

TOWN OF WINDHAM

DEVELOPMENT REVIEW PROCESS

Guide for Stormwater Management

In accordance with the Maine Pollutant Discharge Elimination System (MEPDES) Program's
2013 Municipal Separate Storm Sewer System (MS4) Permit



*Prepared in collaboration with:
Cumberland County Soil & Water Conservation District
35 Main St.
Windham, Maine*

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INTRODUCTION

This guide is intended to capture the review requirements of the Municipal Separate Storm Sewer System (MS4) program for Minimum Control Measures (MCMs) 4 & 5: Construction Site Stormwater Runoff Control & Post-Construction Stormwater Management. This is intended to assist in development review only and to demonstrate compliance with MCMs 4 & 5 of the 2013 MS4 Permit. This guide is not intended to serve as a comprehensive review guide.

Urbanized Area

For the purposes of this guide, Urbanized Area is defined as any area so identified through the Maine Pollutant Discharge Elimination System (MEPDES) Program's Municipal Separate Storm Sewer System (MS4) Permit, based on US Census data, and as depicted in Figure 1 below.

Additional review, inspection, and reporting requirements apply to both private and public projects constructed in the Town of Windham within the Urbanized Area.

According to Part II. AA of the 2013 MS4 Permit, Urbanized Area is defined as follows:

“Urbanized Area” or “UA” means the area of the State of Maine so defined by the inclusive sum of the 2000 decennial census and the last decennial census (2010) by the U.S. Bureau of the Census.

In accordance with the MS4 Permit requirements, the Town of Windham has developed a 5-year Stormwater Management Plan (2013-2018) to reduce, and in some instances eliminate potential pollution, from Urbanized Area throughout the Town.

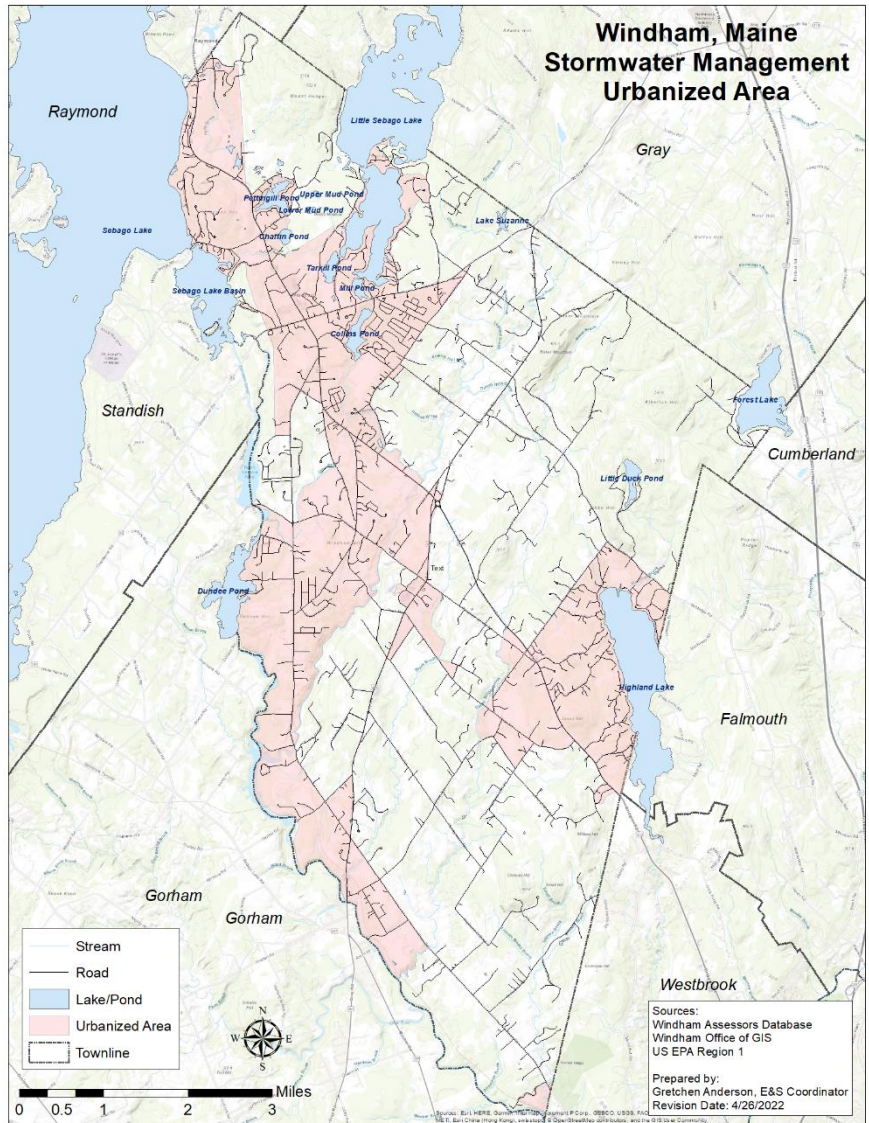


Figure 1 - Windham's Urbanized Area (as of April 2022)

