, the ongoing review of the application, or the application process, please contact me. I can be reached during normal business hours at telephone number 207-592-4129 or by e-mail at tim.carr@maine.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Carr". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Tim Carr
Senior Planner

Enclosure(s): Draft Development Plan

cc: Brooke Barnes, Stantec (via e-mail)
Juliet Browne, Verrill Law (via e-mail)

EXHIBIT 27.0 — ADDITIONAL INFORMATION (CUSTOM ZONING)

This Exhibit describes the proposed land use activities and structures proposed for the Project. These structures are shown on **Exhibit 2, Figure 2-1**, with the preliminary size and square footage of those structures set forth in **Exhibit 7, Table 7-1**. The layout in **Exhibit 2, Figure 2-1** and the size of the proposed structures in **Exhibit 7, Table 7-1** are based on preliminary survey and design data; the location and the size of the various project features will be refined as part of the final mine design and comprehensive permitting process required by MDEP Chapter 200 mining regulations.

To maintain the appropriate flexibility to adjust the location and size of project structures and ensure that the final design reflects the most comprehensive and detailed environmental and engineering data, the Project has identified three development area envelopes in the D-PD subdistrict within which various Project features may be located. As shown on **Figure 27-1**, the three areas include the following:

- Major Mine Development, shown in blue, and that includes features such as office space, laydown area(s), waste rock storage pads, ore storage pads, and water management facilities.
- Solar Field Array, shown in green, and that includes the proposed solar array and potential WRAs; and
- Mine Development Phase II, shown in beige, and that includes the ore storage pads, mine headframe and hoist, organics storage, and temporary explosives storage.

These development areas avoid sensitive resources such as wetlands and streams. The activities and structures identified on **Figure 27-1** may be relocated within their applicable building envelope and may be increased in size consistent with the thresholds identified below. In addition, there are certain activities/structures that may be located outside of the three development area envelopes, such as roads, and utility/stormwater infrastructure that are not shown on **Exhibit 2, Figure 2-1** or **Figure 27-1**, but that may be allowed pursuant to the permitting requirements set forth below.

27.1 PROPOSED LAND USE ACTIVITIES AND STRUCTURES ALLOWED IN THE PROJECT (D-PD) PLANNED DEVELOPMENT SUBDISTRICT

Picket Mountain Planned Development Subdistrict (Pickett Mtn. D-PD) Development Plan

Date: February 16, 2023 (Draft)

[This document provides LUPC's comments on Wolfden Mt. Chase's Exhibit 27. As discussed in the past, D-PD subdistricts require an associated Development Plan that must be a stand-alone document. The Development Plan creates a custom section for the Commission's rule Chapter 10, Sub-Chapter II, Land Use Subdistricts, providing the purpose, description, and land uses that apply to the custom subdistrict. As such, the document must use a consistent format and include all the necessary content addressed in the standard subdistricts established for the LUPC's service area, as well as the applicable requirements of Chapter 10, Section 10.21.H (D-PD). The Commission reserves the right to request changes to this or any other proposed language based on additional analysis of the record, public comment, and Commission deliberation.]

1. Purpose and Scope

- a. Purpose. The Land Use Planning Commission's (Commission) Chapter 10 rules, Land Use Districts and Standards (Chapter 10), establish that the purpose of the Planned Development subdistrict (D-PD) is to allow for large scale, well-planned development, including developments separated from existing development, provided: 1) they are shown to be of high quality and not

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detrimental to other values established in the Comprehensive Land Use Plan; and 2) they depend on a particular natural feature or location that is available at the proposed site. In accordance with Chapter 12 of the Commission's *Land Use District Requirements for Metallic Mineral Mining and Level C Mineral Exploration Activities*, metallic mineral mining activities are allowed only within the D-PD subdistrict.

Planned development within a D-PD subdistrict must be consistent with a Development Plan approved as part of the rezoning process. A Development Plan identifies land uses allowed within the subdistrict, specifies which uses require a development permit, and outlines the nature, location, and design of the Planned Development for which the subdistrict was created.

The purpose of the Pickett Mtn. D-PD subdistrict and Development Plan is to allow for well-planned, metallic mineral mining activities and other associated development near Pickett Mountain, in T6 R6 WELS, Penobscot County.

b. Scope. The nature, location, and design of the planned development for this subdistrict is detailed in the zoning petition filed by Wolfden Mt. Chase, LLC., ZP 779a, including Figure 2-1, *Conceptual Site Plan*, dated October 17, 2022 (Conceptual Site Plan) and Table 6-1, *Existing and Proposed Structures or Development Area within the Project Area*, January 2023 (Table). During detailed engineering analysis and planning in support of the mine permit application to the Maine Department of Environmental Protection (MDEP), the preliminary locations and dimensions may change. Changes may reflect improvements in the efficiency of the project, environmental management of the site, and comments by the MDEP. However, the overall size of the cleared and disturbed area is not expected to change.

