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

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Debra L. Anderson  
Register of Deeds

DEPARTMENT ORDER

IN THE MATTER OF

CHAMBERLAIN PROPERTIES, LLC	)	SITE LOCATION OF DEVELOPMENT ACT
Saco, York County	)	
ROSS RIDGE SUBDIVISION	)	
STORMWATER REVISIONS	)	MINOR AMENDMENT
L-23482-L2-G-B (approval)	)	FINDINGS OF FACT AND ORDER
(*Corrected Order)		

Pursuant to the provisions of 38 M.R.S.A. Sections 481 et seq., the Department of Environmental Protection has considered the application of CHAMBERLAIN PROPERTIES, LLC with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History of Project: In Department Order #L-23482-39-A-N, dated May 22, 2007, the Department approved the development of Ross Ridge Subdivision, a 111-unit residential subdivision on an approximately 70.6-acre parcel of land. In Department Order #L-23482-L2-D-B, dated September 26, 2008, the Department approved the replacement of multi-family housing lots with single-family lots and modifications to the stormwater management system. The Department issued a number of subsequent orders acknowledging compliance with special conditions and approving minor revisions to the initial project design. The development is located on the south side of Ross Road and at the end of Woodman Avenue in the City of Saco.

B. Summary: The applicant proposes to eliminate the dry swale and underdrained soil filter located behind lots 11 through 18. The applicant submitted a revised stormwater treatment summary table for the proposed changes. The proposed changes are shown on a plan entitled "Grading and Drainage Plan," prepared by Sebago Technics Inc., and dated March 19, 2008, with a last revision date of December 15, 2008.

C. Current Use of Site: The site of the proposed project is currently being developed into a residential subdivision.

2. STORMWATER MANAGEMENT:

The proposed changes will not alter the amount of impervious area, 9.68 acres, or the amount of developed area, 37.04 acres.

A. General Standard: 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. In Department Orders #L-23482-39-A-N and #L-23482-L2-D-B, this mitigation was achieved by using Best Management Practices (BMP) that will control runoff from no less than 95% of the impervious area and no less than 80% of the developed area. The applicant proposes to apply the "linear portion of a project" exception in Chapter 500 to control runoff volume from no less than 75% of the impervious area and no less than 50% of the developed area.

The revised treatment summary and plan sheet were reviewed by the Division of Watershed Management (DWM) of the Bureau of Land and Water Quality (BLWQ). After a final review, DWM commented that the proposed stormwater management system is designed in accordance with the Chapter 500 General Standard.

Based on the stormwater system's design and DWM's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500, General Standards.

B. Flooding Standard:

DWM commented that the proposed system is designed in accordance with the Chapter 500 Flooding Standard and removal of the dry swale and underdrained soil filter will not result in a significant increase in the post-development peak flow from the site over the pre-development peak flow from the site.

Based on the system's design and DWM's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500, Flooding Standard for peak flow from the project site, and channel limits and runoff areas.

The Department further finds that the proposed project will meet the Chapter 500 standards for discharge to freshwater wetlands.

3. ALL OTHER:

All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-23482-39-A-N, and subsequent orders.

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.A. Sections 481 et seq.:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.
- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality, or other natural resources in the municipality or in neighboring municipalities.
- C. The proposed development will be built on soil types, which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- D. The proposed development meets the standards for storm water management in Section 420-D and the standard for erosion and sedimentation control in Section 420-C.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.
- F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities, solid waste disposal, and roadways required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipality or area served by those services.
- G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of CHAMBERLAIN PROPERTIES, LLC to eliminate the dry swale and underdrained soil filter behind lots 11 through 18, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

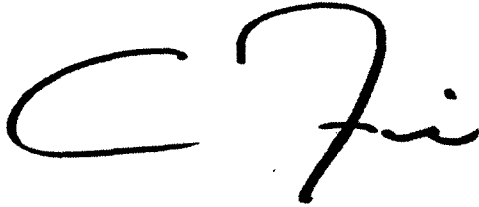
1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive 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. All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-23482-39-A-N, and subsequent orders, and are incorporated herein.

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.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Correcting the order dated 1/28/2009. The expiration and effective dates remain the same as in the original Order.



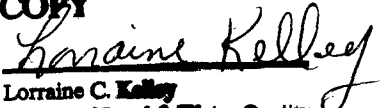
This permit has been digitally signed by Andrew C. Fisk on behalf of Commissioner David P. Littell. It is digitally signed pursuant to authority under 10 M. R.S.A. § 9418. It has been filed with the Board of Environmental Protection as of the signature date 2009.02.26 11:46:35 -05'00'

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

RLG/L#23482GB/ATS#69306

**A TRUE COPY**

ATTEST:

  
Lorraine C. Kelley  
Bureau of Land & Water Quality

**Department of Environmental Protection**  
**SITE LOCATION OF DEVELOPMENT (SITE)**  
**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.**

1. 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 applicant. Any variation from the plans, proposals and supporting documents is subject to the review and approval of the Board prior to implementation. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited, without prior approval by the Board of Environmental Protection, and the applicant shall include deed restrictions to this effect.
2. The applicant shall secure and comply with all applicable Federal, State and local licenses, permits, authorizations, conditions, agreements, and orders, prior to or during construction and operation as appropriate.
3. The applicant shall submit all reports and information requested by the Board or Department demonstrating that the applicant has complied or will comply with all conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
4. Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
5. Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board 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 shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.
6. If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. Reapplications for approval shall state the reasons why the development was not begun within two years from the granting of the initial approval and the reasons why the applicant will be able to begin the activity within two years from the granting of a new approval, if granted. Reapplications for approval may include information submitted in the initial application by reference.
7. If the approved development is not completed within five years from the date of the granting of approval, the Board may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances which may have occurred during the five-year period.
8. A copy of this approval must be included in or attached to all contract bid specifications for the development.
9. Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.

(2/81)/Revised November 1, 1979