

Town of Windham

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MEMO

DATE: February 6, 2020

TO: Windham Planning Board
FROM: Jennifer Curtis, Planner
Cc: Amanda Lessard, Planning Director
Jeff Amos, P.E., Terradyn Consultants, LLC
Development Review Team

RE: 19-16 Sunrise (formerly Twilight) Cove Retirement Community and Mixed Use
Commercial Buildings – Preliminary Subdivision Plan & Site Plan Review
Planning Board meeting: February 10, 2020

Overview –

The applicant is proposing to develop 62-unit retirement community and 6 mixed-use rental units on Roosevelt Trail just north of the Westbrook town line on a 38.3-acre property.

The property is the location of a former campground. The parcel was recently split at the Falmouth-Windham town line and remainder of the parcel located in Falmouth has frontage on Highland Lake.

This application will be reviewed under the Town's Subdivision Review and Site Plan Review ordinances. Each section will be listed separately below, though references from the Site Plan review section to the Subdivision Review section will be made for overlapping review criteria.

The Planning Board reviewed a Sketch Plan application on August 26, 2019. At that meeting a conflict between two ordinance requirements was discussed, and staff requested a legal opinion. In a legal opinion dated September 24, 2019, Town Attorney James N. Katsiaficas concluded of the apparently conflicting curb-cut requirements: "While it is not entirely clear which is the more restrictive provision, Sections 400 G and 522 or Sections 546 and 911 M, the Planning Board could reasonably determine that Sections 546 and 911, which apply specifically to retirement communities in a zoning overlay district enacted for that purpose and which requires a residential subdivision street to have a minimum of two connections with an existing public street, is more restrictive than the Sections 400 G and 522 requirement that applies generally in the C3 District and requires only one curb cut."

A site walk was conducted on October 9th, 2019.

The applicant submitted a Preliminary Subdivision Plan application that includes draft condo association bylaws, a stormwater management plan, a high-intensity soil survey, a hydrogeologic assessment, HHE-200 forms, a traffic analysis, building elevations, and the applicant's approach to the commercial district design standards.

Updated information since the memo dated August 20, 2019 is underlined below.

Tax Map: 7; Lot 66. Zoning District: Commercial III (C-3) and Retirement Community and Care Facility Overlay (RCCF).

SUBDIVISION REVIEW

Staff Comments:

1. Waivers: *The applicant has not requested any waivers.*
2. Complete Application: Staff found the application complete, with the following exceptions:
 - Estimated Costs (911.C.1.(a)(16)(i))
 - Financing (911.C.1.(a)(16)(ii))

~~**MOTION:** The application for project 19-16 Sunrise (formerly Twilight) Cove Retirement Community and Mixed Use Commercial Buildings – Sketch Subdivision Plan & Site Plan is found complete in regard to the submission requirements based on the application checklist, but the Planning Board retains the right to request more information where review criteria are not fully addressed.~~

3. Public Hearing: To be held at the Planning Board meeting on February 10, 2020.
4. Site Walk: A site walk was held on October 9, 2019.

Findings of Fact and conclusions for the

Windham Planning Board,

~~**MOTION:** The Preliminary Subdivision application for 19-16 Sunrise (formerly Twilight) Cove Retirement Community and Mixed Use Commercial Buildings – on Tax Map: 7, Lot: 66 is to be (approved with conditions/denied) with the following findings of fact and conclusions.~~

