



June 3, 2019

Amanda Lessard, Director of Planning  
Town of Windham  
8 School Road  
Windham, ME 04062

**Re: Final Major Subdivision Review  
Anglers Road Commons Apartments  
Anglers Road Commons, LLC - Applicant**

Dear Amanda:

On behalf of Angler's Road Commons LLC we are pleased to submit the enclosed Final Subdivision Plan application and supporting documents for review and Planning Board approval. The following information has been submitted with this application:

- Maine Department of Environmental Protection Stormwater Permit Approval Order.
- Maine Department of Health and Human Services Engineered Wastewater Disposal System Approval Letter.
- Waiver Request Form for Parking Space Dimensional Standard that was approved by the Planning Board at their meeting on May 29<sup>th</sup>.
- Maine Department of Inland Fisheries and Wildlife Beginning with Habitat Map showing that the project site does not contain a mapped significant wildlife habitat.
- Revised Plan Set

The following items are currently pending and will be provided to the Planning Department upon completion:

- Ability to Serve Letter from Portland Water District. The District is currently reviewing our latest revisions.
- Draft reciprocal easement deed between proposed Lot A and Lot B for stormwater management, wastewater disposal, utilities, access to common areas, etc.
- Town Council release of the Stormwater easement on the property.

Upon your review of this information, please let us know if you have any questions or require any additional information.

Sincerely,

DM ROMA CONSULTING ENGINEERS

*Dustin Roma*

Dustin M. Roma, P.E.  
President

**Project Name:** ANGLERS ROAD COMMONS APARTMENTS

**Tax Map:** 80 **Lot:** 66

**Number of lots/dwelling units:** 42 UNITS **Estimated road length:** 800 FEET

**Is the total disturbance proposed > 1 acre?** ☒ **Yes** ☐ **No**

**Contact Information**

1. Applicant

Name: ANGLERS ROAD COMMONS, LLC

Mailing Address: 7 FAY ROAD, SCITUATE, MA 02066

Telephone: (617) 590 - 5746 Fax: \_\_\_\_\_ E-mail: TCLINTON01@COMCAST.NET

2. Record owner of property

\_\_\_\_\_ (Check here if same as applicant)

Name: WINDHAM ECONOMIC DEVELOPMENT CORPORATION

Mailing Address: 8 SCHOOL ROAD, WINDHAM, ME 04062

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

3. Contact Person/Agent (if completed and signed by applicant's agent, provide written documentation of authority to act on behalf of applicant)

Name: DUSTIN ROMA

Company Name: DM ROMA CONSULTING ENGINEERS

Mailing Address: PO BOX 1116, WINDHAM, ME 04062

Telephone: 310 - 0506 Fax: \_\_\_\_\_ E-mail: DUSTIN@DMROMA.COM

I certify all the information in this application form and accompanying materials is true and accurate to the best of my knowledge.

Dustin Roma 6-3-2019  
Signature Date

Applicant  
t Staff

**Final Plan - Major Subdivision: Submission Requirements****A. Mandatory Written Information**

1	A fully executed application form	X	
2	Evidence that the escrow account balance is greater than 25% of the initial Preliminary Plan deposit	X	
3	If public open space is to be provided, written offers of cession to the Town of Windham shall be provided	N/A	
4	If the subdivider reserves title to spaces within the subdivision, provide copies of agreements or other documents.	N/A	
5	Copies of any outside agency approvals	X	
6	Statement from the Maine Inland Fisheries & Wildlife that no significant wildlife habitat exists on the site	X	
7	Digital transfer of subdivision plan data (GIS format)	X	

**B. Mandatory Plan Information**

1	All information presented on the Preliminary Plan, and any amendments suggested or required by the Board.	X	
2	Map and lot numbers for all lots as assigned by the Town of Windham Assessing Department	PENDING	
3	Seal of the Maine Licensed Professional who prepared the plan	X	
4	All public open space for which offers of cession are made by the subdivider and those spaces to which title is reserved by the subdivider	N/A	
5	Location of all permanent monuments	X	

**Electronic Submission**

X

**TOWN OF WINDHAM  
SUBDIVISION & SITE PLAN APPLICATION**

**Performance and Design Standards Waiver Request Form**

(Section 808 – Site Plan Review, Waivers)  
(Section 908 – Subdivision Review, Waivers)

For each waiver request from the Performance and Design Standards detailed in Section 811 or Section 911 of the Town of Windham Land Use Ordinance, as applicable, please submit a separate completed copy of this waiver request form.

