

**Proposed LUO Amendments to Align with DEP Regulations**  
**Date March 20, 2025**

Amendment #	Current	Proposed Changes	Comments
1	§ 120-104. Conflict with other provisions.		
	Whenever a provision of this chapter conflicts with or is inconsistent with another provision of this chapter or of any other ordinance, regulation or statute, the more restrictive provision shall control	Whenever a provision of this chapter conflicts with or is inconsistent with another provision of this chapter or of any other <u>Town</u> ordinances, <u>State or Federal</u> regulations or statutes, the more restrictive provision shall control.	120-104 Good catch all statement, but could be interpreted as municipal statutes not State, based on definition of legislative body below. Rb The legislative body is the Town Council. We could include State and Federal references.
2	§120-301 Definitions		
	IMPERVIOUS AREA — The ratio of the horizontal area of all impervious surfaces on a lot to the total lot area	IMPERVIOUS AREA — <u>Means the total area of a parcel covered with a low-permeability material that is highly resistant to infiltration by water, such as asphalt, concrete, or rooftop, 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. Pervious pavement, pervious pavers, pervious concrete and underdrained artificial turf fields are all considered impervious.</u>	Impervious Area Def.Different then Ch 500. rb Revision matches Ch. 500 defined term. This is a reference to Ch. 500, so should be revised to have an internal reference.
	LANDSCAPED GREEN AREA — An area of land which is landscaped with a ground cover of bark mulch, grass or other natural green plant material and which is then covered with trees or shrubs for all or part of its area. For the purposes of this chapter, the definition of a landscaped green area does not include materials such as concrete, asphalt, or hardscapes that have been painted green.	LANDSCAPED GREEN AREA — <u>Means an area of land that has been disturbed and re-planted or covered with one or more of the following: grass or other herbaceous plants, shrubs, trees, or mulch; but not including area that has reverted to a natural, vegetated condition. An area of grass is considered landscaped if it is mowed more than twice per twelve-month period.</u>	Landscape Green Area Different then Ch 500. rb Revision matches Ch. 500 defined term, however, it does not appear that this term is used elsewhere in Ch. 120.

LOW IMPACT DEVELOPMENT (LID) — a process of developing land that mimic the natural hydrologic regime. LID begins at the design phase of a new development, incorporating planning techniques that minimize site clearing and impervious surfaces to reduce impact and stormwater runoff generated from the site. By reducing the volume of water leaving a site, the pollutant loading is also reduced. Other techniques that will reduce the volume and peak flow rates of runoff from the development are then incorporated throughout the site. LID is an effective tool that reduces pollutant loading, thermal impacts, stream flows, and minimizes stream channel erosion. More information is available Chapter 10- Low Impact Development Practices.

Additional definition requested by the Planning Board at the Public hearing date April 14, 2025.

PARCEL —

- A. A piece or area of land formally described and recorded with map, block and lot numbers, by metes and bounds, by ownership, or in such a manner as to specifically identify the dimensions and/or boundaries.
- B. Informally, as land in general. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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- A. A piece or area of land formally described and recorded with map, block and lot numbers, by metes and bounds, by ownership, or in such a manner as to specifically identify the dimensions and/or boundaries.
- B. Informally, as land in general. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)].
- C. Parcel shall be defined the same as "parcel of land" according to DEP regulations adopted pursuant to the Site Law.

Add to our definitions do not have this reference Definition is in 06-096 CMR Ch. 371, § 1(L).

PERSON — Includes an individual, firm, association, organization, partnership, trust, company or corporation.

PERSON — Means any individual, person, firm, association, partnership, trust, corporation, municipal or other local governmental entity, quasi-municipal entity, state agency, federal agency, educational or charitable organization or institution or other legal entity. Person shall also be defined according to rules adopted pursuant to the Site Law.

Person definition different in CH 500 and SLODA. RB I added the statutory definition from 38 M.R.S. § 482(4). I don't think it's necessary to reprint the definition from Ch. 371.

Missing a definition for Site aw.

SITE LAW — Means the Site Location of Development Law, 38 M.R.S. §§ 481-490, as may be amended from time to time.