FINDINGS OF FACT

A. POLLUTION

- The applicant should indicate whether there are mapped floodplains on the project parcel.
- As the proposed subdivision is in a Direct Watershed of a Lake Most at Risk from New Development (Highland Lake), independent professional review is required. An independent third-party reviewer, a Professional Engineer at Gorrill Palmer, Inc, is performing peer-review of the application in addition to the staff review.
- The applicant is proposing the use of septic treatment tanks to result in reductions of phosphorus and up to 70% of total nitrogen removal. The flow leaving the tank would be below the State's standard for level of nitrogen in the groundwater at the property boundary.
- The applicant needs to submit a hydrogeologic assessment with the preliminary plan submission, or otherwise prove compliance with 910.C.1(c)(3)
- 911.J.7.A states that projects in the Highland Lake watershed shall not be allowed to pay the compensation fee for exceeding the project's phosphorus allocation. The applicant needs to demonstrate that they are not exceeding their phosphorus allocation. The applicant submitted materials that indicate they believe the project will result in an overall decrease of .6 pounds of phosphorus export, per year. The calculations are based on a design that includes construction of a stormwater pond that will treat runoff from a drainage swale that collects water from a portion of route 302.
- The preliminary plan submission included "Hydrogeologic Assessment of the Proposed Sunrise Cove Development 19 Roosevelt Trail, Windham" produced by Mark Cenci Geologic, Inc. It states that "The systems proposed by Terradyn Consultants use aerating pre-treatment to reduce the content of organic compounds in the wastewater before disposal into the ground."; "...the 10mg/liter NO₃-N plumes will be 70 to 150 feet in length. Using the inferred ground water flow directions, the calculated No₃-N lines were drawn on the plan"; and "All plumes will eventually filter through wetland soils where biochemical removal of nitrates and other nutrients will take place before seeping into Highland Lake." And concludes "The proposed development of 60 residences with a clubhouse on this parcel meets the standards of both the Town of Windham Subdivision ordinance, and the Site Location of Development Act, with regard to ground water quality."
- In an email dated January 21, 2020 Mark Arienti, P.E., Town Engineer commented that the applicant should show the 10 mg/l plumes on one of the plan sheets.
- In a response to comments dated February 5, 2020 the applicant submitted Nitrate Plume Plans. The plans show all plumes staying within the boundaries of the property, except for the one associated with units 35-40 and 51 & 54. The plans also do not indicate which septic and plume is associated with units 52 and 53. The applicant needs to amend the plan so that the nitrate plume does not extend over the property line.
- The applicant submitted a Subsurface Wastewater Disposal System application prepared and signed by Site Evaluator Mark Cenci, dated 12-23-19. Documents a 900 gpd system serving units 21-24, and 46; a 1800 gpd system serving units 25-34; an 1800 gpd system serving units 47-50, 55-60; and an 1800 gpd system serving units 35-40, 51-54.

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- Further Subsurface Wastewater Disposal System information was submitted in an email from Site Evaluator Mark Cenci, dated January 31, 2020. It included septic system applications including one for a 1600 gpd system serving the six 2-bedroom multifamily dwelling units and clubhouse; an 1800 gpd system serving units 5-14; and an 1800 gpd system serving units 1-4, & 15-20.

B. WATER

- All dwelling units will be served by public water.
- The closes hydrant is on 302 south of the intersection with Land of Nod. At the Development Team meeting on August 1, 2016, Deputy Fire Chief John Westcott recommended additional fire hydrants so that all units were within 1,000' of one.
- Existing and proposed fire hydrants should be shown on the plan.
- The preliminary plan submission must include a written statement from the Portland Water District (PWD) that there is adequate supply and pressure for the subdivision.
- In a response to comments dated February 5, 2020 the applicant estimated the project's demand for water based on the septic designs at approximately 12,400 gpd. The applicant stated they have sent plans to Portland Water District and are waiting for sign-off and an ability to serve letter.
- The final plan submission must include an ability to serve letter from the PWD.

C. SOIL EROSION & STORMWATER MANAGEMENT

- The applicant must submit a stormwater management plan that meets the water quality and quantity standards as well as the flooding standard of Section 3 DEP Chapter 500 Stormwater Management.
- The final plan must include stream crossing permits
- A soil erosion and sediment control plan must be submitted as part of the Preliminary Plan.
- A soil erosion and sediment control plan was submitted with the updated Preliminary Plan which includes temporary erosion control BMPs, Permanent stabilization requirements, re-vegetation plans, winter construction plans, maintenance and inspection, and details for typical erosion control measures for dwelling units, erosion control blanket, grassed swale, silt sack, filter sock, silt fences, construction entrance, erosion control mix berm.
- Section C.2.A. of the Surface Water Protection Ordinance requires that projects within the Highland Lake watershed must incorporate double temporary erosion control measures at the perimeter of the project.
- A DEP Site Location of Development Act and NRPA permits are required for this project. The permits must be submitted as part of the Final Plan.
- This project is in the NPDES (National Pollutant Discharge Elimination System) area as designated by the Environmental Protection Agency for the Town of Windham. As a result, there will be additional construction inspection requirements and ongoing

requirements for reporting of stormwater infrastructure maintenance as there is more than one (1) acre of development. See recommended Condition of Approval #2.