Changes to the Conceptual Site Plan and Table may be authorized by permit and requests for certification, where applicable, but may not cause individually or cumulatively any of the following:

- 1) The addition of a land use not previously approved in the Development Plan;
- 2) A material change in the size, scope, or nature of the project;
- 3) Material increases in traffic volume or noise level;
- 4) Any reduction in vegetated buffers required for the Pickett Mtn. D-PD subdistrict and the Pickett Mountain Mine;
- 5) A material reduction in open space or parking; or
- 6) A material change giving rise to adverse environmental impact.

All other changes to the Pickett Mountain Development Plan must be made as part of a zoning petition.

2. Description

The Pickett Mtn. D-PD subdistrict includes:

- a. An area of land, owned by Wolfden Mt. Chase, LLC, necessary to reasonably conduct authorized mining and mineral exploration activities, and to adequately buffer those activities from surrounding resources or uses, and
- b. Approximately 374 contiguous acres, as described in the "Legal Description and Delineation of the Property Boundaries Proposed for Rezoning," and as shown on the "Map of Proposed Rezoning Area" January 2023, attached in Appendix A of this Development Plan.
- c. The Conceptual Site Plan and Table, attached as Appendix B and C of this Development Plan, respectively.

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Wolfden Mt. Chase, LLC does not intend to create a subdivision nor divide and transfer any of the land within the subdistrict during the lifetime of the subdistrict.

3. Land Uses

Land uses anticipated for the Project Pickett Mtn. D-PD subdistrict include:

- Uses and activities allowed without a permit;
- Uses allowed without a permit subject to standards; and
- Uses and activities allowed with a permit.

The Project Pickett Mtn. D-PD subdistrict is an undivided, custom subdistrict. The following uses are allowed within the subdistrict.

a. Uses Allowed Without a Permit

The following uses are allowed without a permit within the Picket Mtn. D-PD subdistrict:

- 1) Baseline and ongoing environmental monitoring and data collection necessary to finalize design and establish and maintain compliance with applicable State regulatory requirements, including the requirements of the MDEP's Chapter 200 rules, 06-096 CMR 200;
- 2) Emergency operations conducted for the public health, safety or general welfare, such as emergency medical response, firefighting, law enforcement, resource protection, and search and rescue operations;
- 3) Forest management activities, except for timber harvesting;
- 4) Hunting and trapping of wild animals provided such hunting and trapping is conducted at least 500 feet away from existing development including legally existing structures;
- ~~5) Primitive recreation~~
- ~~6) 5) Motorized vehicular traffic on roads and trails, parking areas, storage pads, and similar legally existing impervious surfaces, including snowmobile and all-terrain vehicle traffic on- and off roads;~~
- ~~6) Normal maintenance and repair.~~
 - ~~(a) The repair and maintenance of vehicles, vehicular equipment, and other mobile equipment provided that repair and maintenance activities occur in on-site maintenance buildings to the fullest extent practicable; and~~
 - ~~(b) The normal maintenance and repair of legally existing structures (including underground or subsurface structures), parking areas, lined pads; and other impervious surfaces, provided that adequate measures are taken to control runoff and minimize soil erosion~~
- ~~7) Primitive recreational uses, including fishing, hiking, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;~~
- ~~7) The repair and maintenance of vehicles, vehicular equipment, and other mobile~~

Commented [BSR1]: Uses need to be in alphabetical order and use formatting consistent with LUPC's Chapter 10.

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~~equipment provided that repair and maintenance activities occur in on-site maintenance buildings to the fullest extent practicable~~

~~8)7) The normal maintenance and repair of legally existing structures (including underground or subsurface structures), parking areas, lined pads, and other impervious surfaces, provided that adequate measures are taken to control runoff and minimize soil erosion~~

9)8) Security operations conducted for public health, safety, or general welfare, and the protection of onsite personnel, equipment, and assets including but not limited to installation or relocation of security fencing;

10)9) Shipping and receiving of materials;

11)10) Surveying and other resource analysis; and

12)11) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit within the Project Pickett Mtn D-PD subdistrict subject to applicable standards.