Added by the Attorney

STORMWATER MANAGEMENT LAW — means the Storm Water Management Law, 38 M.R.S. § 420-D, as may be amended from time to time.

Added by the Attorney

3	§120-802(A)(9)	The cumulative development of an area equal to, or greater than, one acre within any three-year period. The applicability of this subsection does not include the construction of streets that are reviewed as part of a subdivision application under the standards of Article 9 of this chapter.	The cumulative development of an area equal to, or greater than, one acre within any <del>five</del> three-year period . The applicability of this subsection does not include the construction of streets that are reviewed as part of a subdivision application under the standards of Article 9 of this chapter.	120-802(A)(9) The three year period could conflict with Ch 500. rb Ch. 500 does not have any temporal limit. I would recommend removing as this could be abused. Check with Ryan Barnes, should be within a five-year period?
4	§120-805(A)(1)(c)			

The establishment of a new nonresidential use, even if no buildings or structures are proposed, that involves the development of more than 25,000 square feet but less than one acre of land.

The establishment of a new nonresidential use, even if no buildings or structures are proposed, that involves the development of more than 25,000 square feet but less than one acre of land.

120-805(A)(1)(c) This could conflict with Ch 500 if there is a cumulative effect. Rb  
I don't understand how these provisions relate to the determination of a minor development.

(1) In making its determination to allow a waiver from the flooding standard due to insignificant increases in peak flow rates, the TownBoard shall consider cumulative impacts. If additional information is required to make a determination concerning increased flow.

(2) The Town may consider cumulative impacts due to runoff from other projects when applying this standard to any wetland.

(3) Discretionary authority. Notwithstanding compliance with the PBR requirements and standards set forth in this Section, the Town may require that an individual stormwater permit be obtained in any case where the Department determines that the activity:

[a] May violate the standards of the Stormwater Management Law or this Chapter;

[b] Could lead to significant environmental impacts, including cumulative impacts; or

[c] Could have an unreasonable adverse impact on a protected natural resource.

5

§120-807F(1)

As part of the final site plan submission, the applicant shall state whether the following approvals are required and shall provide a copy of any such approval that the applicant has received. If the applicant has not received a required approval, it shall include the status of the pending approval and evidence of receipt of the required approval shall be included as a condition of Town approval. If the Board is unsure whether a permit or license from a federal, state or local agency is necessary, the applicant may be required to obtain a written opinion from the appropriate agency as to the applicability of their regulations. **[Amended 6-16-2022 by Order No. 22-108; 10-24-2023 by Order No. 23-193]**

As part of the final site plan submission, the applicant shall state whether the following approvals are required and shall provide a copy of any such approval that the applicant has received, unless the Board will be performing delegated review authority for the applicable permits (i.e., Site Law or Stormwater Law). If the applicant has not received a required approval, it shall include the status of the pending approval and evidence of receipt of the required approval shall be included as a condition of Town approval. If the Board is unsure whether a permit or license from a federal, state or local agency is necessary, the applicant may be required to obtain a written opinion from the appropriate agency as to the applicability of their regulations. [Amended 6-16-2022 by Order No. 22-108; 10-24-2023 by Order No. 23-193]

120-807F(1) will need to be revised. rb

(a) Maine Department of Environmental Protection, under the Site Location of Development Act.<sup>37</sup>

(a) Site Law permit~~Maine Department of Environmental Protection, under the Site Location of Development Act.~~<sup>37</sup>

(b) Maine Department of Environmental Protection, under the Natural Resources Protection Act<sup>38</sup> or Stormwater Law 06-096 CMR Ch. 500, Stormwater Management, or if an MEPDES wastewater discharge license is needed.

(b) Maine Department of Environmental Protection, under the Natural Resources Protection Act<sup>38</sup> or Stormwater Law ~~06-096-CMR Ch. 500, Stormwater Management~~, or if an MEPDES wastewater discharge license is needed.

(c) Maine Department of Transportation, for a traffic movement permit and/or highway entrance/driveway access management permit outside of the Urban Compact.

(d) Town of Windham Public Works Department for a curb cut permit inside the Urban Compact (see § 120-522, Curb cuts and driveway openings, in Article 5, Performance Standards).