- Per 906.E.7., where the project is located in the Highland Lake Watershed, a direct watershed of a lake most at risk from development, it is subject to peer review by 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.
- Will Haskell, P.E. of Gorrill Palmer commented in peer review dated January 17, 2020: The overall stormwater management plan appears to meet Chapter 500 standards, with several minor discrepancies as noted in comments below. Comments include a number of items that should be shown on the plans, a request for additional details such as stream crossing culvert sizing, and proposed gravel wetlands, as well as that the applicant should address protection of walking trail from concentrated flow, the need to enlarge a forebay, that the runoff from the stormdrain outlet at Sta. 9+25 RT does not appear to enter the forebay of the gravel wetland, and discrepancies at the inverts for the outlet control structure.
- In an email dated January 21, 2020 Mark Arienti, P.E., Town Engineer commented: “The overall stormwater management plan appears to meet Chapter 500 standards, with several minor discrepancies as noted in comments below.” Comments included that additional clarification of phosphorous export factors, summaries for % treated of impervious and developed areas, Gravel Wetland details, underdrain invert elevation data, and a stream culvert detail should be included.
- In a response to comments dated February 5, 2020 and February 6, 2020 the applicant responded to the peer review comments. At the time of this memo, peer review staff have not had time to verify if all comments were addressed.

D. TRAFFIC

- Two road entrances are proposed to the development from Route 302. One entrance is aligned with Land of Nod Road and the other is approximately 200 feet to the south. Requisite Maine Department of Transportation road entrance permit(s) must be submitted with the final application.
- It was determined by Staff that the project is in the urban compact zone and will require road opening permits from the Town of Windham.
- The sketch plan shows 3 curb cuts – the two proposed, and one existing right of way for an abutting property.
- Sight distances should be shown on the plan.

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- In an email dated January 21, 2020 Mark Arienti, P.E., Town Engineer commented: The Traffic Impact Study (submitted with preliminary plan) states that sightline distance from the center of the road meets or exceeds the 580 feet required for a Mobility Corridor with a 40-mph speed limit. However, it also states that site distance looking right from the driveways will require minor clearing of all small trees and low-level vegetation to ensure acceptable site distance is provided. A note should be included in the Final plan to this effect as well as to show measured sight distance.
 - The Preliminary Plan sheet C-1.1 dated February 5, 2020 shows sight distances as 600' north of each opening, and 700' south of each opening.
 - The applicant submitted a revised plan on February 6, 2020 that shows the proposed right of way area to be cleared.
 - There is no minimum parking requirement, but the applicant should indicate in the final plan that the amount of parking will be adequate during both summer and winter conditions.
 - A walking path loops around the perimeter of the development, and would provide access to Highland Lake through the adjacent property located in Falmouth.
 - A traffic impact study is required if the project will generate fifty (50) or more trips during the a.m. or p.m. peak hour. Trip generation information should be provided with the preliminary plan submission.
 - Per Section 911.M.5.a.6 (pg 9-58) access drive standards for condominium subdivisions shall meet the major private road standard
 - A bus stop is shown on the plan. At the Development Review Team Meeting on August 16, 2019 Will Haskell, P.E. of Gorrill Palmer noted that the shoulder of 302 may need to be altered to accommodate the bus stop.
 - The applicant is proposing gates restricting traffic to the retirement community. The applicant shall provide with the final plan, letters of approval by the Windham Police and Fire Departments of a plan for their necessary access.
 - The Land Use Ordinance, at 522.2.(a) states that “a parcel shall be limited to one (1) curb cut on the same street.” The Planning Board is not able to waive this standard. The applicant should indicate how they intend to comply with the standard.
 - 911.M.5(b)(7) Street Connection Requirements, requires a subdivision with 31 or more lots or units to have a minimum of 2 connections with an existing public street.
 - In a legal opinion dated September 24, 2019, Town Attorney James N. Katsiaficas concluded of the apparently conflicting curb-cut requirements: “While it is not entirely clear which is the more restrictive provision, Sections 400 G and 522 or Sections 546 and 911 M, the Planning Board could reasonably determine that Sections 546 and 911, which apply specifically to retirement communities in a zoning overlay district enacted for that purpose and which requires a residential subdivision street to have a minimum of two connections with an existing public street, is more restrictive than the Sections 400 G and 522 requirement that applies generally in the C3 District and requires only one curb cut.”
 - Will Haskell, P.E. of Gorrill Palmer commented in peer review dated January 24, 2020 some notes on how trip generation calculation might be improved, and that Gorrill Palmer’s professional opinion is that the site does not warrant the need for two accesses

onto Route 302, and that the two access drives would decrease the mobility and safety of the section [as opposed to one]. He also commented that the stretch of Route 302 is within the Urban Compact and does not require a Maine DOT entrance permit.

E. SEWERAGE

- The site will be served by engineered subsurface septic systems. The final plan must include approval from the Maine Department of Health and Human Services.
- Soil test pit analysis which indicates soils that will support a septic system for this use must be included with the final plan submission. Test pit locations must be shown on the plan.
- See findings under “A. POLLUTION” for descriptions of the subsurface wastewater application, including test pit analysis, that were submitted with the Preliminary Plan application.
- Test pit locations must be shown on the Final Plan.