Pleasant River Watershed

The Pleasant River Watershed (shown below) is designated as the Town’s priority watershed. Additional review, inspection, and reporting requirements apply to projects constructed within this area.

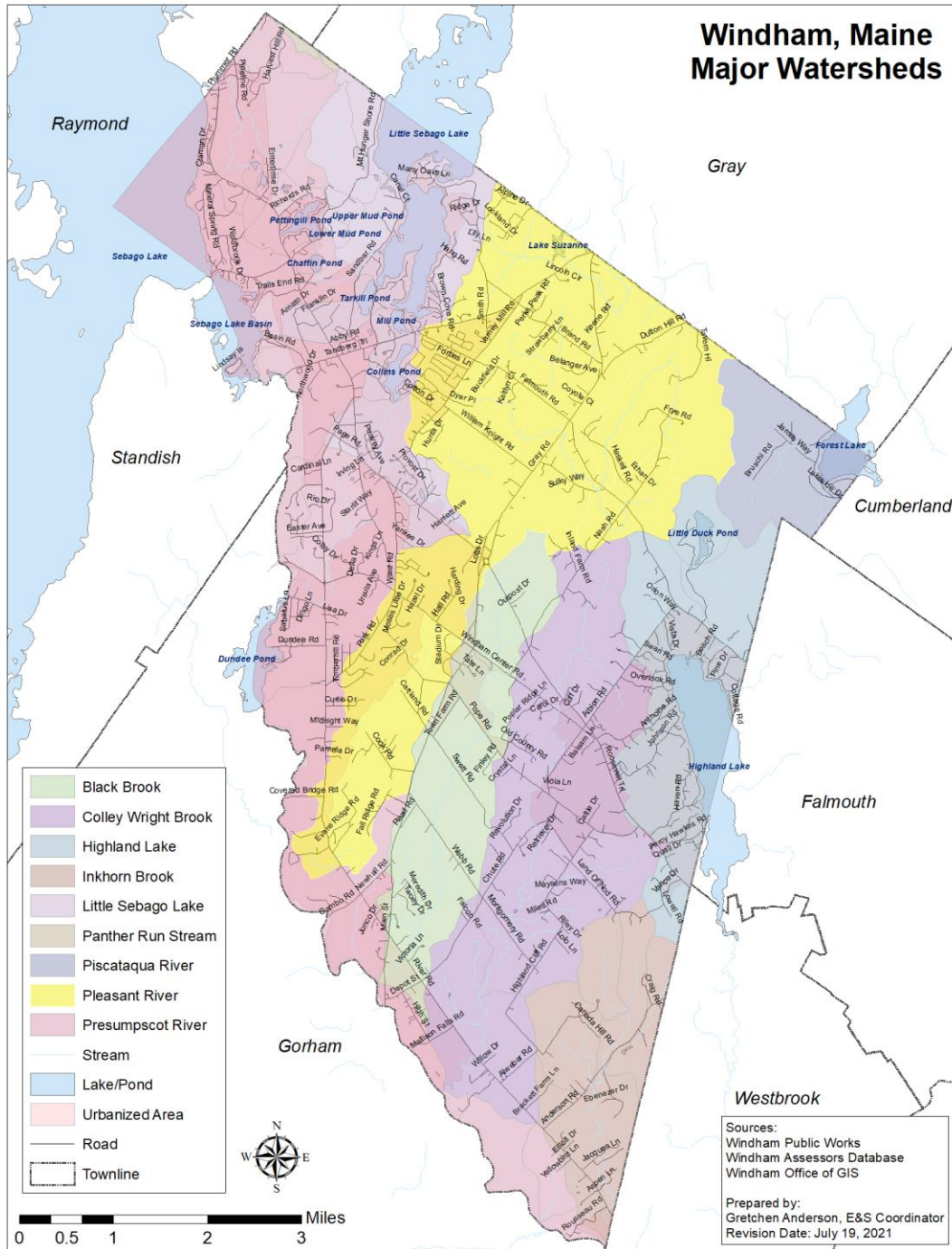


Figure 2 - Windham’s Priority Watershed (as of July 2013) is the Pleasant River Watershed