- 1) Accessory structures: New structures accessory to any structures and uses reflected on the Conceptual Site Plan (Exhibit 2, Figure 2-1) provided that:
 - (a) The total square footage of the footprint of all new accessory structures built within a two-year period is not more than 2,000 square feet; and
 - (b) All other requirements and standards of the Commission's Chapter 10, Section 10.27(P) are met;
- ~~2) Security checkpoint buildings (note the footprint of a checkpoint building is excluded from the limit of accessory structures in (1)(a) above)~~
- 3)2) Filling and grading within development area envelopes as shown on the Figure 27-1; associated with uses allowed in the D-PD subdistrict
- ~~4) Tree removal associated with uses allowed in the D-PD subdistrict~~

Commented [BSR2]: With this proposal to allow the installation or relocation of security fencing without a permit, LUPC staff will need to conduct its no undue adverse impact review for the rezoning assuming that fences could be installed in any manner and in any location, including completely around the facility or down the center of stream channels. If more flexibility is needed, an alternative approach could be to add security fencing as a use allowed without a permit subject to standards. Since LUPC doesn't have activity specific standards for security fencing, a new section of the Development Plan would need to be added with standards for this use (such standards could include measures to minimize impacts on wildlife and aquatic resources).

Commented [BSR3]: There are no LUPC adopted standards for "security checkpoint buildings." Therefore, they can't be listed as a separate use listing allowed by standard, unless Wolfden Mt. Chase proposes activity specific standards for this use in its Development Plan. The initial security checkpoint building would be permitted as part of the permit/ certification of the structures on the Conceptual Site Plan. Any additional security checkpoint buildings would otherwise need to be covered by the accessory structures use listing or be considered a new or expanded structure requiring a permit under the provisions listed below. Neither LUPC or DEP are likely to allow an unlimited number of security checkpoint buildings, or an unlimited building size for this use without a permit. If activity specific standards are proposed in the Development Plan for this use, Wolfden should consider maximum limits to the number and size, and standards on where they can be located (development areas).

Commented [BSR4]: This use is not necessary and would be confusing to future LUPC staff. Also, there are no LUPC adopted standards that would apply to this use. If a use is allowed in any way, the clearing needed for that use would be allowed in the same way.

~~5)3) Mineral exploration activities: Level A and B mineral exploration activities, including associated temporary access ways, in conformance with the requirements for such activities in Chapter 13 of the Commission's rules;~~

~~6)4) Road projects: Level A road projects in conformance with the requirements for such activities in Chapter 10, Section 10.27(D) of the Commission's rules;~~

~~7)5) Service drops to legally existing structures;~~

~~8)6) Signs in conformance with the requirements for such activities in Chapter 10, Section 10.27(J) of the Commission's rules; and~~

~~7) Water crossings of minor flowing waters in conformance with Chapter 10, Section 10.27(D) of the Commission's rules.~~

~~9) —~~

c. Uses Requiring a Permit

The following uses, and related accessory structures, ~~are may be~~ allowed within the Pickett Mountain Mtn. D-PD subdistrict upon issuance of a permit by LUPC, ~~or DEP, or the Department of Health and Human Resources,~~ as applicable.

1) ~~Constructed ponds: Pre- and pPost-treatment wWater Storage-storage pPonds, provided that:~~

~~(a) The ponds are in conformance with the Conceptual Site Plan and Table and located within the applicable development area envelope (Figure 27-1, Appendix D); and~~

~~(b) A-For any footprint expansions, is allowed if the cumulative surface area expansion of ponds within an applicable development area envelope does not increase by more than 20%;~~

~~(b) The location of the ponds may be adjusted as long as the ponds are located within the applicable development area envelope as shown on the Conceptual Site Plan.~~

~~2) Driveways and vehicle parking areas:~~

~~2)1) WRSs and WRAs (e.g., drip or spray irrigation, snowmaking, infiltration galleries), provided that:~~

~~(a) The footprint of the WRAs may be modified from that shown on the Conceptual Site Plan; and~~

~~(b)(a) The location and final design will be as approved by MDEP under Chapter 200, within the rezone area~~

~~3) Lined Storage Pads for Ore and Waste Rock provided that:~~

~~(a) The pads are in conformance with the Conceptual Site Plan; and~~

~~(b) The footprint of the pads may be reduced in size from what is depicted on the Conceptual Site Plan. The footprint of the pads may be increased if the cumulative expansion of lined storage pads within an applicable development area envelope does not increase by more than 20%. The location of lined storage pads may be adjusted as long as the lined storage~~

Commented [BSR5]: The plan name for this figure "CONTRACT ZONE DEVELOPMENT AREAS" has to be revised. The LUPC does not have contract zoning. The D-PD is a custom zone. Since this document is meant to be a stand-alone document, consider referencing the plan name instead of the figure number throughout.