F. SOLID WASTE

- The applicant should identify how the disposal of solid waste will be managed.
- A dumpster is depicted in the parking lot area across from the commercial units. It is not clear if that is intended to be used by the commercial units or the entire development. The applicant should specify how solid waste will be managed.

G. AESTHETICS

- An existing single-family home is located on site as well as the remaining road network and infrastructure of a long closed campground (electrical hookups and a bath house). The lot is generally wooded.
- There are no documented rare botanical features or significant wildlife habitat documented on the site.
- Street trees are required at least every fifty (50) feet.
- Limits of tree clearing are shown on the preliminary plan. A note should be added to the plan stating that clearing of trees is not allowed in areas where tree cover is depicted on the plan for a period of at least five (5) years from the date of Planning Board approval.
- The Preliminary Plan depicts a dumpster enclosure in the parking lot opposite the commercial units. A detail of the enclosure depicts a concrete pad under the dumpster, fencing around it. The applicant stated in the preliminary plan submission that it will be screened with a 7' high architectural fence.

H. CONFORMITY WITH LOCAL PLANS AND ORDINANCES

- Comprehensive Plan:
 - The plan does meet the goals of the 2017 Comprehensive Plan.

- Land Use Ordinance:
 - The net residential area calculations are shown on the plan. At 38.3 acres, or 1,668,348 sf, the project meets the minimum lot size requirement of 200,000 sf. The proposed 60 units results in a net density of 27,805.8 sf/unit.
 - District Standards, Section 407.E. The project must meet the standards of the RCCF zoning district.
- Subdivision Ordinance
 - A landscaping plan must be submitted with the Preliminary Plan.
 - Standard notes and the standard condition of approval must be shown on the plans.
 - Digital transfer of the subdivision plan data must be submitted with the Final Plan submission for inclusion with the Town's GIS.
 - The plan should show the entire parcel
- Others:
 - Chapter 221 Street Naming and Addressing: Following consultation with the Assessing Department, a proposed road names for both access drives must be shown on the Final Plan.
 - The Preliminary Plan shows proposed road names. All road names must be approved by the Town Addressing Officer in the Assessing Department.
 - Chapter 142 Surface Water Protection: Section C.2.A. of the Surface Water Protection Ordinance requires that projects within the Highland Lake watershed must incorporate double temporary erosion control measures at the perimeter of the project.
 - Chapter 144 Post-Construction Stormwater Ordinance: The site is in the NPDES MS4 area as well as the Highland Lake watershed.

I. FINANCIAL AND TECHNICAL CAPACITY

- Evidence of financial capacity must be provided as part of the Preliminary Plan submission.
- Evidence of technical capacity must be provided as part of the Preliminary Plan submission.
- The preliminary plan submission included the names and qualifications of the professionals preparing the plan materials, including Jeff Amos, P.E. of Terradyn Consultants, LLC; Mark Cenci, Site Evaluator & Wetland Delineator from Mark Cenci Geologic, Inc.; Surveyor Wayne T. Wood, Traffic Engineer William Bray, P.E., and Mark Hampton, CSS performing the High Intensity Soil Survey.

J. RIVER, STREAM OR BROOK IMPACTS

- This project will not adversely impact any river, stream, or brook. See findings under "A. POLLUTION", and "C. SOIL EROSION AND STORMWATER MANAGEMENT" above.

CONCLUSIONS (N/A)

1. — The proposed subdivision ~~will/will not~~ result in undue water or air pollution.
2. — The proposed subdivision ~~has/does not have~~ sufficient water available for the reasonably foreseeable needs of the site plan.
3. — The proposed subdivision ~~will/will not~~ cause an unreasonable burden on an existing water supply.
4. — The proposed subdivision ~~will/will not~~ cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
5. — The proposed subdivision ~~will/will not~~ cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. — The proposed subdivision ~~will/will not~~ provide for adequate sewage waste disposal.
7. — The proposed subdivision ~~will/will not~~ cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. — The proposed subdivision ~~will/will not~~ have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. — The proposed subdivision ~~conforms/does not conform~~ with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. — The developer ~~has/does not have~~ adequate financial and technical capacity to meet the standards of this section.
11. — The proposed subdivision ~~is/is not~~ situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2 B M.R.S.A.
12. — The proposed subdivision ~~will/will not~~ alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. — The proposed subdivision ~~is/is not~~ situated entirely or partially within a floodplain.
14. — All freshwater wetlands within the proposed subdivision ~~have/have not~~ been identified on the plan.
15. — Any river, stream, or brook within or abutting the subdivision ~~has/has not~~ been identified on any maps submitted as part of the application.
16. — The proposed subdivision ~~will/will not~~ provide for adequate storm water management.
17. — If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as these features are defined in Title 38, section 480 B, none of the lots created within the subdivision ~~have/do not have~~ a lot depth to shore frontage ratio greater than 5 to 1.
18. — The long term cumulative effects of the proposed subdivision ~~will/will not~~ unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.