URBANIZED AREA / PLEASANT RIVER WATERSHED PROJECTS

Step 1: Development Review Team Meeting

A Development Review Team Meeting is highly recommended for all applicants that meet the triggers listed below and is intended to facilitate discussion and answer questions regarding application procedures to be followed by all parties (landowners, developer, contractors, etc.) and to give early notice to applicants of the requirements related to stormwater management and erosion control in the Town of Windham.

Attendees

Town Departments: Planning, Code Enforcement, Public Works, Fire, Police

Development Team: Applicant, representation (Engineer, Architect, Landscape Architect, etc.)

Provide applicant with appropriate application:

- **Site Plan**

**See application example*

- Trigger #1 = Residential multi-family; 2000 ft² or more of floor space; or 25,000 ft² of development; commercial; industrial; public and semi-public buildings.

- **Subdivision Plan**

**See application example*

- Trigger #2 = any development of three or more lots or residential units within a five-year period.

Notify applicant what permits are needed:

**See Step 5 for ordinance applicability*

- Building and Erosion Control Permits – Town of Windham Code Department
- Maine Construction General Permit (over 1 acre of disturbance) – Maine DEP
- Chapter 500 (over 1 acre of disturbance, modification of existing permit) – Maine DEP
- Permit By Rule (within 75' of a water body) – Maine DEP

Provide developer/owner/applicant with LID information

- <https://www.windhammaine.us/582/Stormwater-Runoff-Control---Construction>

Notify applicant of erosion control requirements

Inspections in accordance with MCGP and Ch. 500 conducted by Town Engineer, Gorrill Palmer

- Verifies erosion controls installed and in good condition
- Documents no erosion issues on site

- At least 3x for projects within Pleasant River watershed in the Urbanized Area.
- At least 2x for projects outside of Pleasant River watershed in the Urbanized Area.

Notify contractor of project requirements

- The contractor shall install all erosion and sedimentation controls as depicted on the approved erosion and sedimentation control plan prior to the pre-construction meeting for inspection by the Town.
- The contractor shall regularly inspect the control measures, no less than weekly and after significant storm events (1.5" or greater) and maintain any installed temporary or permanent stormwater management systems in working order.
- The contractor shall document all inspection activities and corrective actions and be prepared to provide these documents for inspection by the Town or regulating authority.
- The contractor shall maintain all tree and landscaping preservation measures as depicted on the landscaping plan within the area of construction.
- The contractor shall abide by any construction activity-phasing requirements established in the approved erosion and sedimentation control plan.

Notify applicant of post-construction requirements

Annual Reporting and Long-Term Maintenance

- Stormwater Management Facilities Inspection & Certification – submitted to Town annually

Step 2: Application Submittal

Applications are reviewed at time of submittal for completeness, including submission of Erosion & Sedimentation Control Plans.

Engineering Review

The Town Engineer is the primary provider of the engineering and inspection services for the Town.

External Engineering Review

Gorrill Palmer will provide supplemental engineering and inspection services for the Town based on project load. They will be notified of projects meeting or exceeding the TRIGGERS specified above at the time of application submittal if needed.

Step 2A: Staff Review / Planning Board Review

Applications are carefully reviewed for compliance with Town, State, and Federal standards, including:

- Effectiveness of proposed Erosion & Sedimentation Control Plans

- Appropriate stormwater management controls and long-term operation and maintenance of stormwater infrastructure
- Proposed Low Impact Development

Step 2B: Conditions of Approval

Each permit/approval issued by Windham Planning includes standard conditions regarding:

**See typical conditions of approval*

- Erosion Controls
- Required inspections
- Inspection Escrow required for Site Plan and Subdivisions = 3% of performance guarantee
- Occupancy requirements/conditions
- Maintenance of stormwater BMPs and annual inspection requirements for projects located in the Town's Urbanized Area
- Annual reporting requirements for stormwater management facilities

Step 3: Pre-Construction Meeting

The Pre-Construction Meeting is required of all approved projects and helps to ensure proper stormwater management and erosion control during construction. Applicants are informed of inspection requirements at this time and notified of enforcement procedures for non-compliance.

