



**COASTAL CONSISTENCY DETERMINATION
COASTAL ZONE MANAGEMENT ACT OF 1972
THE KNOX CLINIC
MAIN STREET THOMASTON, MAINE**

Prepared for

**HEALTH RESOURCES AND SERVICES ADMINISTRATION
(HRSA)**

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**COASTAL CONSISTENCY DETERMINATION
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THOMASTON, MAINE**

1.0 INTRODUCTION

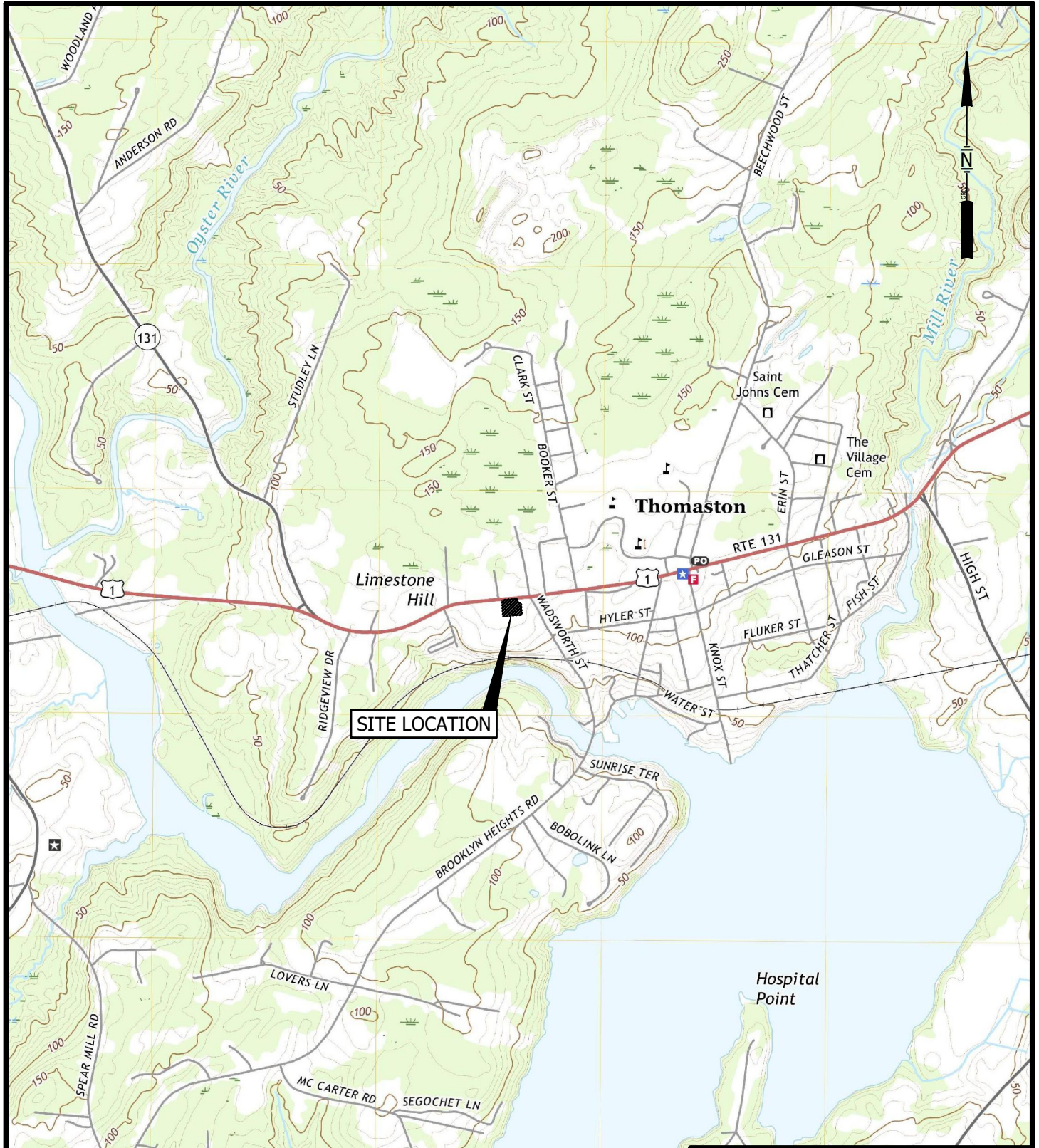
The project evaluated herein is the proposed Knox Clinic off William King Road in Thomaston, Maine. The Project will include a 12,000-square-foot facility to provide a multifaceted hub, dedicated to comprehensive healthcare services including primary medical care, dental, vision, mental health, social services, and telehealth. The Center will also foster the education and training of emerging practitioners seeking to gain experience in rural health. In addition, the Project will include accessible space that can be utilized by the community for gatherings, presentations, clinics, or group exercise. The Center is slated for a 1.5-acre plot at the northeast corner of Thomaston Green on Route 1. The project location is shown on the attached Figure 1-1, Site Location Map.