(e) The Portland Water District if existing or proposed public water or sewer service is to be used.

(f) Maine Department of Health and Human Services if a central water supply system is to be used.

(g) A Maine licensed professional civil engineer if individual wells serving each building site are to be used. The Board may also require the applicant to submit the results of water quality tests as performed for, or by, the State of Maine Department of Health and Human Services. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

(h) Maine Department of Health and Human Services if an engineered sewage collection and treatment system is to be utilized.

(i) The Plumbing Inspector if individual septic tanks are to be installed by the builder.

(j) United States Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.<sup>39</sup>

Consulting, review and construction observation fees. Notwithstanding any other provision(s) of this chapter, Articles 1 through 12 (the "code"), to the contrary, and in addition to such fees as are otherwise specified by the code, the Town shall assess fees to cover 100% of its costs related to independent geotechnical, hydrologic, engineering, planning, legal, and similar professional consulting services incurred in the review and post-approval inspections of site plan applications. Such fees shall be subject to the following limitations:

Consulting, review and construction observation fees. Notwithstanding any other provision(s) of this chapter, Articles 1 through 12 (the "code"), to the contrary, and in addition to such fees as are otherwise specified by the code, the Town shall assess fees to cover 100% of its costs related to independent geotechnical, hydrologic, engineering, planning, legal, and similar professional consulting services, ~~including Maine Department of Environmental Protection, under the Site Location of Development Act, and Maine Department of Environmental Protection, under the Natural Resources Protection Act<sup>38</sup> or Stormwater Law 06-096 CMR Ch. 500, Stormwater Management, or if an MEPDES wastewater discharge license,~~ incurred in the review and post-approval inspections of site plan applications, ~~including any review required associated with the Town's delegated authority under the Site Law, Stormwater Law, Maine Department of Environmental Protection, under the Site Location of Development Act, and Maine Department of Environmental Protection, under the Natural Resources Protection Act<sup>38</sup> or Stormwater Law 06-096 CMR Ch. 500, Stormwater Management, or if an MEPDES wastewater discharge license,~~. Such fees shall be subject to the following limitations :

120-810C Should this reference Ch 500 and SLODA Review. rb

[4] At a minimum, engineering calculations used to determine drainage requirements based upon the twenty-five-year, twenty-four-hour storm frequency.

[5] Methods of minimizing erosion and controlling sedimentation during and after construction.

[4] At a minimum, engineering calculations used to determine drainage requirements for basins and ponds designed to control flows so as to meet the flooding standard must have with principal spillways capable of controlling runoff from 24-hour storms of the 2-year, 10-year, and 25-year frequencies. determine drainage requirements based upon the twenty-five-year, twenty-four-hour storm frequency.

[5] ~~Methods of minimizing erosion and controlling sedimentation during and after construction. Erosion and sedimentation control plan. In addition to a site plan, a~~An erosion and sedimentation control plan must be included that contains, at a minimum, permanent stabilization measures to be taken (e.g., paving or planting vegetation), installation details of the erosion control measures proposed, seeding and mulching rates, and a construction schedule with the proposed construction dates and timeframe for major earth moving and construction events. This plan and its details may be included on the site plan instead of being a separate submission, and must be fully compliant with the Stormwater Law.

120-811B(2)(b)Potential conflict with Ch 500. rb

8

§120-812C(1)(d)

In parking lots utilizing a parking angle of 90°, 30% of the spaces shall be created with a stall width of 10 feet zero inches and a stall depth of 20 feet zero inches. Remaining spaces shall be created with a stall width of at least nine feet zero inches and a stall depth of at least 18 feet zero inches.

In parking lots utilizing a parking angle of ~~90°, 30% of the spaces shall be created with a stall width of 10 feet zero inches and a stall depth of 20 feet zero inches. Remaining~~ spaces shall be created with a stall width of at least nine feet zero inches and a stall depth of at least 18 feet zero inches .

120-812C(1)(d) This may conflict with the revisions to Ch 500. rb

I don't see where in Ch. 500 parking stall size is regulated.

That makes sense — aligning with the revised Ch. 500 and incorporating Low Impact Development (LID) standards will help manage stormwater runoff and reduce impervious surfaces. Limiting parking spaces to 9' x 18' strikes a balance between accommodating vehicles and minimizing environmental impact.