**Subdivision or Project Name:** ANGLERS ROAD COMMONS APARTMENTS

**Tax Map:** 80 **Lot:** 66

**Waivers are requested from the following Performance and Design Standards  
(add rows as necessary):**

Ordinance Section	Standard	Mark which waiver this form is for
812.C.1.D	30% OF PARKING SPACES SHALL BE 10' X 20'	X

- a. Describe how a waiver from the standard indicated above will improve the ability of the project to take the property's pre-development natural features into consideration. Natural features include, but are not limited to, topography, location of water bodies, location of unique or valuable natural resources, relation to abutting properties or land uses. Attach a separate sheet if necessary.

THE PROJECT HAS SUFFICIENT SPACE WITHIN THE DRIVEWAYS AND ON-STREET FOR PARKING OF VEHICLES THAT WOULD OTHERWISE REQUIRE 10' BY 20' PARKING SPACES, SO IT IS REASONABLE TO REDUCE THE PARKING STALL REQUIREMENT WITHIN THE VISITOR PARKING LOT TO BE THE STANDARD SIZE OF 9' BY 18'. REDUCING THE PARKING STALL SIZE ALSO REDUCES IMPERVIOUS SURFACES, WHICH PROVIDES STORMWATER MANAGEMENT BENEFITS.

(continued next page)

Ordinance Section: 812.C.1.D

b. Will the waiver have an impact on any of the following criteria?

	Yes	No
Water or air pollution		X
Light pollution or glare		X
Water supply		X
Soil erosion		X
Traffic congestion or safety		X
Pedestrian safety or access		X
Supply of parking		X
Sewage disposal capacity		X
Solid waste disposal capacity		X
Scenic or natural beauty, aesthetics, historic sites, or rare or irreplaceable natural areas		X
Flooding or drainage issues on abutting properties		X
The Town's ability to provide the subdivision with public safety services (if subdivision)		X

If granting the waiver will result in an impact on any of the criteria above, please provide more detail below.



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

ANGLERS ROAD COMMONS, LLC	)	STORMWATER MANAGEMENT LAW
Windham, Cumberland County	)	
APARTMENT DEVELOPMENT	)	
L-27715-NB-A-N (Approval)	)	FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S. § 420-D, and Chapters 500 and 502 (06-096 C.M.R. ch.500 and 502, last amended August 12, 2015) of the Department's Regulations, the Department of Environmental Protection has considered the application of ANGLERS ROAD COMMONS, LLC with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. Summary: The applicant proposes to construct a stormwater management system for a 44-unit residential apartment development and 900 linear feet of new road, with 4.12 acres of new developed area of which 1.49 acres is new impervious area. The project is indicated on a set of plans the first of which is entitled "ANGLERS ROAD COMMONS APARTMENTS," prepared by DM ROMA, and dated April 26, 2019. The project site is located off Angler's Road in the Town of Windham.

B. Current Use of the Site: The site of the proposed project is currently gravel pit area. There are no structures on the property. The parcel is identified as Lot 66 on Map 80 of the Town of Windham's tax maps.

2. STORMWATER STANDARDS:

The proposed project includes approximately 4.12 acres of developed area of which 1.49 acres is impervious area. It lies within the watershed of Chaffin Pond, a lake most at risk from new development. Chaffin Pond is not indicated as severely blooming. The applicant submitted a stormwater management plan based on the Basic and General Standards contained in Department Rules, Chapter 500. The proposed stormwater management system consists of underdrained soil filters and drip edge filters on the buildings.

A. Basic Standards:

(1) Erosion and Sedimentation Control: The applicant submitted an Erosion and Sedimentation Control Plan that is based on the performance standards contained in Appendix A of Chapter 500 and the Best Management Practices outlined in the Maine

Erosion and Sediment Control BMPs, which were developed by the Department. This plan and plan sheets containing erosion control details were reviewed by the Bureau of Land Resources (BLR).

Erosion control details will be included on the final construction plans and the erosion control narrative will be included in the project specifications to be provided to the construction contractor.

(2) Inspection and Maintenance: The applicant submitted a maintenance plan that addresses both short and long-term maintenance requirements. The maintenance plan is based on the standards contained in Appendix B of Chapter 500. This plan was reviewed by BLR. The applicant will be responsible for the maintenance of all common facilities including the stormwater management system.