The Subject Property was formerly a portion of a larger parcel of land that was utilized as a limestone quarry prior to 1824. The quarry property, including the Subject Property, was converted into a Maine State Prison in 1824 and was utilized as a prison through the early 2000s. In the early 1920s, the prison experienced a severe fire and most of the associated buildings were destroyed. Most of the debris associated with the original prison was disposed within the former limestone quarry pit and a second prison facility was constructed on the remains. The prison ceased operations in the early 2000s and all buildings and structures associated with the prison were demolished by 2005. The Site is currently utilized for recreational purposes and is located within the northeastern section of the Thomaston Green Park. The area of interest is shown on the attached Figure 1-2, Site Plan.

With the historic use of The Subject Property as a limestone quarry and with the demolition of the former Maine State Prison, the site was entered into the Maine Department of Environmental Protection (MEDEP) Voluntary Response Action Program (VRAP) to evaluate impacts to soil and groundwater at the site. The property, including the Subject Property, was successfully remediated to the satisfaction of the requirements of the VRAP and MEDEP as indicated by a No Further Action Assurance Letter issued by MEDEP, dated November 9, 2005. This remediation included grading and seeding of the site as a vegetated recreation area, known as the Thomaston Green. A new access road into the Subject Property, William King Street, with extensions of public utilities was also constructed off Wadsworth Street.

The Clinic will be served by William King Street constructed during development of Thomaston Green. The construction of the Clinic will include excavation for the 12,000-square-foot building as well as associated paved parking, utility infrastructure, and stormwater management. The construction will impact the northeast corner of Thomaston Green, which currently is open grassed area with a small patch of asphalt

and a concrete manhole structure in the northeastern most corner. The proposed footprint of construction is shown on Figure 1-2, Site Plan.



BASEMAP ADAPTED FROM 7.5 MIN USGS TOPO QUADS
THOMASTON, ME - 2021



FIGURE 1-1
SITE LOCATION MAP
KNOX CLINIC - MAIN STREET
THOMASTON, MAINE



\\server\dfs\ESA\2023\Thomaston Green\Acad\Figures\SITELOC.dwg_A_FIG 1-1, 2/8/2024 7:32:21 AM, sjm



LEGEND

- 1 PATCH OF ASPHALT
- 2 CONCRETE MANHOLE COVER

NOTES:

1. AERIAL PHOTO FROM GOOGLE EARTH, DATED 6/19/2018.
2. SUBJECT PROPERTY FROM PLAN TITLED EXISTING CONDITIONS SURVEY, BY GARTLEY & DORSKEY ENGINEERING & SURVEYING, DATED 5/7/12.
3. ABUTTING PARCEL LINES FROM MAINE GIS DATA CATALOG, DATED APRIL 2022.



