

HLA Revised Ordinance Proposals 1-30-2018

Proposed Ordinance Changes:

The HLA is proposing that the Windham Town Council adopt the following changes to its current land use ordinances retroactive to any subdivision that does not have final permitting by the town as of the beginning of the Moratorium.

Land Use Ordinance, Section 800 & 900

- All subdivisions and site plans in the Highland Lake watershed must be designed to meet the current DEP phosphorous allocation of 0.020 lbs/acre/yr.
- A proposal for a subdivision to pay a fee in lieu of meeting the 0.020 lbs/acre/year standard is not acceptable.
- Allowing public use of the open space within a subdivision will not result in any subdivision bonus houses within the Highland Lake watershed.

20180130

From: Jeff Amos <jeff@terradyneconsultants.com>
Subject: RE: Highland Views
Date: December 19, 2017 at 9:27:55 AM PST
To: "Bertocci, Cynthia S" <Cynthia.S.Bertocci@maine.gov>
Cc: "Bergeron, Mark" <Mark.Bergeron@maine.gov>, "Bensinger, Peggy" <Peggy.Bensinger@maine.gov>, David Waddell <David.A.Waddell@maine.gov>, Dennis Brown <lakesideme@yahoo.com>, "Burke, Ruth A" <Ruth.A.Burke@maine.gov>, "Jeff Chase (jchase@cchfi.com)" <jchase@cchfi.com>, "Sirois, Alison" <Alison.Sirois@maine.gov>, John MacKinnon <watershed3@earthlink.net>

Hello Cynthia,

I will prepare a formal response to all of the comments that were put forth by the Highland Lake Watershed Association prior to the deadline, but I wanted to address this issue of pre vs post phosphorus export because there seems to be some confusion.

The approved MDEP stormwater permit for the Highland Views Development Project features phosphorus calculations that were reviewed by MDEP engineering staff. Those calculations do not make any sort of assertion that the existing site exports more phosphorus than the proposed site. The phosphorus calculations are shown on a series of spreadsheets. Worksheet 3 calculates the existing phosphorus export that we wish to take credit for. That worksheet shows that the existing site exports 0.53 lbs/year of phosphorus. Per MDEP methodology, only 50% of that total is used as a credit toward offsetting the proposed phosphorus export. So in our case, a phosphorus mitigation credit of about 0.26 lbs/year was used. The proposed site will export approximately 1.29 lbs of phosphorus/year. When the credit is applied, it brings our new phosphorus export to 1.03, which was just below the allocation for the property.

My calculations of the existing level of phosphorus export are conservative. The site contains 30 or so camp sites that were not included within the mitigation credit worksheet. *Most of these sites drain directly to the internal roadway system and flow directly into a series of drainage channels without receiving any sort of treatment.* Additionally, no credit was taken for the portions of road that may have received partial treatment by informal natural buffers. I made a statement to the Windham Planning Board in reference to the conservative nature of the calculations that if & when the camp sites were evaluated, it wouldn't surprise me if the existing site exported something near the post development phosphorus export amount and that it was possible that the project might result in an overall reduction in phosphorus.

The CCSWCD subsequently reviewed the existing campground on behalf of the HLA in an attempt to quantify the existing phosphorus export. They produced a report that indicated that the existing site exported about the same amount as the proposed development. I forwarded that report to the Town of Windham. The CCSWCD has since retracted their report. Evidently, they feel that their calculations may contain some errors.

Let me know if you have any questions.

Jeff Amos, P.E.

-----Original Message-----