



Town of Ogunquit
Planning Board
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**OGUNQUIT PLANNING BOARD
MINUTES
JANUARY 24, 2022**

**1st WORKSHOP TO DISCUSS
STORMWATER MANAGEMENT
and
EROSION CONTROL**

Members Present: Steve Wilkos (Chair)
Mark MacLeod (Vice-Chair)
Elaine Cooper
Steven Meller
Mark Dufton (1st Alternate)

Members Excused: Jackie Bevins

Also Present: Tyler McOsker, Ogunquit Code enforcement Officer
Lee Jay Feldman, SMPDC Town Planner
Abby Sherwin, SMPDC

Mr. Wilkos opened the workshop at 5:00 p.m.

Ms. Sherwin gave a brief overview of the SMPDC programs currently being developed under the Maine Coastal Programs Coastal Community Grant. Neither program involves the Town of Ogunquit however the work being done could easily be transferred to Ogunquit.

The overall goal is to develop model ordinance language for erosion and sediment control and low impact development. They are specifically for MS4 Communities (Municipal Separate Storm and Sewer System Communities) which are regulated for storm water management under the Clean Water Act. Ms. Sherwin noted that Ogunquit is not an MS4 Community however many of the neighboring communities are, which means that those communities need to have higher standards in their ordinances for storm water management.

Low Impact Development (LID) involves a series of systems and practices which use, or augment, natural processes which make use of stormwater. This is to protect water quality and wildlife habitats. There is a new State requirement for MS4 communities to adopt ordinance language which has LID measures and standards.

SMPDC has developed ordinance language and a checklist which outlines erosion and sediment control practices required during the development phase of projects. Many of the standards relate to pollution prevention, groundwater protection, stabilization techniques of development sites, inspections and maintenance of Best Management Practices, debris management for construction sites, and practices for dewatering of excavated materials.

SMPDC has also developed some Climate Resilience Measures which will help communities prepare for the impacts of climate change, specifically the increase in precipitation.

Mr. MacLeod asked when the model ordinance language will be ready.

Ms. Sherwin responded that the Erosion and Sediment Control Ordinance is expected to be finalized by the summer of 2022. The language for Low Impact Development will be finalized and sent to the Department of Environmental Protection for review by September 1, 2022.

Mr. Feldman added that part of the work being done is teamed with Cumberland County Water and Conservation District as well as Integrated Environmental Consulting.

Mr. Wilkos asked how a town becomes an MS4 Community.

Ms. Sherwin responded that towns are designated as MS4, they don't actually apply. The designation is rooted in population size, with the higher population towns being designated as MS4. However the standards applied to MS4 communities may be used by other communities.

Ms. Cooper noted that Ms. Sherwin stated that the ordinance language would be dealing with systems and practices which mimic the hydrologic process. She asked if there will be examples of how to figure out what that process is, and how before and after water amounts will be measured, and the standards which will be developed for that.

Ms. Sherwin responded that there will be specific standards developed. The new MS4 Permit outlines specific measures and standards that need to be addressed. Some of the measures include minimized site clearing, protection of natural drainage systems, minimizing of soil compaction, open channel conveyance systems.

Dr. Meller asked if the MS4 requires independent engineers to certify development on all these standards.

Ms. Sherwin responded that it is not a requirement for Erosion and Sediment Control Standards, however it is proposed that communities include that requirement for Climate Resilience Measures.

Dr. Meller asked if there are enough Certified Professional Engineers available to meet an increased demand for their services.

Ms. Sherwin responded that there are a handful of people well versed in Best Management Standards and hopefully as the demand for these types of services increases there will be a corresponding increase in available professionals.

Mr. Feldman added that development projects will need to be designed by a certified engineer and there are other certified engineers who can be hired by municipalities to review the proposed plans to ensure that they meet Best Management Practices and that developers have done what they are supposed to do.

Ms. Cooper asked if the Town should require a peer review of the development plans as prepared by the engineer working for the developer.

Mr. Feldman responded that a third party review and a third party inspection during construction may be needed for certain projects but each project needs to be evaluated individually. He added that an engineer is a licensed engineer who has to put his/her stamp on plans and they put their stamp on a plan they need to be telling the truth. If they aren't they can lose their license for not doing what they are supposed to do.

Mr. Wilkos asked how the proposed ordinance language should be incorporated into the Comprehensive Plan.

Ms. Sherwin responded that any town's Comprehensive Plan serves as a strong foundation for ordinances and there needs to be a link between the two in order for ordinances to be upheld in a Court of Law. The Comprehensive Plan should identify current conditions related to stormwater management, water quality, habitat concerns, natural resources, and then developing specific goals, policies, and strategies related to stormwater management and water quality issues.

Mr. Feldman suggested a Comprehensive Plan may include language that recommends adoption of ordinance language similar to that adopted by MS4 Communities which require higher standards. This sets the foundation.

Ms. Sherwin summarized that the SMPDC team is currently reviewing example ordinances and literature which outlines LID measures and standards of practices from across the country. They are working with a technical review panel to review which standards are going to be most appropriate for Southern Maine. They will compile all that information and present it to the MS4 communities they are working with for their input. SMPDC will take that input for development of model ordinances which will then be sent out for legal review and review by the DEP.

Mr. Feldman asked if the team is looking at storms larger than the two, ten, and twenty-five year storms which are currently used for storm water review practices.

Ms. Sherwin responded that they are looking at storms higher than the twenty-five year storm levels. They will also incorporate higher precipitation levels and increased event frequencies.

Mr. Feldman added that the practice for engineers when they are designing storm water plans is to use the two, ten, and twenty-five year storm. We are now seeing more fifty and hundred year

storms on a regular basis. This means that stormwater ponds and culvert sizes need to be established to handle those future storms because we are seeing those on a more consistent basis.

Ms. Sherwin noted that there are some communities in Maine which have more advanced stormwater management plans in place. Brunswick has some higher standards in their ordinances already. There are other communities which have some language in their ordinance which recommends higher standards.

Mr. MacLeod pointed out that the earliest Ogunquit could adopt the model ordinances being developed by SMPDC would be June of 2023. He suggested the Planning Board might look at individual line items which may be implemented sooner.

Mr. Feldman responded that there are some things which could be implemented sooner and without too much disruption.

Ms. Cooper suggested an amendment to the Ordinance which formalizes Best Management Practices and Low Impact Development Standards need to be used at each appropriate Planning Board Application. She also suggested that the Board needs to be looking at actual examples. She agreed that the Town and the Planning Board should start heading towards a time when all the model ordinance language is ready so that the Board can get applicants used to knowing that they will have to include these things in their plans.

Mr. MacLeod added that one ordinance amendment might be to the definitions section to include: stormwater management plan, erosion control plan, Low Impact Development. He also noted that very often plans are required and the ordinance should specify that the plans need to be prepared by a Licensed Certified Engineer.

Mr. Wilkos asked if there was anyone from the public who had comments or questions. There was no one.

Mr. Wilkos closed the Workshop at 5:45 p.m.

Respectfully Submitted

Maryann Stacy

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Town of Ogunquit

Planning Board

Recording Secretary

Accepted February 28, 2022

Notes:

- *These minutes are a summary of what was discussed and are not a transcript.*
- *Copies of all referenced documents will be maintained in the Application packet on file with the Land Use Office.*
- *All Planning Board meetings are video archived, and may be viewed for one year after the meeting date, on the Town of Ogunquit's website at www.townofogunquit.org.*