(3) Housekeeping: The proposed project will comply with the performance standards outlined in Appendix C of Chapter 500.

Based on BLR's review of the erosion and sedimentation control plan and the maintenance plan, the Department finds that the proposed project meets the Basic Standards contained in Chapter 500(4)(B).

#### B. General Standards:

The applicant's stormwater management plan includes general treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater, and mitigate potential temperature impacts. This mitigation is being achieved by using Best Management Practices that will control runoff from no less than 95% of the impervious area and no less than 80% of the developed area.

The stormwater management system proposed by the applicant was reviewed by, and revised in response to comments from, BLR. After a final review, BLR commented that the proposed stormwater management system is designed in accordance with the Chapter 500 General Standards and recommended that the applicant's design engineer or other qualified professional oversee the construction of the underdrained soil filters and drip edge filters to ensure that they are installed in accordance with the details and notes specified on the approved plans. Within 30 days from completion of the stormwater system or if the project takes more than one year to complete, at least once per year, the applicant must submit a log of inspection reports detailing the items inspected, photographs taken, and the dates of each inspection to the BLR for review. As-built plans must be submitted to the Department within 60 days of the completion of the project for review.

Based on the stormwater system's design and BLR's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the General Standards contained in Chapter 500 (4)(C) provided the applicant meets the inspection and reporting requirements outlined above.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S. Section 420-D, and Chapters 500 and 502 of the Department's Regulations:

- A. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 Basic Standards for: (1) erosion and sediment control; (2) inspection and maintenance; (3) housekeeping; and (4) grading and construction activity.
- B. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 General Standards provided that the applicant meets the requirements of Finding 2B.

THEREFORE, the Department APPROVES the above noted application of ANGLERS ROAD COMMONS, LLC to construct a stormwater management system as described above in Windham, Maine, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations:

- 1. The Standard Conditions of Approval, a copy attached.
- 2. In addition to any specific erosion control measures described in this order, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
- 3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.



4. The applicant shall retain the design engineer or other qualified professional to oversee the construction of the underdrained soil filters and drip edge filters according to the details and notes specified on the approved plans. Within 30 days of completion of the underdrained soil filters or at least once per year, the applicant shall submit a log of inspection reports detailing the items inspected, photographs taken, and dates of each inspection to the BLR for review. As-built plans shall be submitted to the Department within 60 days of the completion of the project for review.

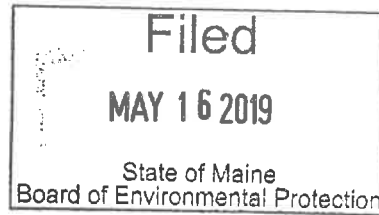
THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 15<sup>TH</sup> DAY OF MAY, 2019.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: \_\_\_\_\_

For: Gerald D. Reid, Commissioner



PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

SS/L27715AN/ATS#84148

## STORMWATER STANDARD CONDITIONS

### STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL

**Standard conditions of approval.** Unless otherwise specifically stated in the approval, a department approval is subject to the following standard conditions pursuant to Chapter 500 Stormwater Management Law.

- (1) Approval of variations from plans. The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the permittee. Any variation from these plans, proposals, and supporting documents must be reviewed and approved by the department prior to implementation. Any variation undertaken without approval of the department is in violation of 38 M.R.S. §420-D(8) and is subject to penalties under 38 M.R.S.. §349.
- (2) Compliance with all terms and conditions of approval. The applicant shall submit all reports and information requested by the department demonstrating that the applicant has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
- (3) Advertising. Advertising relating to matters included in this application may not refer to this approval unless it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
- (4) Transfer of project. Unless otherwise provided in this approval, the applicant may not sell, lease, assign, or otherwise transfer the project or any portion thereof without written approval by the department where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval may only be granted if the applicant or transferee demonstrates to the department that the transferee agrees to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant. Approval of a transfer of the permit must be applied for no later than two weeks after any transfer of property subject to the license.
- (5) Time frame for approvals. If the construction or operation of the activity is not begun within four years, this approval shall lapse and the applicant shall reapply to the department for a new approval. The applicant may not begin construction or operation of the project until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- (6) Certification. Contracts must specify that "all work is to comply with the conditions of the Stormwater Permit." Work done by a contractor or subcontractor pursuant to this approval may not begin before the contractor and any subcontractors have been shown a copy of this approval with the conditions by the permittee, and the permittee and each contractor and subcontractor has certified, on a form provided by the department, that the approval and conditions have been received and read, and that the work will be carried out in accordance with the approval and conditions. Completed certification forms must be forwarded to the department.