FIGURE 1-2
SITE PLAN
KNOX CLINIC - MAIN STREET
THOMASTON, MAINE



2.0 COASTAL CONSISTENCY DETERMINATIONS

The Coastal Zone Management Act of 1972 (CZMA), codified in 16 U.S. Code section 1451 et seq., and administered by the Secretary of Commerce through the Office of Coastal Resources Management of the National Oceanic and Atmospheric Administration (NOAA), established a comprehensive regulatory scheme for effective management, beneficial use, protection, and development of the coastal zone and its natural resources. The CZMA provides a mechanism for coastal states to develop, obtain federal approval for, and implement a broad-based coastal management program (CMP).

Federal approval of a state CMP triggers an obligation, under CZMA Section 307, for federal executive agencies to make coastal consistency determinations for their activities. Section 307 applies to federal agency activity in a state's coastal zone and to federal agency activity outside the coastal zone. Federal agency activity includes activity performed by a federal agency, approved by a federal agency, or for which a federal agency provides financial funding. Such activity, whether direct, indirect, or cumulative, must be demonstrated to be consistent with the enforceable policies of the state's CMP, that is, fully consistent with those policies, unless full consistency is otherwise prohibited by federal law. There are no categorical exemptions to, or exclusions from, Section 307. Federally owned property is excluded from a state coastal zone; however, federal agency activity on federal property that is likely to affect use or natural resources of a state coastal zone, is subject to the federal consistency obligation.

Maine has a federally approved Coastal Zone Management Program known as the Maine Coastal Program (MCP). The enforceable policies of the MCP are contained in the following state statutes and rules commonly referred to as "core laws": (1) Natural Resources Protection Act; (2) Site Location of Development Law; (3) Maine Department of Transportation Traffic Movement Permit Law; (4) Erosion Control and Sedimentation Law; (5) Wind Energy Act; (6) Storm Water Management Law; (7) Maine Waterway Development and Conservation Act; (8) Protection and Improvement of Air Law; (9) Protection and Improvement of Waters Act; (10) Nutrient Management Act; (11) Land Use Regulation Law; (12) Maine Hazardous Waste, Septage and Solid Waste Management Act; (13) Uncontrolled Hazardous Substance Sites Law; (14) Asbestos Law; (15) Lead Abatement Law; (16) Sale of Consumer Products Affecting the Environmental Law; (17) Mercury-Added Products and Services Law; (18) Solid Waste Management and Recycling Law; (19) Priority Toxic Chemical Use Reduction Law; (20) Wellhead Protection Law; (21) Nuclear Facility Decommissioning Laws; (22) Oil Discharge Prevention and Pollution Control Law; (23) Oil Storage Facilities and Groundwater Protection Law; (24) Maine Endangered Species Act; (25) General licensing and enforcement authorities and fees; (26) Maine Rivers Act; (27) Marine Resources Law; (28) Subdivision Law; (29) Mandatory Shoreland Zoning Law; (30) Coastal Management Policies Act; and (31) Coastal Barrier Resources System Act.

The State of Maine's federally approved coastal zone extends from the inland boundary of all 147 coastal towns that contain tidal waters to the outer limit of the State's territorial jurisdiction, which is 5.6 km (3 nautical miles) into the Atlantic Ocean.

This Coastal Consistency Determination is submitted under the CZMA and its implementing regulations.

2.1 Natural Resource Protection Act (NRPA)

NRPA requires a permit for any “activity” that is in, on, or over a protected natural resources area or is located adjacent to a coastal wetland. The Subject Property is a fully developed recreation area that has been historically used and remediated. Therefore, there are no natural wetlands occurring on-site, therefore the Project will not result in an activity in, on, or over a protected natural resource.

The definition of adjacent to a protected natural resource is outlined in MEDEP NRPA Chapter 310 Wetland and Waterbodies Protection and identifies it as “the area within 75 feet of the normal high-water line of a great pond, river, stream or brook or the upland edge of a coastal wetland or freshwater wetland”. The Subject Property is 650-feet from the edge of the St. George River, which is well outside of the threshold for adjacency.

This project is not subject to the MEDEP NRPA regulations and will be consistent with this policy.

