

# Town of Windham

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**Mineral Extraction Committee  
Conference Room 1, Town Office  
6:00 – 8:00 PM, Thursday July 12, 2018**

## **AGENDA**

1. [Maine Aggregate Association Gravel Pit & Quarry Model Ordinance](#)
  - a. Determine language that could be incorporated into Windham Mineral Extraction Ordinance
2. Revisions to Windham Mineral Extraction Ordinance
  - a. Areas to focus on revisions (identified at July 9, 2018 meeting)
    - i. Impaired & Threatened Watersheds
    - ii. Groundwater Impacts
    - iii. Road/Access Drive Standards
    - iv. Blasting
    - v. Buffers
    - vi. Quality of Life: Noise, Vibration, Dust

appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

## B. Vehicular Traffic

1. Adequacy of Road System. Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic generated by the development. ~~Intersections on arterial streets within a half (0.5) mile of any entrance road which are functioning at a Level of Service of D or better prior to the development shall function at a minimum at Level of Service D after development. If any such intersection is functioning at a Level of Service E or lower prior to the development, the project shall not reduce the current level of service. This requirement may be waived by the Planning Board if the project is located within a growth area designated in the Town's adopted Comprehensive Plan and the Board determines that the project will not have an unnecessary adverse impact on traffic flow or safety.~~

- (a) Intersections on arterial streets within a half (0.5) mile of any entrance road which are functioning at a Level of Service of D or better prior to the development shall function at a minimum at Level of Service D after development. If any such intersection is functioning at a Level of Service E or lower prior to the development, the project shall not reduce the current level of service. This requirement may be waived by the Planning Board if the project is located within a growth area designated in the Town's adopted Comprehensive Plan and the Board determines that the project will not have an unnecessary adverse impact on traffic flow or safety. A development not meeting this requirement may be approved if the applicant demonstrates that:
  - (1) A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or
  - (2) The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will assure the completion of the improvements with a financial guarantee acceptable to the municipality.

- (b) Existing streets and intersections that can be expected to carry traffic generated by the development shall have the capacity or be suitably improved to accommodate that traffic. For the purposes of this section, suitably improved shall mean that all of the existing private ways in the road network back to the closest public street shall meet the applicable Street Construction Standard (See Section 300 Street Classification and Appendix B Street Design and Construction Standards).

- (d) The design of the stormwater drainage system shall provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.
- (e) The design of the storm drainage systems shall be fully cognizant of upstream runoff which shall pass over or through the site to be developed and provide for this movement.
- (f) 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.
- (g) Major and minor site plan projects located within the Highland Lake watershed shall also meet the following standards:

(1) Projects in the Highland Lake watershed must include a stormwater plan designed to meet the standards of DEP Chapter 500, Section 4D, Phosphorous standards. The option to pay the compensation fee for exceeding the parcel's phosphorus allocation is not allowed in this watershed. Notwithstanding 1 M.R.S. §302, this amendment shall be applicable to and shall govern any application for site plan approval that did not receive lawful final approval by, and so was pending on or at any time after, September 5, 2017 regardless of whether that application was a "pending proceeding" under 1 M.R.S. §302.

~~(1)~~(2)

## 2. Mineral Extraction Stormwater Management Plan Compliance

(a) Any person owning, operating, leasing or having control over stormwater management facilities required by a stormwater management plan approved as part of a mineral extraction operation in accordance with Section 600 of this Ordinance shall demonstrate compliance with that plan as follows.

(1) A qualified third-party inspector hired by that person, shall, at least annually, inspect the stormwater management facilities, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all municipal and state inspection, cleaning and maintenance requirements of the approved stormwater management plan.

(2) If the stormwater management facilities require maintenance to function as intended by the approved stormwater management plan, that person shall take corrective action(s) to address the deficiency or deficiencies.

(3) A qualified third-party inspector hired by that person, shall, on or by May 1 of each year, provide a completed and signed certification to the enforcement authority in a form provided by the Town of Windham, certifying that the person has inspected the stormwater management facilities and that they are adequately maintained and functioning as intended by approved stormwater management plan, or that they require maintenance or repair, describing any required maintenance and any deficiencies found during inspection of the stormwater management facilities and, if the stormwater management facilities require maintenance or repair of deficiencies in order to function as intended by approved stormwater management plan, the person shall provide a record of the required maintenance or deficiency and corrective action(s) taken.

#### **F. Erosion Control**

1. All building, site, and roadway designs and layouts shall harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity shall be kept to a minimum. Parking lots on sloped sites should be terraced to avoid undue cut and fill, and/or the need for retaining walls. Natural vegetation shall be preserved and protected wherever possible.
2. Soil erosion and sedimentation of watercourses and water bodies shall be minimized by an active program meeting the requirements of the “Maine Erosion and Sediment Control BMPS” (Maine Department of Environmental Protection), dated March 2003, or other construction management practices system approved by the Planning Board or Development Review Committee, as appropriate.
  - (a) Applicants are encouraged to utilize contractors who are certified in erosion control through the Maine Department of Environmental Protection’s Voluntary Contractor Certification Program.
3. The plan shall meet the standards of the Town of Windham’s Surface Water Protection Ordinance; where applicable. (*See Chapter 142 Surface Water Protection Ordinance*)

#### **G. Water Supply Provisions**

1. The development shall be provided with a system of water supply that provides each use with an adequate supply of water.
2. If the project is to be served by a public water supply, the applicant shall secure and submit a written statement from the Portland Water District that the proposed water