- (7) Maintenance. The components of the stormwater management system must be adequately maintained to ensure that the system operates as designed, and as approved by the Department. If maintenance responsibility is to be transferred from the permittee to another entity, a transfer request must be filed with the Department which includes the name and contact information for the person or entity responsible for this maintenance. The form must be signed by the responsible person or agent of the responsible entity.
- (8) Recertification requirement. Within three months of the expiration of each five-year interval from the date of issuance of the permit, the permittee shall certify the following to the department.
- (a) All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.
  - (b) All aspects of the stormwater control system are operating as approved, have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the system, or portions of the system, as necessary.
  - (c) The stormwater maintenance plan for the site is being implemented as approved by the Department, and the maintenance log is being maintained.
  - (d) All proprietary systems have been maintained according to the manufacturer's recommendations. Where required by the Department, the permittee shall execute a 5-year maintenance contract with a qualified professional for the coming 5-year interval. The maintenance contract must include provisions for routine inspections, cleaning and general maintenance.
  - (e) The Department may waive some or all of these recertification requirements on a case-by-case basis for permittees subject to the Department's Multi-Sector General Permit ("MSGP") and/or Maine Pollutant Discharge Elimination System ("MEPDES") programs where it is demonstrated that these programs are providing stormwater control that is at least as effective as required pursuant to this Chapter.
- (9) Transfer of property subject to the license. If any portion of the property subject to the license containing areas of flow or areas that are flooded are transferred to a new property owner, restrictive covenants protecting these areas must be included in any deeds or leases, and recorded at the appropriate county registry of deeds. Also, in all transfers of such areas and areas containing parts of the stormwater management system, deed restrictions must be included making the property transfer subject to all applicable terms and conditions of the permit. These terms and conditions must be incorporated by specific and prominent reference to the permit in the deed. All transfers must include in the restrictions the requirement that any subsequent transfer must specifically include the same restrictions unless their removal or modification is approved by the Department. These restrictions must be written to be enforceable by the Department, and must reference the permit number.
- (10) Severability. The invalidity or unenforceability of any provision, or part thereof, of this permit shall not affect the remainder of the provision or any other provisions. This permit shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.



# DEP INFORMATION SHEET

## Appealing a Department Licensing Decision

**Dated: November 2018**

**Contact: (207) 287-2452**

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### **SUMMARY**

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner: (1) an administrative process before the Board of Environmental Protection (Board); or (2) a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This information sheet, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

### **I. ADMINISTRATIVE APPEALS TO THE BOARD**

#### **LEGAL REFERENCES**

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S. §§ 341-D(4) & 346; the *Maine Administrative Procedure Act*, 5 M.R.S. § 11001; and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 C.M.R. ch. 2.

#### **DEADLINE TO SUBMIT AN APPEAL TO THE BOARD**

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed more than 30 calendar days after the date on which the Commissioner's decision was filed with the Board will be dismissed unless notice of the Commissioner's license decision was required to be given to the person filing an appeal (appellant) and the notice was not given as required.

#### **HOW TO SUBMIT AN APPEAL TO THE BOARD**

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017. An appeal may be submitted by fax or e-mail if it contains a scanned original signature. It is recommended that a faxed or e-mailed appeal be followed by the submittal of mailed original paper documents. The complete appeal, including any attachments, must be received at DEP's offices in Augusta on or before 5:00 PM on the due date; materials received after 5:00 pm are not considered received until the following day. The risk of material not being received in a timely manner is on the sender, regardless of the method used. The appellant must also send a copy of the appeal documents to the Commissioner of the DEP; the applicant (if the appellant is not the applicant in the license proceeding at issue); and if a hearing was held on the application, any intervenor in that hearing process. All of the information listed in the next section of this information sheet must be submitted at the time the appeal is filed.