Commented [BSR6]: See Relocations.

Commented [BSR7]: This isn't needed in the "Uses Requiring a Permit" section.

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pads are located within the applicable development area envelope as shown on the
January Conceptual Site Plan.

~~4)1) Driveways and parking areas~~

~~5)3) Land management roads;~~

~~4) Metallic mineral mining activities: In addition to those activities more specifically identified in this section, metallic mineral mining activities, as defined in Chapter 10, Section 10.02 and that are in conformance with the Conceptual Site Plan including, but not limited to, subsurface facilities, mine access portal(s), operations support infrastructure, and assets necessary to conduct metallic mineral mining activities and not specifically listed on the Conceptual Site Plan as well as above-ground structures and uses identified on and in conformance with the Conceptual Site Plan~~
Metallic mineral mining activities: Metallic mineral mining activities and processes, as defined in Chapter 10, Section 10.02, and in conformance with the Conceptual Site Plan and Table;

~~6)5) Mineral exploration activities: Access ways for Level A and B mineral exploration activities, and Level A and B mineral exploration activities which are not in conformance with the standards of Chapter 13 of the Commission's rules;~~

~~7)6) On-site storage and disposal of land clearing and construction debris in compliance with applicable MDEP rules;~~

~~8) Stormwater management structures including but not limited to piping conveying water to Water Storage Ponds, ditching and pumping structures~~

~~9) Subsurface Wastewater Disposal System~~

~~10) Snow storage area(s)~~

~~WRSs and WRAs (e.g., drip or spray irrigation, snowmaking, infiltration galleries), provided that:~~

~~The footprint of the WRAs may be modified from that shown on the Conceptual Site Plan;~~
~~and~~

~~The location and final design will be as approved by MDEP under Chapter 200, within the rezone area~~

~~11) Organic storage area(s)~~

~~12)7) Relocations: Relocations of metallic mineral mining activities and structures that are shown on the Conceptual Site Plan provided that the relocated activity or structure:~~

~~(a) Will be located within an the applicable development area envelope as shown on the Conceptual Site Plan Figure 27-1; and~~

~~(b) Does not involve the addition of a land use not previously approved in the this Development Plan;~~

~~13)8) Road projects: Level A road projects not in conformance with the requirements for such activities in Chapter 10, Section 10.27(D) of the Commission's rules; and Level B and C road projects;~~

~~14)9) Signs that are not in conformance with the standards of Chapter 10, Section 10.27(J) of the Commission's rules;~~

~~15)10) Solar energy systems, including gridlarge-scale solar energy generation facilities and~~

Commented [BSR8]: This is too broad for the LUPC to review in terms of the potential undue adverse impacts of the facility. The proposal brings up a good point, however, as to the below ground facilities. LUPC suggests that Wolfden add a list of below ground facilities to the Conceptual Site Plan.

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associated structures, located within the applicable development area envelope;

