



Mr. Dylan Smith
York Planning Director
186 York Street
York, ME 03909

August 5, 2022

Subject: Low Impact Development and other Ordinance Changes Required by General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems – For 8/11/2022 Planning Board meeting.

Dear Mr. Smith:

As you know, the 2022 Permit became effective 7/1/2022 and we have several ordinances that need updating over the next two years.

The following is a summary of the required ordinance changes and their associated deadlines:

1. Low Impact Development (LID) Strategies:
 - 9/1/2022 – the Town must submit to the Maine DEP a list of performance standards they intend to incorporate into the Town ordinances addressing 10 LID Measures, which are listed in the MS4 General Permit. This letter provides a recommended submittal to the Maine DEP based on a Model Ordinance created under a Maine Coastal Program Grant specifically to address this requirement.
 - Fall 2022 – the Maine DEP will issue the York list for a 30-day public comment
 - 11/1/2022 – the Maine DEP will inform the Town if the list is acceptable, or if additional performance standards are needed.
 - 7/1/2024 The performance standards must be incorporated into the Town’s ordinances.
2. 7/1/2023 - Erosion and Sedimentation Control (ESC) standards must be incorporated into the Town’s ordinances. The standards are almost identical to the Maine DEP Chapter 500 standards for erosion and sedimentation control, but incorporation into the Town’s code should provide more clarity with regard to what is needed at a construction site and will assist code enforcement officers during inspections and with enforcement actions.
3. 7/1/2023 – The Town’s Post-Construction Stormwater Management Ordinance was enacted in 2014 to ensure that stormwater infrastructure that is owned by private developments is inspected and maintained. The 2022 MS4 General Permit requires that we update this ordinance to ensure any corrective measures identified by the owner or inspector are implemented within 60 days of identification.
4. 7/1/2023 The Town’s Non-Stormwater Discharge Ordinance was also enacted in 2014 to ensure that pollutants are not discharged into the storm drain system (either by dumping or by direct connection). The 2022 MS4 General Permit requires that we update this ordinance to ensure that the source of an illicit discharge into the storm drain system is eliminated within 60 days of discovery.

To address these ordinance changes, we recommend creating a new Stormwater Chapter that will contain all stormwater standards (the LID, ESC, Post Construction and Non-Stormwater prohibitions). Changes would also need to be made to the following ordinances at a minimum:

1. Site Plan and Subdivision Regulations to remove any standards from that document, and incorporate them into the new Stormwater Chapter.
2. Zoning Ordinance to point to the Stormwater Chapter and remove any discrepancies. There are also a few elements of the LID strategies that may be better contained in the Zoning Ordinance (e.g. parking standards).

As we update these sections, Planning Staff also recommend updating the Site Plan and Subdivision Regulations and Zoning Ordinance to remove inconsistencies they have observed. This change may result in moving the Site Plan regulations into the Zoning Ordinance and leaving the Subdivision Regulations in their own chapter. This is a standard that most municipalities follow.

Because it is most pressing, we have attached a proposed submittal to address LID Strategies to meet our 9/1/2022 Maine DEP deadline. This submittal is based on the Model Ordinance for LID Strategies, which was developed over the past year using Grant Funding. The Model Ordinance was reviewed by Jim Katsiaticas, an attorney with Perkins Thompson who specializes in municipal law. Although this document is presented as a stand-alone ordinance, it will be adopted as part of the new Stormwater Chapter in accordance with the MS4 deadline.

I believe the submittal reflects Performance Standards that are in keeping with the Town's preferences to protect natural resources, but the Planning Board may wish to change or remove some of the Performance Standards for the 9/1/2022 submittal to Maine DEP. I will attend the August 11, 2022 Planning Board meeting to review this with the Board and answer any questions they may have. Some notes for the Board to direct their review:

- a. Items that are underlined in the draft submittal are generally items that reference other elements of the York Ordinances or Regulations
- b. The Technical Appendix contains the details of the performance standards that will be implemented.
- c. In addition to the Technical Appendix, other items that are highlighted yellow are items we will likely discuss at the 8/11/2022 meeting or will decide upon at a later time (will the Board apply this Town-wide or Urbanized Area only, adjust open space standards, etc.).

We will provide the proposed new Stormwater Chapter with the changes to other ordinances at future Planning Board Meetings for their consideration.

If you have any questions about this information or need changes in advance of the Planning Board meeting, please let me know. I can be reached at 207-415-5830 or via email krabasca@integratedenv.com.

Sincerely,

Integrated Environmental Engineering, Inc.



Kristie L. Rabasca, P.E., LEED AP BD + C

Attachment: Proposed LID Performance Standards Submittal for Planning Board Consideration.