## INFORMATION APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time the appeal is submitted:

1. *Aggrieved Status.* The appeal must explain how the appellant has standing to maintain an appeal. This requires an explanation of how the appellant may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions, or conditions objected to or believed to be in error.* The appeal must identify the specific findings of fact, conclusions regarding compliance with the law, license conditions, or other aspects of the written license decision or of the license review process that the appellant objects to or believes to be in error.
3. *The basis of the objections or challenge.* For the objections identified in Item #2, the appeal must state why the appellant believes that the license decision is incorrect and should be modified or reversed. If possible, the appeal should cite specific evidence in the record or specific licensing requirements that the appellant believes were not properly considered or fully addressed.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those matters specifically raised in the written notice of appeal.
6. *Request for hearing.* If the appellant wishes the Board to hold a public hearing on the appeal, a request for public hearing must be filed as part of the notice of appeal, and must include an offer of proof in accordance with Chapter 2. The Board will hear the arguments in favor of and in opposition to a hearing on the appeal and the presentations on the merits of an appeal at a regularly scheduled meeting. If the Board decides to hold a public hearing on an appeal, that hearing will then be scheduled for a later date.
7. *New or additional evidence to be offered.* If an appellant wants to provide evidence not previously provided to DEP staff during the DEP's review of the application, the request and the proposed evidence must be submitted with the appeal. The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered in an appeal only under very limited circumstances. The proposed evidence must be relevant and material, and (a) the person seeking to add information to the record must show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process; or (b) the evidence itself must be newly discovered and therefore unable to have been presented earlier in the process. Specific requirements for supplemental evidence are found in Chapter 2 § 24.

## OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, and is made easily accessible by the DEP. Upon request, the DEP will make application materials available during normal working hours, provide space to review the file, and provide an opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer general questions regarding the appeal process.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed, the license normally remains in effect pending the processing of the appeal. Unless a stay of the decision is requested and granted, a license holder may proceed with a project pending the outcome of an appeal, but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

## **WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD**

The Board will formally acknowledge receipt of an appeal, and will provide the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, any materials submitted in response to the appeal, and relevant excerpts from the DEP's application review file will be sent to Board members with a recommended decision from DEP staff. The appellant, the license holder if different from the appellant, and any interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. The appellant and the license holder will have an opportunity to address the Board at the Board meeting. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, the license holder, and interested persons of its decision.

## **II. JUDICIAL APPEALS**

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court (see 38 M.R.S. § 346(1); 06-096 C.M.R. ch. 2; 5 M.R.S. § 11001; and M.R. Civ. P. 80C). A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

## **ADDITIONAL INFORMATION**

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452, or for judicial appeals contact the court clerk's office in which your appeal will be filed.

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**Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.**

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Janet T. Mills  
Governor

Jeanne M. Lambrew, Ph.D.  
Commissioner



Maine Department of Health and Human Services  
Maine Center for Disease Control and Prevention  
11 State House Station  
286 Water Street  
Augusta, Maine 04333-0011  
Tel; (207) 287-8016; Fax (207) 287-9058  
TTY: Dial 711 (Maine Relay)

May 30, 2019

Anglers Road Commons, LLC  
Attn.: Tim Clinton  
7 Faye Road  
Scituate, MA 02066

Subject: Corrected Approval, Engineered System, Anglers Road Commons Apartments, Anglers Road, Windham

Dear Mr. Clinton:

This document supersedes all previous versions. References to Maine Department of Environmental Protection (MDEP) comments have been corrected.

The Division of Environmental Health has completed a review of a design for an engineered subsurface sewage disposal system design, to serve Anglers Road Commons Apartments. The HHE-200 Form dated 05/07/2019 was prepared by Dustin M. Roma, P.E. The system was designed by DM Roma Consulting Engineers, with plans signed and stamped by Dustin M. Roma, P.E.

Hereafter, the term "design engineer" shall refer collectively to DM Roma Consulting Engineers, its staff, and its representatives unless otherwise specified; and the term "owner" shall refer collectively to Anglers Road Commons, LLC, its staff, and its representatives unless otherwise specified.

#### Design Flow

The design flow is 9,000 gallons per day (gpd), based upon Table 4C of the Maine State Plumbing Code, Subsurface Wastewater Disposal Rules (Rules). The design flow of 9,000 gpd is approved with the notation that the suitability of the design flow is the responsibility of the design engineer.

#### Treatment Tank(s)

The design includes 22 1,000-gallon septic tanks (one per duplex dwelling) discharging to three 3,000-gallon septic tanks. Effluent from the 3,000-gallon septic tanks will discharge to five Fuji Clean CE21 advanced treatment units.

#### Disposal Areas

The proposed disposal area consists of ten 3 feet wide by 2.5 feet deep by 82 feet long stone and pipe trenches.

