

Permit # _____

Fee _____

TOWN OF FALMOUTH

Codes Enforcement & Building Inspection Office

271 Falmouth Rd
Falmouth, Maine 04105
Phone # 781-5253
email: cjones@falmouthme.org

Phosphorus Control Permit

Date _____ Map and Lot # _____

Applicant _____ Phone # _____

Property Owner _____

Address _____

This permit application must be submitted with a phosphorus control and sedimentation and erosion control plan as per section 19-22-5

Development type:

Phosphorus Control Design Professional:

New House: _____ Name: _____

Addition(sq ft): _____ Address: _____

Phone #: _____

_____ 50' forest/land buffer as per section 19-22-5.

_____ Other phosphorus control as per section 19-22-5.

_____ Phosphorus control plan as part of a subdivision approved by the planning board.

_____ Amended phosphorus control plan date _____ approved _____
Code Officer

_____ Written notice of registration at Cumberland County Registry of Deeds.

PART II CODE OF ORDINANCES

CH. II-19 ZONING AND FLOODPLAIN MANAGEMENT

FOOTNOTE(S):

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Editor's note— The zoning, flood prevention and protection and site plan regulations of the town are not printed in this Code, but are on file in the town clerk's office.

Editor's note— At the city's instruction, Ord. of Sept. 24, 2007, Arts. I—XV, set out provisions intended for inclusion with Ch. II-19. For purposes of clarity, and at the editor's discretion, these provisions have been included as Art. II-19-2.

Cross reference— Boundaries of the town, § 2-2; provisions for notices for nuisances, signs, dangerous, unsafe, dilapidated buildings, and any other action the expense of which may be collected from the property owner, § 2-3; board of appeals, § 2-60 et seq.; parks and community programs advisory committee, § 2-85 et seq.; planning board, § 2-95 et seq.; waterfront and harbor committee, § 2-115 et seq.; division of planning, § 2-246; division of code administration functions, § 2-248; animals, Ch. II-3; buildings and building regulations, Ch. II-4; condominium conversion regulations, § 4-100 et seq.; land subdivision, Ch. II-7; licenses, permits and business regulations, Ch. II-8; marine activities, structures and ways, Ch. II-9; junked and abandoned motor vehicles prohibited on public and private property, § 12-3; solid waste regulations, Ch. II-13; swimming pools, Ch. II-15; traffic and motor vehicles, Ch. II-17; utilities, Ch. II-18; certain discharges into the public sewer system prohibited, § 18-190 et seq.

ART. II-19-1. IN GENERAL

Div. II-19-1-3. ESTABLISHMENT OF DISTRICTS

Sec. 19-22 Highland Lake Conservation Overlay District (HLCOD) [Adopted 11/27/00]

Sec. 19-22.1 Purpose

The District is established in order to protect Highland Lake from the phosphorus contained in stormwater runoff from developed areas.

Effective on: 12/9/2013

Sec. 19-22.2 District Boundaries

The boundaries of the District coincide with the watershed of Highland Lake and are depicted on the official Zoning Map of Falmouth.

Effective on: 12/9/2013

Sec. 19-22.3 Requirements

- a. Any project that requires private way, site plan or subdivision approval by the Planning Board shall prepare a phosphorus control plan according the following requirements:
 1. The project shall not export available phosphorus in stormwater runoff at a rate of more than .020 lbs/acre/year. [Amended 05/13/2019]
 2. The phosphorus control plan shall be prepared in accordance with the manual entitled: Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development, by the Maine Department of Environmental Protection, 1992, or its most recent revision.
 3. The Planning Board shall require the phosphorous control plan to be reviewed by a qualified third party professional in order to determine compliance with the standards of this ordinance. The Planning Board may waive this third party review requirement on projects that are deemed to pose little risk to natural resources due to factors such as the project's size, simplicity, and location. [Adopted 05/13/2019]
- b. The construction of a single family home, the expansion of more than 200 square feet of building footprint on an existing home, or the clearing of trees and moving of soil material for the purpose of building a single family home, requires a phosphorus control permit from the Code Enforcement Officer.
 1. A phosphorus control and sedimentation and erosion control plan that shows how the project shall meet the requirements of this ordinance shall be submitted to the Code Enforcement Officer for approval. The plan shall be prepared by a professional who is qualified for the task as determined by the Code Enforcement Officer. The plan shall show lot boundaries, the limits of the area that will be cleared for development, the direction of stormwater flow, the location of streams, wetlands, and waterbodies, if any, and the location and type of phosphorus control and sedimentation and erosion control measures to be installed and maintained as part of the project.