9

§120-812E(1)(a)

<p>Stormwater management systems for minor and major site plans shall detain, retain, or result in the infiltration of stormwater from the twenty-four-hour storms of the two-year, ten-year, and twenty-five-year frequencies such that the peak flows of stormwater from the project site do not exceed the peak flows of stormwater prior to undertaking the project. The Planning Board may waive the flooding standard in accordance with the following criteria</p>	<p>Stormwater management systems for minor and major site plans shall detain, retain, or result in the infiltration of stormwater from the twenty-four-hour storms of the two-year, ten-year, and twenty-five-year frequencies such that the peak flows of stormwater from the project site do not exceed the peak flows of stormwater prior to undertaking the project. <u>The project Stormwater systems shall be reviewed in for compliance with all applicable the stormwater standards included in the Maine Department of Environmental Protection Chapter 500, including basic, general, phosphorus, flooding, and other standards.</u> The Planning Board may waive the flooding standard in accordance with the following criteria :</p>	<p>120-812E(1)(a) This address the Flood Standard but not Treatment or Phosphorous Stds. Rb</p>
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10	§120-812E(1)(f)
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<p>Major site plans, regardless of size, shall submit a stormwater management plan that complies with Section 4C(2) and Section 4C(3) of the General Standards of the DEP Chapter 500, Stormwater Management, as amended .<sup>45</sup></p>	<p>120-812E(1)(f) - This addresses treatment for major development. RB; No change is necessary</p>
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11	§120-812F(2)
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<p>An erosion control plan shall show the use of erosion and sediment control best management practices (BMPs) at the construction site consistent with the minimum standards outlined in the Maine DEP Stormwater Rule Chapter 500 Appendix A – Erosion and Sediment Control, Appendix B – Inspections and Maintenance, Appendix C – Housekeeping. Erosion and Sedimentation Control. BMPs shall be designed, installed and maintained in accordance with the standards contained in the latest revisions of the following Maine DEP Documents:</p>	<p>An erosion <u>and sedimentation</u> control plan shall show the use of erosion <u>and sediment</u> control best management practices (BMPs) at the construction site consistent with the minimum standards outlined in the Maine DEP Stormwater Rule Chapter 500 Appendix A – Erosion and Sediment Control, Appendix B – Inspections and Maintenance, Appendix C – Housekeeping. Erosion and Sedimentation Control. BMPs shall be designed, installed and maintained in accordance with the standards contained in the latest revisions of the following Maine DEP Documents:</p>	<p>120-812F(2) addressed Basic Standard</p>
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| <p>(a) Maine DEP Erosion and Sediment Control Best Management Practices (BMPs) Manual for Designers and Engineers.</p>  | <p>(a) Maine DEP Erosion and Sediment Control Best Management Practices (BMPs) Manual for Designers and Engineers.</p>  |
| <p>(b) Maine Erosion and Sediment Control Practices Field Guide for Contractors.</p>  | <p>(b) Maine Erosion and Sediment Control Practices Field Guide for Contractors.</p>  |
| <p>(c) Applicants are required to utilize contractors who are certified in erosion control through the Maine Department of Environmental Protection's Voluntary Contractor Certification Program.</p> | <p>(c) Applicants are required to utilize contractors who are certified in erosion <u>and sedimentation</u> control through the Maine Department of Environmental Protection's Voluntary Contractor Certification Program .</p> |

12	§120-907B(4)(c)[4]
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Require qualified independent geotechnical, hydrogeologic, site evaluation, engineering, and similar professional consulting services to determine adherence to best practices in planning and engineering when any portion of the development is within the direct watershed of a lake most at risk from new development as designated in Chapter 502, Direct Watersheds of Lakes Most at Risk from New Development, and Urban Impaired Streams, of the Maine Department of Environmental Protection. The project shall be reviewed in compliance with the stormwater standards included in the Maine Department of Environmental Protection Chapter 500, including basic, general, phosphorus, flooding, and other standards.<sup>53</sup> The review shall also ensure compliance with performance standards contained in § 120-911C, D(2), H(1), and J of this chapter. The review shall include attendance at any scheduled Planning Board site walk. [Amended 3-26-2019 by Order 19-020]

