



**TOWN OF FALMOUTH
ORDINANCE NO 114-2019**

**An Ordinance Amending the Code of Ordinances
Regarding Water Quality in Highland Lake**

Be it ordained by the Town Council of the Town of Falmouth, Maine in Town Council assembled, that the Falmouth Code of Ordinances be amended to read as follows:

CH. II-19 ZONING AND FLOODPLAIN MANAGEMENT

Sec. 19-22 Highland Lake Conservation Overlay District (HLCOD)

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.
 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.

Sec. 19-60 Private Ways

(Add new subsection 19-60.I as follows)

- I. The Planning Board may contract with outside consultant and professional services to inspect premises and/or to review plans and application materials for the purpose of implementing this ordinance. These professional services are to provide advice to the Planning Board. The Board

cannot be bound by any opinions rendered by such service providers. Escrow fees as established by the Town Council shall be submitted and deposited in an escrow account established by the Town, which monies may be used by the Board to pay for professional reviews and advice related to the developer's application as it deems necessary. The Board shall provide the applicant with notice of its intent to spend any portion of this account, which notice shall specify the purpose for the proposed expenditures. If the Board expends the review escrow account prior to completing its review, the applicant shall replenish the review escrow to the original amount. Those monies deposited by the developer and not spent by the Planning Board in the course of its review shall be returned to the developer within 30 days after a final decision has been rendered on the application.

Sec. 19-72A Post-Construction Stormwater Management

Sec. 19-72A.2 Applicability

A Post Construction Stormwater Management Plan is required for:

- a. any site development or redevelopment activity involving one acre (43,560 square feet) or more of disturbed land area that discharges to the Town's Municipal Separated Storm Sewer System (MS4) including but not limited to impervious surface, paving, clearing, filling or alteration of vegetative cover, etc.
- b. any project that includes stormwater management facilities requiring private way, site plan, or subdivision approval within the Highland Lake Conservation Overlay District.

Ch. II-7 LAND SUBDIVISION Appendix 7-7 Stormwater Management

B. Stormwater Management Plan Required

All Subdivision Applications shall contain a surface drainage plan with profiles and cross sections drawn by a registered professional engineer. This plan shall show ditches, culverts, easements, and other proposed improvements, with the statement in writing attached to the drainage plan indicating that the proposed subdivision will not create erosion, drainage, or runoff problems either in the subdivision or in adjacent properties, and file with the Planning Board properly executed easements as required by the Public Works Director. The plan shall also contain a soil erosion and sediment control plan meeting the requirements of Section 19-72 of the Zoning and Site Plan Review Ordinance. The plan shall also include a postconstruction monitoring plan pursuant to Section 19-72A of the Zoning and Site Plan Review Ordinance.

Applications submitted pursuant to this ordinance for projects which will expose more than 60,000 square feet of soil at one time or which will produce more than 10,000 square feet of additional impervious surface must submit a stormwater management plan to the Planning Board for its review and approval, unless the development's storm sewer or ditch network discharges directly into the Presumpscot River or the Atlantic Ocean. Stormwater management plans shall conform to the requirements for a surface drainage plan and shall also meet the requirements of Section 3 of this Appendix.

The Planning Board shall require that a qualified third-party professional review the erosion and sediment control plans and stormwater management plans required by this Appendix 7-7 in order to determine compliance with the standards of this ordinance. The Planning Board may waive this 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.

Attest: _____

Ellen Planer

Town Clerk

May 13, 2019