Attendees:

Town Departments: Planning, Code Enforcement, Public Works

Development Team: Applicant, General Contractor, Earth Contractor (required), Engineer

Notify applicant of inspection requirements

Development Team will be provided with inspection process flow chart outlining how erosion and sediment control deficiencies will be remediated to achieve compliance. Level 1 & 2 maintenance issue definitions will be reviewed with the Development Team.

Self-inspection by contractor/developer of erosion controls to satisfy permit requirements

- Maine Construction General Permit – DEP

Inspections by Town Engineer/Gorrill Palmer in accordance with MCGP, Ch. 500

- At least 3x within Pleasant River watershed in the Urbanized Area.
- At least 2x outside of Pleasant River watershed in the Urbanized Area.

Step 3A: Construction Inspections / Enforcement

All Construction

Contractor (or sub) conducts inspections of construction site on a weekly basis and immediately following a significant rain event (1.5" or greater) to ensure that erosion controls are in good condition and functioning as planned.

Administrative Review Inspections

- Performed by Town of Windham Staff (Town Engineer or Environmental & Sustainability Coordinator).
- Erosion issues addressed directly with site contractor at time of inspection.
- Any issues not corrected by the given timeline in the inspection report are addressed by the Code Enforcement Department with an official letter, notice of violation, and/or stop work order.
- Performance bond can be retained, entirely or in part, for any continued issue.

External Site Plan Review, Subdivision, and Roadway Inspections

- Performed by Gorrill Palmer
- Erosion issues addressed directly with site contractor at time of inspection
- Any issues not corrected by the given timeline in the inspection report are addressed by the Code Enforcement Department with an official letter, notice of violation, and/or stop work order.
- Performance bonds can be retained, entirely or in part, for any continued issues.

The Town will adhere to the erosion & sediment control inspection process as shown in figure 3. Level 1 & 2 maintenance issues are defined as the following:

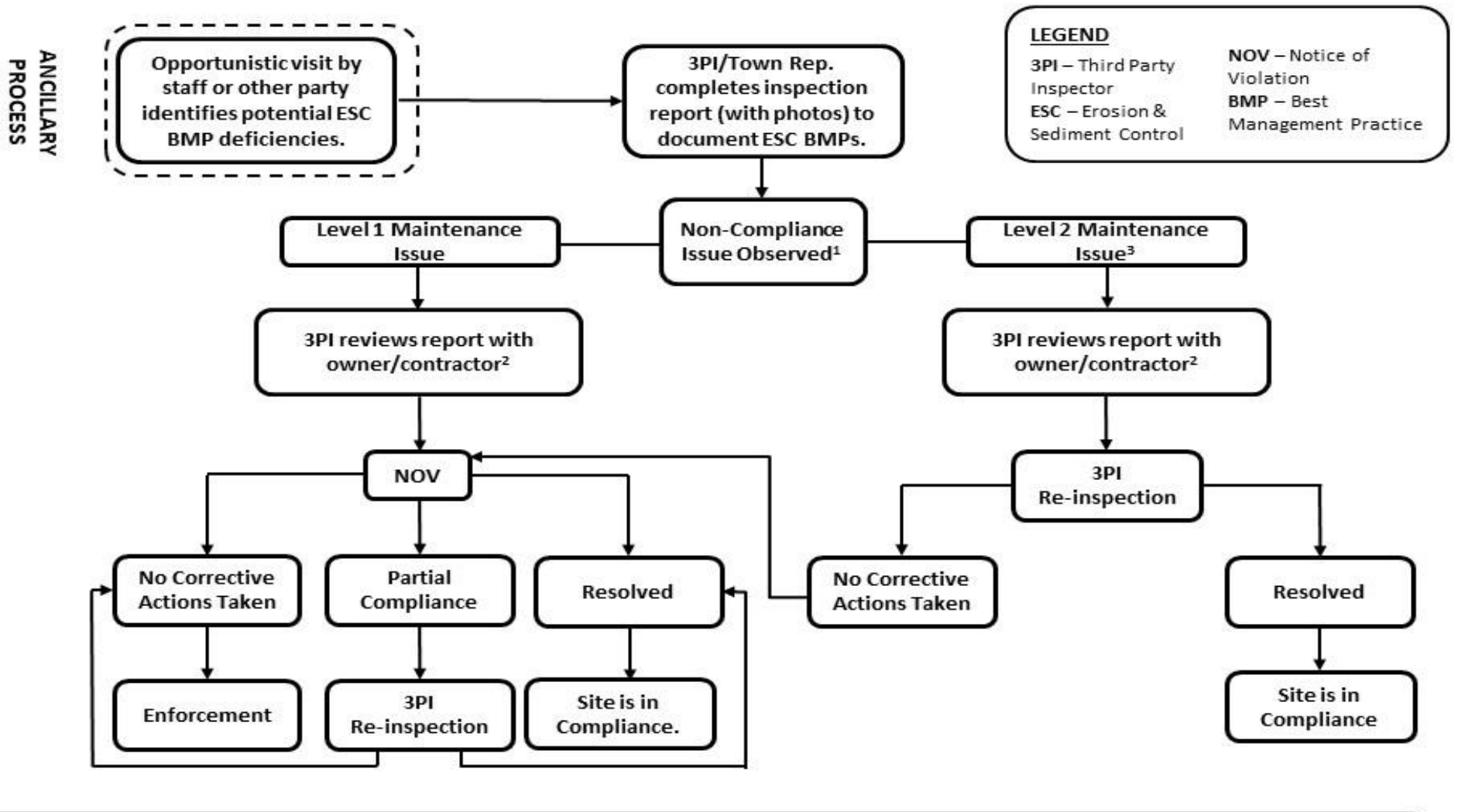
Level 1 Maintenance Issue:

- Erosion & Sediment controls are not installed according to approved plan set and a significant amount of sediment is leaving the project site, entering Town infrastructure, or protected natural resource.
- Repeated level 2 maintenance issues that are not addressed or maintained as identified in inspection reports.
- Egregious level 2 maintenance issues.

Level 2 Maintenance Issue:

- Erosion & Sediment controls not maintained according to Maine DEP's "[Maine Erosion and Sediment Control Practices Field Guide for Contractors](#)" and approved plan set.

Windham Erosion & Sediment Control Inspection Process for Construction Projects that Disturb ≥ 1 Acre



- NOTES**
1. Contact DEP & issue Stop Work Order immediately if significant amount of sediment discharging directly to MS4 or protected water resource.
 2. All ESC inspection reports, and related documentation will be sent by 3PI/Town Inspector to the Planning Department, Code Enforcement Department, and the Public Works Department. The reports will be reviewed after receipt to ensure MS4 permit compliance. All documentation will be filed in the MS4 project folder of the Planning Department.
 3. If same maintenance issue is observed to be a repetitive problem as determined by site inspection records, Level 2 Issue could move to NOV & Enforcement.

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Figure 3 - Windham ESC Inspection Process

Step 4: Construction Completion

Annual Reporting and Long-Term Maintenance Notification

- Owner / Developer is notified of annual inspection requirements.
- Homeowner's association is notified of annual inspection requirements and long-term maintenance requirements.

Step 5: Post-Construction

The Town of Windham requires annual inspections and regular maintenance of all installed permanent stormwater BMPs, to ensure proper long-term maintenance and function.

Non-Stormwater Discharge Ordinance

The Town of Windham has a Non-Stormwater Discharge Ordinance ([Chapter 143 of the Code of the Town of Windham](#)) which prohibits the discharge of anything, other than stormwater, to the municipal storm drain system. Any person who violates this ordinance shall be subject to fines, penalties, and orders for injunctive relief.

Post-Construction Stormwater Ordinance

The Town of Windham also has a Post-Construction Ordinance ([Chapter 144 of the Code of the Town of Windham](#)) that requires permanent stormwater BMPs to be inspected on an annual basis. Documentation of the annual inspections and certifications must be submitted to the Town each year, along with an assessment that BMPs are functioning as intended and corrective actions for maintenance.

Surface Water Protection Ordinance

The Town of Windham also has a Surface Water Protection Ordinance ([Chapter 142 of the Code of the Town of Windham](#)) that requires an erosion control permit as well as a written erosion and sedimentation control plan for activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions. Exempt from these requirements are the following pertinent activities:

- Activities in the shoreland zone which are governed by the shoreland zone ordinance.
- Permit applications in subdivisions, which have a Planning Board approved soil erosion and sediment control plan.
- Two hundred (200) square feet or less of impervious area (footprint).

Annual Inspections

* See [reminder letter/associated forms](#) example

- Reminder letter & associated forms sent out to responsible person(s) annually in February/March by the Environmental & Sustainability Coordinator.
- Annual inspections of stormwater management facilities due to the Planning Department from property owner / homeowner's association by May 1.