#### Soils

The soils are shown as 5B, 5C, 6B, 6C, and 7C per the Rules on the soil test pit logs prepared by Stephen B. Marcotte, S.E. Some soils outside the disposal area footprint were identified as 3/12E.

#### Well Setback

There are no potable water supply wells reported within 300 feet of the proposal.

### Mounding Analysis

The proposed system will not result in groundwater mounding sufficient to intrude into the disposal area, according to the calculations provided by the design engineer.

### Site Transmission Analysis

The proposed system design demonstrates that there are sufficient soils down-gradient to prevent the effluent from surfacing within 50 feet of the disposal field, according to the calculations provided by the design engineer.

### Interagency Review

The MDEP has reviewed the application and stated that no reason was found to believe the proposal would cause unreasonable adverse impact on resources and uses in the area likely to be affected provided that the system is properly constructed and maintained. The project site is located on a significant sand and gravel aquifer, as mapped by the Maine Geological Survey; the project site is located in the watershed of a waterbody most at risk from development; the mounding/transmission analysis predicts a 1.7-foot rise in the water table underneath the disposal fields and recommends that the bottoms of the disposal fields be at elevation 302 feet or higher, and indicates that soils have sufficient capacity to prevent wastewater from surfacing downgradient of the disposal fields. Adverse impacts to wetlands from the installation of the proposed disposal fields are not anticipated.

### Miscellaneous

The subject property is 6.09 acres in size. Under the Minimum Lot Size Rules CMR 243 20,000 square feet of land are required for every 300 gpd of wastewater disposed of on site. The proposal requires 13.77 acres. Waivers to the Minimum Lot Size Law (CMR 243) may be granted by the Division provided the proposal conforms to the Subsurface Wastewater Disposal Rules, as does this proposal.

### Findings

The system meets the Rules, unless otherwise noted. Therefore, the design is approved with the following conditions and comments:

1. This approval includes approval to reduce the required lot size from 13.77 acres to 6.09 acres.
2. The owner must retain the design engineer to oversee construction. The constructed system may not be used unless all pertinent requirements of the Rules have been met.
3. Construction must not commence until the owner has obtained the necessary plumbing permit from the Local Plumbing Inspector (LPI).
4. The design engineer must provide sufficient supervision to assure that the system is constructed as designed and in accordance with the code and other regulations. Attention must be given to site preparation, fill selection and placement, installation of pipes, mechanical and electrical systems.
5. The design engineer must provide the owner and this office with a brief report on the construction including any unexpected conditions encountered and any changes made from the approved drawings. The LPI must not issue the Certificate of Approval until the LPI has received the aforementioned report from the design engineer.
6. The design engineer must test all systems prior to acceptance by the owner. The testing must determine whether the components were correctly installed and whether they function as designed. This includes confirmation that flow dividing devices or configurations function as intended.
7. The design engineer, with the concurrence of the LPI must determine when the site conditions are suitable for construction.



8. Construction must cease whenever the design engineer determines that the site conditions, or workmanship, or materials are unacceptable.
9. The owner and design engineer must inform the LPI of the proposed construction schedule and must also inform the LPI of the progress of construction. They must cooperate fully with the LPI in scheduling any inspections and providing any equipment necessary for the inspection.
10. The design engineer must provide the owner with an Operations and Maintenance Manual containing written recommendations for the operation and maintenance of the system including inspection and pumping schedules and record keeping procedures.
11. The owner must operate the system within the requirements of Rules and the limitations of this design.
12. The owner must inform the LPI and the design engineer of any operational problem and/or malfunction.
13. The Local Plumbing Inspector must inspect the engineered disposal system in accordance with Section 10.D.2 of the Rules. In addition, the property owner must retain the design engineer to inspect the construction of the system. The inspection must be sufficient for the design engineer to determine that the system was installed as designed.
14. This approval is only for the rules administered by this office and it does not consider other federal, state or local regulations. The owner is responsible for compliance with any other pertinent regulations.
15. By accepting this approval and the associated plumbing permit, the owner agrees to comply fully with the conditions of approval and the Subsurface Wastewater Disposal Rules.

Based upon this approval of the design, the LPI may issue the permit required for an engineered system.

Because installation and owner maintenance has a significant effect on the working order of onsite sewage disposal systems, including their components, the Division makes no representation or guarantee as to the efficiency and/or operation of the system.

Should you have any questions, please feel free to contact me at (207) 287-5695, or by fax at (207) 287-4172.