Require qualified independent geotechnical, hydrogeologic, site evaluation, engineering, and similar professional consulting services to determine adherence to best practices in planning and engineering when any portion of the development is within the direct watershed of a lake most at risk from new development as designated in Chapter 502, Direct Watersheds of Lakes Most at Risk from New Development, and Urban Impaired Streams, of the Maine Department of Environmental Protection. The project shall be reviewed in compliance with the stormwater standards included in the Maine Department of Environmental Protection Chapter 500, including basic, general, phosphorus, flooding, and other standards.<sup>53</sup> The review shall also ensure compliance with performance standards contained in ~~the general standards of Chapter 500, Section § (4C), apply as described below in addition to the basic standards described in Chapter 500, Section § 4(B)-~~, and § 120-911C, D(2), H(1), and J of this chapter. The review shall include attendance at any scheduled Planning Board site walk. [Amended 3-26-2019 by Order 19-020]

120-907B(4)(c)(4)Major Subdivision requires General Std rb

13

§120-908C

Waiver of subdivision performance standards. The Planning Board may waive the requirements of § 120-911, Performance and design standards, unless prohibited by Maine statutes, where it finds that there are special circumstances of a particular parcel proposed to be subdivided, or that the application is simple and minor in nature. The applicant must demonstrate that the performance standards of these regulations and the criteria of the subdivision statute have been or will be met and the public health, safety and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of this chapter.

Waiver of subdivision performance standards. The Planning Board may waive the requirements of § 120-911, Performance and design standards, unless prohibited by Maine statutes, where it finds that there are special circumstances of a particular parcel proposed to be subdivided, or that the application is simple and minor in nature. The applicant must demonstrate that the performance standards of these regulations and the criteria of the subdivision statute have been or will be met and the public health, safety and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of this chapter. With regard to applications for which the Board is performing delegated review authority for applicable permits (i.e., Site Law or Stormwater Law), the waiver shall not result in noncompliance with any provision of the Site Law, Stormwater Law, or DEP regulations adopted pursuant to those laws.

120-908C MaineDEP typically doesn't like vague waiver language. Rb  
Per Mark Bower's suggestion for limiting the Planning Board's discretionary authority of performance standards waivers.

14

§120-908C(2)(b)[11]

Flooding or adverse drainage impacts on abutting properties.

120-908C(2)(b)[11]This makes it sound like they could waive all of Ch 500 with the exception of the flood standard. Rb  
No change to this section, per Mark Bower's