The plan shall meet the following requirements:

- a. A buffer strip 50 feet wide consisting of natural forestland that meets the requirements of Section 19-22.4 shall be retained along the property boundaries downslope of the developed area of the lot. The buffer strip shall intercept and treat the stormwater runoff from at least 90% of the developed area of the lot, including at least 90% of the area consisting of buildings, driveways, and other impervious surfaces. If lot size, lot shape, existing development on the lot, or topography make a 50 foot buffer impractical, as determined by the Code Enforcement Officer, then a phosphorus control plan shall be prepared and implemented according to Section 19-22.5. If the lot is located in a subdivision with a phosphorus control plan approved by the Planning Board, then a phosphorus control plan shall be submitted that shows what phosphorus control measures, if any, are located on the property and how they shall be maintained.
 - b. Erosion and sedimentation control measures shall be implemented according to the requirements of Section 19-72. [Amended 9/22/03]
2. A written notice that the property is regulated by a phosphorus control permit shall be filed at the Cumberland County Registry of Deeds within ten days of plan approval. A copy of the

notice filed at the Registry shall be submitted to the Code Enforcement Office within this same time period as proof of the filing.

3. A phosphorus control plan may be amended with the approval of the Code Enforcement Officer. The amended plan shall be filed at the Code Enforcement Office.
4. A review fee as established by the Town Council shall accompany applications for phosphorus control permits.[Amended 8-27-07]

Effective on: 5/13/2019

Sec. 19-22.4 Natural Forestland Buffers

A. General Intent

The standards of this section are designed to protect the natural ability of forestland to remove phosphorus from stormwater runoff. For this reason, failure to protect the buffer area according to these standards is a violation of the phosphorus control permit.

B. Measurement of Buffer

Buffers shall consist of upland and run parallel to lot lines. The width of the buffer shall be measured 50 feet horizontally and perpendicular to the lot line. Buffers are not required below portions of the lot that will remain undeveloped. If a wetland lies on the downslope side of the lot in a position where the buffer should be located, the buffer shall be laid out parallel to the upland edge of the wetland rather than the lot boundary.

C. Maintenance Standards

1. Stormwater runoff must enter the buffer as sheet flow. Creating drainage channels through the buffer strip is not permitted.
2. No soil, rock, construction debris, vehicle bodies or parts, pollutants, trash, fill material, or debris may be placed, stored, or dumped in the buffer strip.
3. No trucks, cars, dirt bikes, ATVs, bulldozers, backhoes, or other motorized vehicles may be permitted within the buffer strip.
4. Any level spreader directing flow to the buffer strip must be regularly inspected and adequately maintained to preserve the function of the level spreader.
5. Removal of trees and other vegetation is permitted only if an evenly distributed stand of trees and other vegetation is maintained. The buffer must score a minimum of 12 points in any 25 foot by 25 foot section (625 square feet) as determined by the following rating system:

Diameter of Tree at 4 ½ Feet above Ground Level in Inches	Points
2-4	1
4-12	2
> 12	4

6. Where existing trees and other vegetation result in a rating score less than 12 points, no trees may be cut or sprayed with biocides except for the normal maintenance of dead, windblown, or damaged trees and for pruning of tree branches below a height of 12 feet provided that two thirds of the tree's canopy is maintained.
7. Structures are not permitted within the buffer area, except that signs, fence posts or utility poles that are already located within the area selected as a buffer may remain if the Code Enforcement Officer determines that these structures do not impair the functional value of the buffer for filtering stormwater runoff.