2.2 Site Location of Development Act (SLODA)

The Subject Parcel is approximately 1.5 acres, in total and the proposed development of the Clinic will be no more than this total area. The thresholds for the applicability of the MEDEP SLODA is limited to projects that occupy land or water area in excess of 20 acres, create more than 3 acres of impervious area after 1975, or are commercial subdivisions of five or more lots. This project is not significant enough to require review and approval under SLODA, therefore, this project is consistent with this policy.

2.3 Maine Department of Transportation (MaineDOT) Traffic Movement Permit Law

To estimate the total traffic generated by the 12,000-square-foot medical clinic, reference was to the Institute of Transportation Engineers Trip Generation Manual, 11th Edition, Volume 4, dated September 2021. The estimating metrics in the Manual indicate there will be 3.44 trips per 1,000 square feet of Clinic building space in the A.M. peak hour, which equates to 42 peak hour trips. In the P.M. peak hour, there will be 4.22 trips per 1,000 square feet or an estimate of 51 peak hour trips. Using these findings, the project will not generate 100 or more passenger car equivalents at peak hour and will not require a Traffic Movement Permit from the MaineDOT.

2.4 Erosion Control and Sedimentation Law

This law governs any activity that involves filling, displacing, or exposing soil or other earthen materials. Erosion control measures will be in place and functional until the site is permanently stabilized. The runoff from the construction areas will be carried by the existing stormwater system. The primary erosion control

measure is inlet protection at each catch basin near the work areas. In addition, stabilized construction entrances/exits will be installed to minimize sediment being transported outside of the work areas. Silt fences and filter socks will be used where flows leave a work area and prior to entering a stormwater structure.

2.5 Wind Energy Act

There is no wind energy development proposed as part of this project. Therefore, the project will be consistent with this policy.

2.6 Stormwater Management Law

The proposed project will result in less than one-acre of impervious area but could result in greater than one-acre of disturbed area which would trigger review of the project under the Stormwater Management Law. The project would specifically require a Stormwater Permit by Rule (PBR) for projects that disturb more than one-acre but result in less than one-acre of impervious area and five acres of developed area.

The project will need to file a notice of the project prior to beginning work, which will include determination by Maine Inland Fisheries and Wildlife, photos of the project area, an Erosion and Sedimentation Control Plan prepared by a Maine Professional Engineer, and a Site Plan. This will be prepared and submitted for approval to the MEDEP prior to start of construction on the project. The stormwater PBR becomes effective fourteen calendar days after the department receives the notification form unless the department approves the notification or finds the notification deficient prior to that date.

The Stormwater PBR form will also include signatures for coverage of the project under the Maine Construction General Permit.

2.7 Maine Waterway Development and Conservation Act

The proposed project will not require any permitting under the Maine Waterway Development and Conservation Act. This act regulates application and permitting for the construction of hydropower projects and for the reconstruction or structural alteration of certain projects, including water storage projects, which this project will not include.

2.8 Protection and Improvement of Air Law

The project will not include fuel burning equipment that will exceed the thresholds for MEDEP Air Licensing require equal to or more than a heat input of 10.0 BTUs per hour, or result in the emission of VOC, Hazardous Air Pollutants, or other regulated pollutants. Therefore the project is not subject to the Protection and Improvement of Air Law.

2.9 Protection and Improvement of Waters Act

This program regulates aquatic nuisance species control, pollution control requirements, enforcement provisions, and a water classification program. This policy makes it unlawful to dispose of any pollutants, either alone or in conjunction with others, “in such manner as will, after reasonable opportunity for dilution, diffusion or mixture with the receiving waters or heat transfer to the atmosphere, lower the quality of those waters below the minimum requirements of such classifications.”

The discharges associated with the proposed project will be limited to stormwater. The project and all associated construction activities will adhere to the MEDEP Erosion and Sedimentation Control Law. Therefore, there will be no pollutants discharged to the waters of the State. The proposed activity would be fully consistent with this policy.

2.10 Nutrient Management Act

This program regulates farms with livestock or crops for which nutrients are kept on site. The site is for medical clinic use with no livestock or crops associated, therefore this law does not apply to the proposed project.