15	§120-910B	Minor subdivision final plan. The final plan submission shall include five copies of the following information, including full-size plan sets, along with one electronic version of the entire submission. The Board may waive the submission information that is listed in § 120-910B(1)(c).	Minor subdivision final plan. The final plan submission shall include <del>five</del> <u>three (3)</u> copies of the following information, including full-size plan sets, along with one electronic version of the entire submission. The Board may waive the submission information that is listed in § 120-910B(1)(c) . <u>With regard to applications for which the Board is performing delegated review authority for applicable permits (i.e., Site Law or Stormwater Law), the waiver shall not result in noncompliance with any provision of the Site Law, Stormwater Law, or DEP regulations adopted pursuant to those laws.</u>	120-910B It appears the minor subdivisions may be exempt from Ch 500.
16	§120-910B(3)(c)	A surface drainage plan or stormwater management pla (c)	A surface drainage plan or stormwater management pla	120-910B(3)(c)MaineDEP won't like this waiver. It also doesn't reference a storm frequency on would only address the Flood Standard. rb
17	§120-910B(3)(d)	A soil erosion and sediment control plan prepared by a Maine licensed professional engineer or a certified professional in erosion and sediment control (CPESC) consistent with the requirements of § 120-911C, Erosion and sedimentation control. [Amended 5-23-2023 by Order No. 23-092]	A soil erosion and sedimentation control plan prepared by a Maine licensed professional engineer or a certified professional in erosion and sediment control (CPESC) consistent with the requirements of § 120-911C, Erosion and sedimentation control, <u>and which demonstrates that the erosion and sedimentation control, inspection and maintenance, and housekeeping standards specified in Maine DEP Chapter 500 Stormwater Rules, Appendices A, B, and C, respectively, are met, and that the grading or other construction activity will not impede or otherwise alter drainageways so as to have an unreasonable adverse impact on a wetland or waterbody, or an adjacent downslope parcel.</u> [Amended 5-23-2023 by Order No. 23-092 ]	120-910B(3)(d)This conflicts with Ch 500 basic STD; rb, Needs to address the new MCGP requirements, sjp (talk Mark A.)
18	§120-910C(2)(x)	An erosion and sedimentation control plan prepared in accordance with the requirements of § 120-911C, Erosion and sedimentation control. [Amended 5-23-2023 by Order No. 23-092]	An erosion and sedimentation control plan prepared in accordance with the requirements of § 120-911C, Erosion and sedimentation control <u>and in compliesance with Maine DEP Chapter 500 Stormwater Rules, § 4C (Basic standards), as amended from time to time.</u>	120-910C(2)(x)Basic STD. rb
18	§120-910C(2)(y)	A stormwater management plan, prepared by a Maine licensed professional engineer in accordance with the most recent edition of Stormwater Management for Maine: Best Management Practices Manual and Maine DEP Chapter 500 Stormwater Rules, as amended from time to time. [Amended 5-23-2023 by Order No. 23-092]	A stormwater management plan, prepared by a Maine licensed professional engineer in accordance with the most recent edition of Stormwater Management for Maine: Best Management Practices Manual and Maine DEP Chapter 500 Stormwater Rules, <u>§ 4DC (gGeneral standard), § 4D and (phosphorus standard)s and Section § 4F (fflooding stnadardsstandard,</u> as amended from time to time. [Amended 5-23-2023 by Order No. 23-092 ]	120-910C(2)(y)General, Flood, Phosphorous. rb

19	§120-910C(3)(f)[1]	<p>A phosphorus impact analysis and control plan conducted using the procedures set forth in MDEP Manual; "Stormwater Management for Maine Phosphorus Control in Lake Watersheds," published by the MDEP, January 2008, and subsequent revisions. The analysis and control plan shall include all worksheets, engineering calculations, and construction specifications and diagrams for control measures, as required by the Phosphorus Design Manual.</p> <p><u>In compliance with</u> the procedures <u>and requirements</u> set forth in <u>Maine DEP Chapter 500 Stormwater Rules</u><del>MDEP Manual; "Stormwater Management for Maine Phosphorus Control in Lake Watersheds," published by the MDEP, January 2008, and subsequent revisions.</del> The analysis and control plan shall include all worksheets, engineering calculations, and construction specifications and diagrams for control measures, as required by <del>the</del> <u>Maine DEP Chapter 500 Stormwater Rules and the</u> Phosphorus <del>Design Control</del> Manual <u>(March 2016), as amended from time to time.</u></p>	120-910C(3)(f)(1) MaineDEP won't like this waiver this should reference CH 500, I believe the referenced publication was replaced by the 2009 Ch 500 rewrite. rb
20	§120-911C(1)		

An erosion control plan showing the use of erosion and sediment control best management practices (BMPs) at the construction site consistent with the minimum standards outlined in the Maine DEP Stormwater Rule Chapter 500 Appendix A – Erosion and Sediment Control, Appendix B – Inspections and Maintenance, Appendix C – Housekeeping. Erosion and Sedimentation Control. BMPs shall be designed, installed and maintained in accordance with the standards contained in the latest revisions of the following Maine DEP documents:

An erosion control plan showing the use of erosion and sediment control best management practices (BMPs) at the construction site consistent with the minimum standards outlined in the Maine DEP Stormwater Rule Chapter 500 Appendix A – Erosion and Sediment Control, Appendix B – Inspections and Maintenance, Appendix C – Housekeeping. ~~Erosion and Sedimentation Control.~~ BMPs shall be designed, installed and maintained in accordance with the standards contained in ~~the latest revisions of the following Maine DEP documents and complies with Maine DEP Chapter 500 Stormwater Rules, § 4C (bBasic standard)s, as amended from time to time, and the following documents :~~

