



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

Doc# 2008046654  
Bk 15503 Pg 0828 - 0836  
Received York SS  
10/10/2008 1:08PM  
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DEPARTMENT ORDER

IN THE MATTER OF

CHAMBERLAIN PROPERTIES, LLC	) SITE LOCATION OF DEVELOPMENT ACT
Saco, York County	) NATURAL RESOURCES PROTECTION ACT
ROSS RIDGE SUBDIVISION	) STREAM ALTERATION
LAYOUT CHANGES	) WATER QUALITY CERTIFICATION
L-23482-L2-D-B (approval)	) MINOR AMENDMENT
L-23482-L6-F-M	) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 481 et seq. and 480-A et seq., and Section 401 of the Federal Water Pollution Control Act, 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: 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. 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 add 32 additional single-family residences and make the following changes to the development:

- Replace the multi-family housing on Lots 44, 48, 49, and 50 with 31 new single-family lots. The private drive that bisects Lot 44 will remain.
- Eliminate the open space adjacent to Lot 42 and Woodman Avenue and change the lot lines for Lots 42 and 43 to create a new single-family lot.
- Replace the community center and its associated parking and paved access road with a tennis court and 10-foot wide gravel road.
- Add a propane-fueled generator to provide emergency power to the sewer pump station.
- Relocate the access roads to wet pond #2 and underdrained soil filters #4.
- Reduce the dimensions of wet pond #1 and underdrained soil filter #1 and increase the dimensions of underdrained soil filters #2.
- Eliminate stormwater buffer #2 and underdrained soil filters #3A and #3B.
- Replace the 24-inch by 38-inch elliptical pipe culvert with a 42-inch circular reinforced concrete culvert.
- Layout modifications will increase the amount of freshwater fill 191 square feet from 7,437 square feet to 7,628 square feet.

The applicant submitted a revised stormwater management plan for the entire project to accommodate the proposed changes. The proposed changes are shown on a set of plans, the first of which is entitled "First Amended Subdivision Plan, Ross Ridge," prepared by Sebago Technics Inc., and dated March 19, 2008, with a last revision date of June 10, 2008. The project site is located on the south side of Ross Road and at the end of Woodman Avenue in the City of Saco.

The project will be constructed in three phases. Phase I includes the construction of the through road with construction entrances proposed at both Ross Road and the existing cul-de-sac at Woodman Avenue. Also included in Phase I is the construction of utilities and the stormwater management system along the access road, single-family lots 1-18, and lots 61-78, and the two wet ponds and two underdrained soil filters. Phase II includes the construction of single-family lots 19-21 and 39-54 and lot 60, the access roads adjacent to these lots and their associated utilities and stormwater management system. Phase III includes the remaining road system and single-family lots, the tennis court, and the utilities and stormwater management system for these lots.

C. Current Use of Site: The site of the proposed project is currently undeveloped fields, woodland, and wet meadow and forested wetlands. There are no structures on the property.

2. BUFFER STRIPS:

In Department Order #L-23482-39-C-C, dated February 7, 2008, the Department determined that the applicant complied with Special Condition #10 of Department Order #L-23482-39-A-N, which required the applicant to record a copy of the deed restrictions related to the Open Space lots, showing the location of the stream and stormwater buffers, at the York County Registry of Deeds and submit a copy of the recorded deed with the restriction and plot plan.

Stormwater Buffer #2 was included in the Open Space deed restrictions; however, as discussed in Finding 3, the proposed modifications to the stormwater management system no longer require Stormwater Buffer #2 to provide treatment of stormwater runoff from the development. The applicant has requested that it be allowed to remove the deed restrictions placed on Stormwater Buffer #2.

The Department finds that the proposed modifications to the stormwater management system will no longer require Stormwater Buffer #2 to provide treatment of stormwater runoff and that the deed restrictions placed on Stormwater Buffer #2 can be removed. The Department further finds that the applicant has made adequate provision for buffer strips.

3. STORMWATER MANAGEMENT:

The proposed changes to the development, as listed in Finding 1, will reduce the amount of impervious area from 10.54 acres to 9.68 acres but increase the amount of developed

area from 36.05 acres to 37.04 acres. As a result, Stormwater Buffer #2 and underdrained soil filters #3A and #3B are proposed be eliminated.

A. General Standard: The applicant's modified 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 (BMP) 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 DWM. 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. Urban Impaired Stream Standard:

The proposed project is in the watershed of Goosefare Brook, an urban impaired stream. With the proposed modifications a total of 6.6 mitigation credits are needed, a reduction of 0.24 credits. In Department Order #L-23482-39-A-N, the applicant proposed to treat approximately 11 acres of off-site development from seven lots on Woodman Avenue and portions of Interstate-195 in wet pond WP-2, located in the southern portion of the project site. There are no changes proposed to the amount of off-site treatment.

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, Urban Impaired Stream Standard by mitigating project impacts through the treatment of stormwater runoff from off-site sources of impervious area.

C. Flooding Standard:

In Department Order #L-23482-39-A-N, the post-development peak flow from the site was not expected to exceed the pre-development peak flow from the site. With the proposed modifications, the post-development peak flow from the site is expected to be increased by an insignificant amount over the pre-development peak flow from the site. The peak flow of the receiving water will not be increased as a result of stormwater runoff from the development site.

DWM commented that the proposed system is designed in accordance with the Chapter 500 Flooding Standard.

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.

4. WETLANDS AND WATERBODIES PROTECTION RULES:

The proposed modification will result in a net increase of 191 square feet of wetland alteration along the access road.

The applicant proposes to replace the 24-inch by 38-inch elliptical pipe culvert with a 42-inch circular reinforced concrete culvert at the stream crossing to meet City ordinances. Installation requirements and timing restrictions remain unchanged from those in Department Order #L-23482-39-A-N.

The Department finds that the applicant has avoided and minimized stream and wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project.

5. 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 480-A et seq. and Section 401 of the Federal Water Pollution Control Act:

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.

- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in 38 M.R.S.A. Section 480-P.

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 amend the Ross Ridge development in Saco as described in Finding 1, 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