2.11 Land Use Regulation Law

This program is based on Maine’s Land Use Regulation law, and deals with issues related to planning, zoning, and subdivision control. The proposed activity will require Site Plan Review through the Town of Thomaston, which will be obtained prior to the start of construction of the project.

2.12 Hazardous Waste, Septage and Solid Waste Management Act

This act regulates asbestos abatement, hazardous and solid waste management, tire stockpiles, hazardous materials control, the Maine Hazardous Waste Fund, waste oil, uncontrolled hazardous substance sites, sale and distribution of brominated flame retardants, electronic waste, mercury-added products and services, municipal recycling, facility siting and development, and toxics use and hazardous waste reduction. This project will be constructed on the Subject Property that was evaluated and closed out under the MEDEP VRAP program. A follow-up Limited Phase II Environmental Assessment was completed for the project and did not find any remaining significantly impacted soil above applicable MEDEP Remedial Action Guidelines for commercial worker or construction worker exposure. Fill material and debris were observed in soil borings, however, based on the investigation, it does not appear that this material has adversely impacted Site soils. MEDEP approval on disposal location and practices will be sought before removing excess soil from the site.

2.13 Uncontrolled Hazardous Substance Sites Law

This program was created in response to the threats and potential threats to human health and the environment posed primarily by abandoned hazardous waste sites. The program is the state equivalent to the Federal Superfund Program. The Uncontrolled Hazardous Substance Sites Act (Act) broadly defines responsible parties and provides for joint, and several, liability. The proposed activity will take place on a site that has been investigated and not found to contain hazardous waste, therefore the project is consistent with this Law.

2.14 Asbestos Law

The project will not include removal of Asbestos Containing Materials (ACM). Therefore, the proposed activity would be fully consistent with this policy.

2.15 Lead Abatement Law

The proposed project does not include demolition and renovation of buildings dating back before 1978, therefore, the proposed activity would be fully consistent with this policy.

2.16 Sale of Consumer Products Affecting the Environmental Law

The proposed project will not result in the sale of any consumer products; therefore, it will be consistent with this policy.

2.17 Mercury-Added Products and Services Law

The proposed project will not involve the use of mercury; therefore, it will be consistent with this policy.

2.18 Solid Waste Management and Recycling Law

This law provides a comprehensive policy for solid waste management and promotion of waste reduction methods. Specific sections regarding solid waste planning, waste reduction and recycling, and regulation of dry cell batteries are included under this law. The Knox Clinic policy will be to minimize the amount of waste disposed of in landfills or at other disposal facilities through source reduction, recycling, reuse, or donation/sale of authorized materials. The proposed project would adhere to the federal and state regulations applying to hazardous and solid waste and therefore would be fully consistent with this policy.

2.19 Priority Toxic Chemical Use Reduction Law

The project will not result in the use of any of the five Priority Toxic Chemicals; formaldehyde, cadmium, hexavalent chromium, perchloroethylene, and trichloroethylene. The activities will therefore be consistent with this policy.

2.20 Wellhead Protection Law

There are no wells in proximity to the project area. The project's water supply will be from Maine Water mains adjacent to the Subject Property. The activities will therefore be consistent with this policy.

2.21 Nuclear Facility Decommissioning Laws

The proposed project will not include decommissioning any nuclear facility. The activities will therefore be consistent with this policy.

2.22 Oil Discharge Prevention and Pollution Control Law

The program deals with the hazards posed by transfers of oil, petroleum products, and their by-products. It requires the prompt containment and removal of pollution occasioned by such transfers and related activity; provides procedures whereby persons suffering damage from those occurrences may be promptly made whole; and establishes a fund to provide for the inspection and supervision of those activities and guarantees payment of reasonable damage claims. Fluid inside transformers and other electrical equipment do not apply to this section. This project will not include oil or petroleum product transfer and will be consistent with this policy.

