

Thanks for sending this along –

Here are a few thoughts:

1. The previous site plan threshold for review under the Stormwater Control Ordinance (previously Chapter 18, now Chapter 25) was: ten thousand (10,000) square feet of impervious surface, paving, clearing, or vegetative alteration, or any combination thereof. I think we should retain this threshold, unless Steve says there is a significant difference between 8 and 10k. The New Hampshire Model SW ordinance, (December 2012) recommends thresholds between 5,000 and 20,000 square feet of developed area (area where the imperviousness changes from say wooded to grassed, or grassed to gravel, or gravel to paved/roof). So there is some good guidance that we are in the correct size of development to regulate, and it is consistent with our prior practice.

2. Here are some Chapter 500 definitions:

a. **Disturbed area.** All land areas that are stripped, graded, grubbed, filled, or excavated at any time during the site preparation or removing vegetation for, or construction of, a project.

"Disturbed area" does not include routine maintenance, but does include re-development and new impervious areas. "Routine maintenance" is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Paving impervious gravel surfaces while maintaining the original line and grade, hydraulic capacity and original purpose of the facility is considered routine maintenance. Cutting of trees, without grubbing, stump removal, disturbance or exposure of soil is not considered "disturbed area".

A disturbed area continues to be considered as disturbed area if it meets the definition of "developed area" or "impervious area" following final stabilization .

b. **Developed area.** "Disturbed area" excluding area that within one calendar year of being disturbed is returned to a condition with the same drainage pattern that existed prior to the disturbance and is revegetated, provided the area is not mowed more than once per year.

c. **Impervious Area:** The total area of a parcel that consists of buildings and associated constructed facilities or areas that will be covered with a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common impervious areas include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of stormwater. A natural or man-made waterbody is not considered an impervious area, but is treated as an immediate runoff surface in curve number calculations.

3. Here is proposed language for the maintenance section for a and b (Maureen I know we talked about me providing a specific note, but the note will vary depending on the types of infrastructure installed, so this general

note will have to do):

a. Submission requirement: Include a note on the plans and in written submissions which lists stormwater infrastructure that needs to be maintained, describe the inspection frequency, maintenance requirements, and indicate whether the owner or the town will be responsible for the maintenance.

b. Review standards: On plans and in written submissions, include a description of the post-construction maintenance required for any stormwater infrastructure and indicate whether the owner or the town will be responsible for the maintenance.

4. For group c type projects, add the following submission and review requirements:

Submission: For sites where the stormwater infrastructure will remain in private hands: Provide a draft maintenance agreement and include a note on the Plans stating that the site requires (a) a Maintenance Agreement for Stormwater Management Facilities to be executed with the Town and filed with the Cumberland County Registry of Deeds, and (b) after construction is complete, provide annually a certification to the Town that the Stormwater Management Facilities have been inspected and maintained in accordance with the Post Construction Stormwater Management Plan that was approved by the Town. Prior to scheduling the preconstruction meeting, execute the Maintenance Agreement with the Town and file the executed Agreement with the Cumberland County Registry of Deeds. And for subdivisions, add: *Ensure that the site's Homeowner's Association documents include language requiring the Association to maintain the Stormwater Management Facilities and provide the annual certification to the Town once control of these facilities has been transferred from the developer.*

For sites where the stormwater infrastructure will be turned over to the Town for maintenance: Include a note on the plans and in written submissions which lists stormwater infrastructure that needs to be maintained, describe the inspection frequency, maintenance requirements, and indicate whether the owner or the town will be responsible for the maintenance.

Review Standards: On plans and in written submissions, include a description of the post-construction maintenance required for any stormwater infrastructure and indicate who will be responsible for the maintenance, and the conditions under which transfers of maintenance responsibilities will occur.

I hope this helps.

Kristie L. Rabasca, P.E., LEED AP BD + C

12 Farms Edge Road

Cape Elizabeth, Maine 04107

(207) 415-5830

www.integratedenv.com

From: Maureen O'Meara [mailto:maureen.omeara@capeelizabeth.org]

Sent: Tuesday, December 15, 2015 3:48 PM

To: Steve Harding <sharding@sebagotechnics.com>; Kristie Rabasca <krabasca@integratedenv.com>; Robert Malley <Robert.Malley@capeelizabeth.org>