Sincerely,

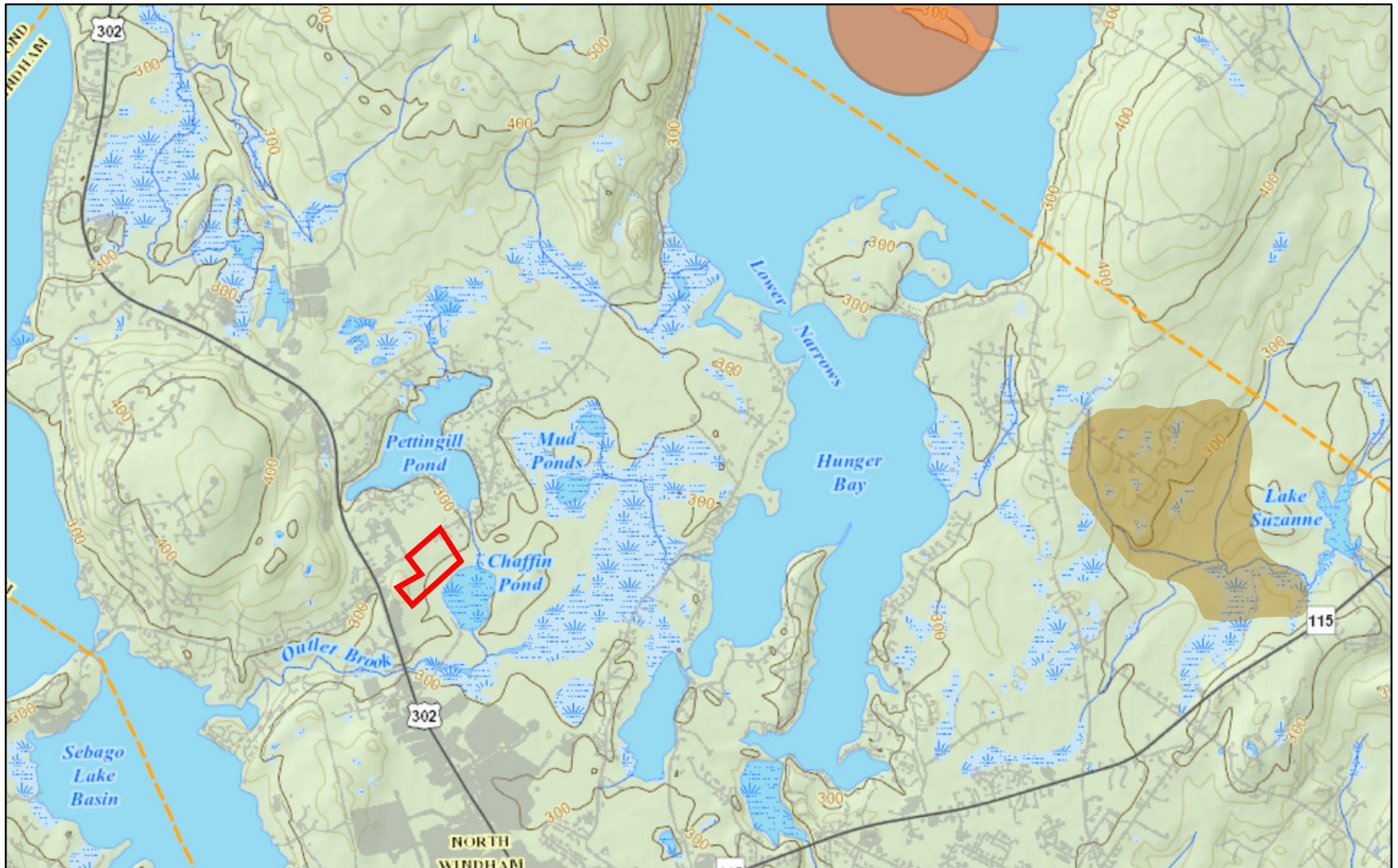


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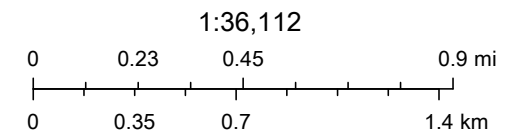
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Charles Daigle, L.P.I. via e-mail  
Dustin Roma, P.E. via e-mail  
William Noble, C.G., MDEP via e-mail

# Beginning With Habitat



June 3, 2019

-  Deer Wintering Areas
-  ETSC Animal Habitat Buffers



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