

ITEM 3

**Town of Kittery
 Planning Board Meeting
 February 25, 2016**

ITEM 3 – Town Code Amendments – 16.2 Definitions; 16.8.8.2.3 Applicability; 16.10.7.2 Final Plan Application Submittal Content

Action: Hold a public hearing and recommend to Town Council for adoption. The proposed amendments provide clarity with regard to a Municipal Separate Storm Sewer System (MS4) regulation for a Post-Construction Stormwater Management Plan.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
NO	Joint workshop with Planning Board and Town Council	2/1/2016	HELD
YES	Initial Planning Board Meeting	1/14/2016	HELD
YES	Public Hearing (special notice requirements)	Scheduled for 2/25/2016	
YES	Review/Approval/Recommendation to Town Council		

Background

When the Town of Kittery initially became a regulated community under the DEP’s MS4 General Permit, an ordinance was adopted to add a Post Construction Management Plan per requirements of the Permit. There has been recent proposed development in the Urbanized Area triggering this ordinance which brought to light the inadequacies of the current ordinance language. The proposed amendments provide the needed clarity and full scope of applicability and requirements to address inadequacies found.

Review

Attached for the Board’s consideration are amendments to the definition of a Post-Construction Management Plan, when Post-Construction Stormwater Management regulations apply, and what the Post-Construction Stormwater Management Plan must entail to be effective. Staff revised the amendment to reflect comments regarding sentence structure raised by the Board and Town Council raised at the February 1, 2016 workshop.

The current amendment reflects comments made from the Board’s initial review on 1/14/2016, as well as input from Town Council during the 2/1/2016 workshop.

Recommendation

If the Planning Board is amenable to the proposed amendments and/or along with any revisions they find is warranted, the Board can...

...move to recommend to Town Council adoption of Town Code Amendments, Title 16.2 Definitions, Title 16.8.8.2.3 Applicability, and 16.10.7.2 Final Plan Application Submittal Content.

Code Amendments

1 16.2.2 Definitions.

2
3 **Post-Construction Stormwater Management Plan** means an Inspection and Maintenance Plan as
4 required by rule for projects that require approval by the Maine Department of Environmental Protection
5 (MDEP) under Chapter 500, Stormwater Management in Maine; or a plan to inspect and maintain BMPs
6 and Stormwater Management Facilities employed by a new development or redevelopment, not subject to
7 MDEP Chapter 500 rules, to meet the stormwater standards of the ~~municipality's subdivision, site plan, or~~
8 ~~other zoning, planning or other land use ordinances~~ Town or this Code.
9

10 16.8.8.2.3 Applicability.

11 A. In General.

12 This Section applies to all new development or ~~construction~~ redevelopment (any construction activity on
13 premises already improved that ~~does~~ alters stormwater drainage patterns) ~~activity~~ including one acre or
14 more of disturbed area, or activity with less than one acre of total land area that is part of a subdivision, if
15 the subdivision will ultimately disturb an area equal to or greater than one acre. ~~and; redevelopment or~~
16 ~~construction activity on premises already improved with buildings and structures or activities or uses, but~~
17 ~~does not include activities such as exterior remodeling.~~
18
19

20 21 16.10.7.2 Final Plan Application Submittal Content.

22
23 R. Stormwater management plan for stormwater and other surface water drainage prepared by a
24 registered professional engineer including the location of stormwater and other surface water drainage
25 area; a Post-Construction Maintenance Stormwater Management Plan and Agreement that defines
26 maintenance responsibilities, responsible parties, shared costs, and schedule for maintenance; a draft
27 Maintenance Agreement for Stormwater Management Facilities, and where applicable, draft documents
28 creating a homeowners association referencing the Maintenance responsibilities. Where applicable, a the
29 Maintenance Agreement must be included in the Document of Covenants, Homeowners Documents
30 and/or as riders to the individual deed and recorded with the York County Registry of Deeds.