2.23 Oil Storage Facilities and Groundwater Protection Law

The proposed project will not include any oil storage facilities. In addition, the only discharges from the site will be captured by the municipal wastewater system or the stormwater system. The proposed activity is therefore consistent with this program to the maximum extent practicable.

2.24 Maine Endangered Species Act

This act was passed in 1975 to help protect Maine's inland fish and wildlife and to minimize/prevent the disappearance of species from the state. Based on review of the Maine Inland Fisheries and Wildlife Beginning with Habitat Map Viewer, no state listed rare, threatened, or endangered plant or animal species or associated essential, significant, or rare natural communities are located on the Subject Property. A copy of the map demonstrating the area of the site related to the State identified habitats is provided as Figure 2-1.

Beginning With Habitat - Knox Clinic



February 7, 2024

- | | | |
|---|---|-------------------------------------|
| Parcels- Unorganized Townships | Seabird Nesting Island | Highway Bridge Connectors |
| Parcels- Organized Towns/Cities | Tidal Waterfowl / Wading Bird Habitat | Riparian Connectors |
| Aquifers | Inland Waterfowl / Wading Bird Habitat | Less than 2000 Vehicles/Day |
| National Wetlands Inventory Wetlands | Significant Vernal Pools | More than 2000 Vehicles/Day |
| Shellfish Beds | Deer Wintering Areas | Undeveloped Block Connectors |
| Stream Buffer (75 feet) | Essential Wildlife Habitats | Less than 2000 Vehicles/Day |
| Great Ponds, Rivers and Coastal Buffer (250 feet) | Endangered, Threatened, and Special Concern Species | More than 2000 Vehicles/Day |
| Atlantic Salmon Habitat | Natural Communities | Focus Areas |
| Shorebird Habitat | Rare Plants and Natural Communities | Conserved Lands |
| | | Undeveloped Habitat Blocks |

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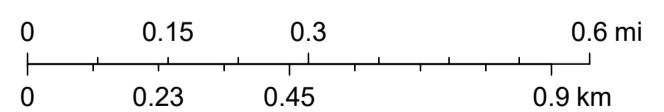


FIGURE 2-1 - BWH MAP

2.25 General Licensing and Enforcement Authorities and Fee Structure

The permit fees associated with the approvals requested in this application will be submitted with the applications, as required.

2.26 Maine Rivers Act

There are no dams or diversions proposed as part of this project. Additionally, the St. George River is not included as part of this Act. Therefore, the project will be consistent with this policy.

2.27 Marine Resources Law

The Marine Resources Law establishes regulations to conserve and develop marine and estuarine resources; to conduct and sponsor scientific research; to promote and develop the Maine coastal fishing industries; and to advise and cooperate with local, state, and federal officials concerning activities in coastal waters. There will be no activities within coastal waters during construction or operations of this project.

2.28 Subdivision Law

The proposed activity will include the division of one-lot from the Thomaston Green property and would not meet the definition of a Subdivision in 30A MRS §4401, the Subdivision Law.

2.29 Mandatory Shoreland Zoning Law

The proposed activity will take place outside of the 250-foot Shoreland Zone identified along the St. George River and is no subject to local or State Shoreland Zoning Law.

2.30 Coastal Management Policies Act

The Act contains the following nine policies: port and harbor development, marine resource management, shoreline management and access, hazard area development, state and local cooperative management, scenic and natural areas protection, recreation and tourism, water quality, and air quality. The project will have no effect on the uses or natural resources covered by this policy and will adhere to the applicable portions of the policies.

2.31 Coastal Barrier Resources System Act

The project will not result in or impact coastal barriers that protect the mainland, lagoons, wetlands, and salt marshes from the full force of wind, wave, and tidal energy. Therefore, the project will be consistent with this policy.

3.0 CONCLUSION

Based on the foregoing analysis, the proposed federal activity is not likely to affect use of natural resources of Maine's coastal zone and would be conducted in a manner that is consistent with the MCP to the maximum extent practicable.

_____ Date _____
Ali Danner Senior Public Health Analyst
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