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19. ~~For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will/will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.~~
20. ~~Timber on the parcel being subdivided has/has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.~~

CONDITIONS OF APPROVAL

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated January 10, 2020, as amended _____, and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the Planning Board or the Town Planner in accordance with Section 913 of the Subdivision Ordinance.
2. Approval is subject to the requirements of the Post-Construction Stormwater Ordinance, Chapter 144. Any person owning, operating, leasing or having control over stormwater management facilities required by the post-construction stormwater management plan must annually engage the services of a qualified third-party inspector who must certify compliance with the post-construction stormwater management plan on or by May 1st of each year.

SITE PLAN REVIEW

FINDINGS OF FACT

Utilization of the Site

- See Subdivision Review.

Vehicular and Pedestrian Traffic

- Will Haskell, P.E. of Gorrill Palmer commented in peer review dated January 24, 2020 that there is a concern with the ambiguity of the “Commercial Units” description. The applicant responded by email on February 5, 2020 that they will take direction from the Town on the issue. Staff recommend that the applicant should specifically state what the commercial uses will be, to verify that they are compatible with the adjacent properties and fit harmoniously into the fabric of the community. (801)
- See Subdivision Review.

Sewage Disposal and Groundwater Impacts

- See Subdivision Review.

Stormwater Management

- See Subdivision Review.

Erosion Control

- See Subdivision Review.

Utilities

- The Preliminary Plan should note the size of the existing water mains in Roosevelt Trail, and show connections to the proposed buildings.
- Electrical, telephone, and cable service to the development shall be provided by underground service.

Financial Capacity

- See Subdivision Review.

Landscape Plan

- A landscaping plan must be submitted as part of the Final Plan submission.

Conformity with Local Plans and Ordinances

1. Land Use
 - The applicant should identify the proposed non residential uses to confirm they are permitted in the Commercial District 3 (C-3).
 - See Subdivision Review.
2. Comprehensive Plan
 - This project meets the goals and objectives of the 2003 Comprehensive Plan.
3. Others:
 - Design Standards, Section 813. The project must meet the design standards of the C-3 zoning district.

Impacts to Adjacent/Neighboring Properties

- Site lighting must be shown on Final Plan, and details of fixtures must be included in the submission.
- The applicant submitted specifications for architectural fully cut-off light fixtures with a response to comments dated February 5, 2020.

CONCLUSIONS

1. ~~The plan for development reflects/does not reflect the natural capacities of the site to support development.~~
2. ~~Buildings, lots, and support facilities will/will not be clustered in those portions of the site that have the most suitable conditions for development.~~
3. ~~Environmentally sensitive areas, including but not limited to, wetlands; steep slopes; flood plains; significant wildlife habitats, fisheries, and scenic areas; habitat for rare and endangered plants and animals; unique natural communities and natural areas; and, sand and gravel aquifers will/will not be maintained and protected to the maximum extent.~~
4. ~~The proposed site plan has/does not have sufficient water available for the reasonably foreseeable needs of the site plan.~~
5. ~~The proposed site plan will/will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.~~
6. ~~The proposed use and layout will/will not be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved.~~
7. ~~The proposed site plan will/will not provide for adequate sewage waste disposal.~~
8. ~~The proposed site plan conforms/does not conform to a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.~~
9. ~~The developer has/does not have adequate financial capacity to meet the standards of this section.~~
10. ~~The proposed site plan will/will not alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.~~
11. ~~The proposed site plan will/will not provide for adequate storm water management.~~
12. ~~The proposed location and height of buildings or structure walls and fences, parking, loading and landscaping shall be such that it will/will not interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonable affect its value.~~
13. ~~On site landscaping does/does not provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.~~

CONDITIONS OF APPROVAL

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated January 10, 2020, as amended _____, and supporting documents and

oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the Planning Board or the Town Planner in accordance with Section 814.G. of the Land Use Ordinance.

2. Approval is subject to the requirements of the Post-Construction Stormwater Ordinance, Chapter 144. Any person owning, operating, leasing or having control over stormwater management facilities required by the post-construction stormwater management plan must annually engage the services of a qualified third-party inspector who must certify compliance with the post-construction stormwater management plan on or by May 1st of each year.