120-911C This addresses Basic Std for Major Sub. rb

21	§120-911J(1)	Stormwater management for subdivisions shall incorporate appropriate treatment measures for water quantity and quality to meet the requirements specified below for development of the lots as well as the infrastructure to support the project. Each application shall include maximum developed, disturbed and impervious areas for each lot based upon the definitions contained in Section 3, DEP Chapter 500, Stormwater Management.	Stormwater management for subdivisions shall incorporate appropriate treatment measures for water quantity and quality to meet the requirements specified below for development of the lots as well as the infrastructure to support the project. Each application shall include, <u>for each lot</u> , maximum developed <u>area</u> , disturbed area, and impervious areas <u>for each lot based upon the definitions contained as those terms are defined in Section 3,</u> <u>Maine</u> DEP Chapter 500, Stormwater Management, <u>§ 3</u> .	120-911J(1)This is confusing, it sounds like this is only referring to the definitions section of Ch 500. rb
22	§120-911J(2)	For subdivisions that require a DEP review under the Site Location of Development Act (SLDA), <sup>61</sup> a stormwater management plan shall be submitted which complies with the SLDA permit and the requirements of DEP Chapter 500, Stormwater Management.	For subdivisions that <del>require a DEP</del> <u>are subject to</u> review under the Site <del>Location of Development Act (SLDA)</del> <u>Law</u> , a stormwater management plan shall be submitted which complies with the <u>SLDA Site Law</u> permit and the requirements of <u>Maine</u> DEP Chapter 500, Stormwater Management.	120-911J(2)This will need to be revised. rb
23	§120-911J(3)	For subdivisions that do not require a SLDA permit but require a DEP permit under the Stormwater Law, a stormwater management plan shall be submitted which complies with the requirements of DEP Chapter 500, Stormwater Management.	For subdivisions that do not require a <u>SLDA Site Law</u> permit but require a <del>DEP</del> permit under the Stormwater Law, a stormwater management plan shall be submitted which complies with the requirements of DEP Chapter 500, Stormwater Management .	120-911J(3)This will need to be revised. rb
24	§120-911J(5)			

For subdivisions within the watershed of a great pond that require neither a DEP SLDA permit nor a DEP stormwater permit, a stormwater management plan shall be submitted that complies with Section 4B, Basic Standards, of DEP Chapter 500, Stormwater Management. In addition, the stormwater management plan shall comply with Section 4D, Phosphorous Standards, of DEP Chapter 500, Stormwater Management.

For subdivisions within the watershed of a great pond that require neither a ~~DEP SLDA~~ [Site Law](#) permit nor a ~~DEP~~ stormwater permit, a stormwater management plan shall be submitted that complies with Section 4B, Basic Standards, of DEP Chapter 500, Stormwater Management. In addition, the stormwater management plan shall comply with Section 4D, Phosphorous Standards, of DEP Chapter 500, Stormwater Management .

120-911J(5)TShould this reference 502 instead? rb

25

§120-911J(6)

For all subdivisions, regardless of size, a stormwater management plan shall be submitted that complies with Section 4E, Flooding Standard, of the DEP Chapter 500, Stormwater Management, as amended. For a project that does not require a DEP SLDA permit, the Planning Board, upon a request by the applicant, may waive the flooding standard in the event that greater than 75% of the impervious and developed areas (as defined in Section 3 of DEP Chapter 500) for both the lots and infrastructure are treated through the use of buffers in accordance with DEP Chapter 500, Stormwater Management. **[Amended 5-23-2023 by Order No. 23-092]**

For all subdivisions, regardless of size, a stormwater management plan shall be submitted that complies with Section 4E, Flooding Standard, of the DEP Chapter 500, Stormwater Management, as amended. ~~For a project that does not require a DEP SLDA permit, the Planning Board, upon a request by the applicant, may waive the flooding standard in the event that greater than 75% of the impervious and developed areas (as defined in Section 3 of DEP Chapter 500) for both the lots and infrastructure are treated through the use of buffers in accordance with DEP Chapter 500, Stormwater Management.~~**[Amended 5-23-2023 by Order No. 23-092 ]**

120-911J(6) The MaineDEP won't like this waiver. rb