8. No undergrowth, ground cover vegetation, leaf litter, organic duff layer, or mineral soil may be disturbed or removed from the buffer strip.

Effective on: 12/9/2013

Sec. 19-22.5 Phosphorous Control According to Table 1

a. Purpose of the Table

Table 1 provides flexibility for preparing phosphorus control plans on lots where a 50-foot natural forestland buffer is impractical due to site constraints.

b. Scoring the Plan

The plan must score at least 15 points. The points must be earned using one filtering method and three or more treatment areas. The points are added from the filtering method and the treatment areas to achieve the total score. More than one filtering method may be used on the plan in order to treat runoff from the developed area on the lot. However, only the filtering method with the lowest point value can be included in the calculation for phosphorus control. Credit for areas to be treated only includes the developed portions of the property, as shown in the Table. The Other Options section is to be used only if the project cannot score the minimum number of points based solely on the treatment of stormwater runoff. Credit for phosphorus control is only permitted if the stormwater runoff enters buffer strips as sheet flow. Channeling of stormwater flow through buffer strips is not permitted.

Table 1 – Phosphorus Control Options		
BMP	Point Value/BMP	Points
Filtering Method		
A. Natural forestland buffer with intact duff layer and canopy. The buffer must meet the measurement and maintenance requirements of Section 19-22.4.	45' wide = 9 40' wide = 8 35' wide = 7 30' wide = 6 25' wide = 5	
B. Non-wooded buffer consisting of old fields, orchards, and cutover lands where grass and herbs at least 6 inches high are left to grow at ground level.	100' wide = 3 75' wide = 2 50' wide = 1	
C. Landscape buffer consisting of closely spaced trees and shrubs in a prepared planting bed. The topsoil must contain at least 6 inches of sandy loam, unless excavating the plant bed would disturb the roots of existing trees and shrubs within the buffer area. At least two inches of organic mulch such as decomposed bark or wood chips must be maintained on the soil surface. A level spreader may be needed in sloping areas in order to intercept and distribute the runoff into the buffer as sheet flow.	20' wide = 7 15' wide = 5 10' wide = 3	
D. Structural filter bed or phosphorus control pond.	3	
Treatment Areas		
E. Lawn runoff, including tennis courts, basketball courts, and related impervious surfaces used mainly by pedestrians.	90-100% of area = 3 75-89% of area = 2 60-74% of area = 1	
F. Roof runoff, including other impervious surfaces associated with buildings, such as decks, porches,	90-100% of area = 2 75-89% of area = 1	

walkways, and patios.		
G. Driveway runoff, including other impervious surfaces associated with parking, maintenance, and storage of motor vehicles, boats, RVs, and trailers.	90-100% of area = 3 75-89% of area = 2 60-74% of area = 1	
H. Road runoff from public and private ways, exclusive of the areas described in No. 7. Credit may not be obtained for public and private ways that are already managed for phosphorus control under the terms of a private way, subdivision, or site plan permit.	1 pt / 1,000 s.f. of road surface up to a max. of 4 pts.	
Other Options (Extra credit only)		
I. Driveway, parking, and other vehicular access areas are paved, covered with crushed stone, grass pavers, dry laid pavers, or other permanent and nonerodible surfaces. Gravel and stonedust are not considered permanent, nonerodible surfaces.	100% of area = 2 90-99% of area = 1	
J. An unstable and eroding shoreline along the lake or natural stream channel is stabilized. Credit is only allowed if the erosion is the result of factors beyond the control of the property owner.	1 pt. / 50 ft. of shoreline up to a max. of 3 points	
Total Score		

Effective on: 12/9/2013