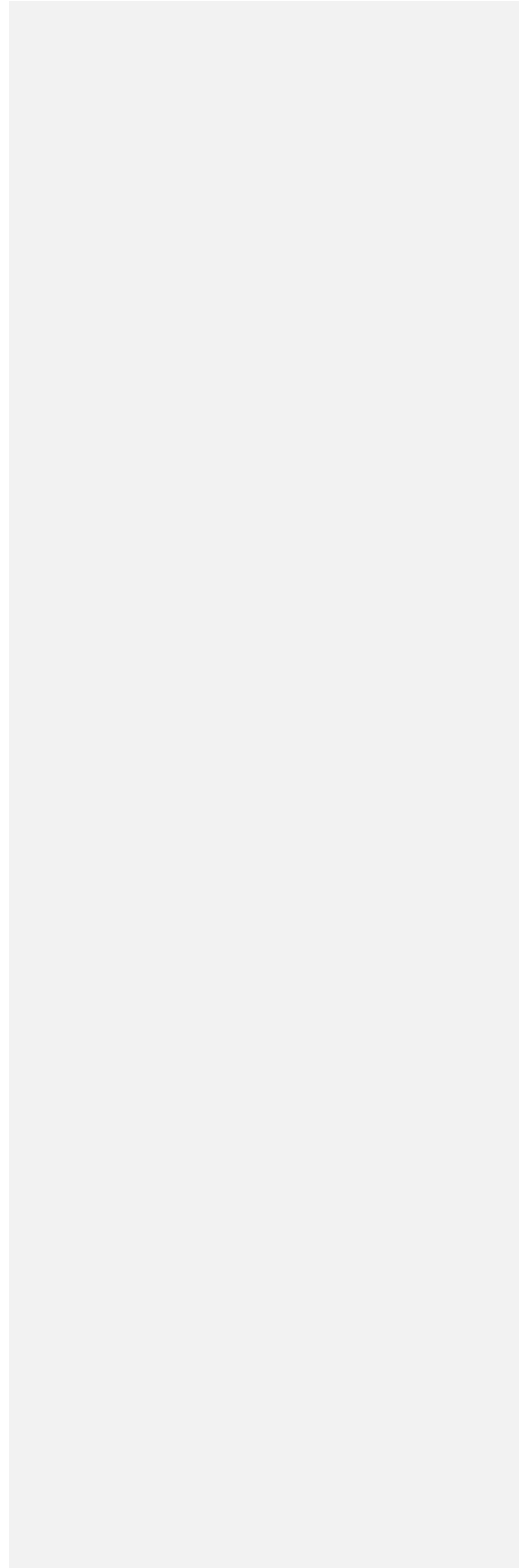
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- 11) Storage pads for ore and waste rock, laydown areas, and storage areas for snow and organic materials provided that:
 - (a) The pads, laydown areas, and storage areas are in conformance with the Conceptual Site Plan and Table; and located within the applicable development area envelope (Figure 27-1, Appendix D); or
 - (b) For any footprint expansions, the cumulative surface area expansion of pads, laydown areas, and storage areas within an applicable development area envelope does not increase by more than 20%;
- 12) Stormwater management structures including but not limited to piping conveying water to water storage ponds, ditching and pumping structures;
- 13) Structures:
 - (a) All structures in conformance with the Conceptual Site Plan and Table and located within the applicable development area envelope (Figure 27-1, Appendix D); or
 - ~~(a)(b) depicted on the Conceptual Site Plan are allowed uses.~~ New structures that are not shown on the Conceptual Site Plan or expansion of structures shown on the Conceptual Site Plan (but excluding water storage ponds, WRSs and lined storage pads, which are addressed separately above) provided that the new or expanded structures:
 - i. Will be located within one of the three development areas as shown on the Conceptual Site Plan;
 - ii. Will not exceed a total maximum structure footprint increase of 20,000 square feet for the lifetime of the subdistrict based on the total structure footprint shown on the Conceptual Site Plan and in reflected in Exhibit 7 (as noted, this limit does not apply to the Water Storage Ponds, Water Recharge Systems or Lined Storage Pads, which may be expanded in accordance with Sections 2 and 3 above the Table.);
 - iii. Will not exceed 120 feet in height as measured from the lowest adjacent grade; and
 - iii. Will not exceed 120 feet in height as measured from the lowest adjacent grade; and
 - iv. Will not involve the addition of a land use not previously approved in the Development Plan;
- 14) Subsurface Sanitary Wastewater Disposal Systems;
- ~~15)~~ 15) Timber harvesting;
- ~~17)~~ 16) Utility facilities, excluding service drops;
- 17) Ventilation shafts, raises, surface shafts and attendant headworks that are needed to facilitate deeper ore removal and provide for safe working conditions in the mine;
- 18) Water crossings of minor flowing waters not in conformance with Chapter 10, Section 10.27(D) of the Commission's rules.
- 19) Water recharge areas (WRAs) (e.g., drip or spray irrigation, snowmaking, infiltration galleries), provided that:

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January (a) The WRAs are in conformance with the Conceptual Site Plan and Table and located within the applicable development area envelope (Figure 27-1, Appendix D); or

(b) For any footprint expansions, the cumulative surface area expansion of the WRAs within an applicable development area envelope does not increase by more than 20%; and



~~18)~~20) All uses and structures identified on the Conceptual Site Plan to the extent not otherwise expressly authorized as allowed with or without a permit.

4.4. Prohibited Uses

All uses not expressly allowed, with or without a permit, ~~shall be~~are prohibited in the ~~Project-Pickett Mtn.~~ D-PD subdistrict.

5. Appendix

[Appendix A. Legal Description and Delineation of the Property Boundaries Proposed for Rezoning](#)

[Appendix B. Conceptual Site Plan](#)

[Appendix C: Table 6-1](#)

[Appendix D: Figure 27-1](#)