

**AN ORDINANCE PERTAINING TO STORMWATER MANAGEMENT FOR  
DEVELOPMENT REVIEW**

**THE CITY OF LEWISTON HEREBY ORDAINS:**

Appendix A of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

**APPENDIX A**

**ZONING AND LAND USE CODE**

**ARTICLE XIII. DEVELOPMENT REVIEW AND STANDARDS**

Sec. 4. Approval criteria.

(f) *Stormwater management.* Adequate provisions shall be made for the disposal of all stormwater collected on streets, parking areas, roofs or other impervious surfaces through a stormwater drainage system which will not have adverse impacts on abutting or downstream properties. All projects disturbing less than one acre shall be designed to meet the requirements of this subsection 4(f). All projects including one acre or more of disturbed land shall meet the requirements of this subsection 4(f) and the requirements of the Site Location of Development Law, 38 MRSA, 481--490, the Maine Stormwater Management Law, 38 M.R.S.A. Section 420- D, and regulations promulgated there under, specifically Rules 500, 501, and 502, ~~having an effective date of December 31, 1997, repealed and replaced on November 16, 2005, and further as amended on December 21, 2006 August 12, 2015.~~ At the discretion of the director of public works or his/her designee he/she may waive the above requirements, based on a finding that a particular site will have no significant runoff.

- (1) ~~To the extent possible,~~ The plan will demonstrate the disposal dispose of stormwater on the land at the site of development, and do so through the wise use of the natural features of the site. Stormwater runoff systems will infiltrate, detain or retain water falling on the site such that the rate of flow from the site does not exceed that which would occur in the predevelopment undeveloped state for a storm of intensity equal to at least a 2-, 10-, and 25-year storm, with a duration equal to the time of concentration. The stormwater quantity calculations must be in accordance with acceptable engineering practice. Acceptable stormwater methodologies and models include but are not limited to TR-20-Computer Program for Project Formulation--Hydrology, Second Edition, U.S. Department of Agriculture, Soil Conservation Service (May 1983); TR-55-Urban Hydrology for Small Watersheds, Second Edition, U.S. Department of Agriculture, Soil Conservation Service (June 1986); TR-55 Microcomputer Program, Version 2.0, (January 15, 1990); and HEC-1 Flood Hydrology Package, U.S. Army Corps of Engineers. Any methodology other than those listed must have prior approval from the

director of public works or his/her designee city. Use of the 25-year, 24-hour storm as a design standard in this chapter is not intended to prohibit appropriate use of the rational method. The outlet structures of each detention basin must be designed to control 24-hour storms of 2-, 10-, and 25-year frequencies. Each detention basin must be constructed with an emergency spillway designed to independently convey the unrouted runoff from a 25- year, 24-hour storm event. ~~At his discretion, the director of public services may waive the above requirements, based on a finding that a particular site will have no significant runoff.~~

Additionally, a waiver from these standards may be granted by the ~~City of Lewiston~~ the director of public works or his/her designee in the cases specifically identified below:

- a. *Discharge to the Androscoggin River.* A project conveys stormwater exclusively in a manmade piped or open drainage system directly into the Androscoggin River. Areas of the project or adjoining properties to be flooded during the 2-, 10-, and 25-year, 24-hour storms must be identified and easements secured, if necessary. A project that changes the flow-type (example: sheet to shallow concentrated), changes the flow channel, or increases the stormwater discharge must secure easements on the intervening property that meet the easement and covenant requirements following in this section. The discharge may not result in erosion of any upland or freshwater wetlands. The director of public works or his/her designee ~~The City of Lewiston Public Works~~ may allow a waiver if it is determined ~~they determine~~ that the increase in peak flow from the site will not significantly affect the peak flow of the receiving waters or result in unreasonable adverse impact on the river.
  - b. Public stormwater system. A project discharges its stormwater flow into the City of Lewiston Stormwater System, when the applicant has adequately demonstrated to ~~the public services department of the city~~ the director of public works or his/her designee that it has the capacity to accommodate increases in flow. The director of public works or his/her designee city may allow an insignificant increase in the peak flow from the site or in the peak flow of the receiving waters, if it is determined ~~they determine~~ that the increase cannot be avoided by reasonable changes in project design or density and does not significantly impact abutters or city property.
- (2) If the outflow volume is greater than that for the undeveloped site, the developer will demonstrate that downstream channel or system capacity is sufficient to carry the flow without adverse effects, or will be responsible for the improvements to provide the required increase in capacity.
  - (3) All natural drainage ways will be preserved at their natural gradients and will not be filled or converted to a closed system except as approved by the director of public works or his /her designee and/or by the planning board and appropriate state agencies.
  - (4) The design of stormwater drainage systems will insure the acceptance

and disposal of stormwater runoff based on quantities calculated per subsection 4(f)(1) above, without damage to streets, adjacent properties or downstream properties.

- (5) The design of the storm drainage systems will be fully cognizant of upstream runoff which must pass over or through the site to be developed. The system will be designed to pass upstream flows, based on quantities calculated per ~~subsection~~ 4(f)(1) above, from the land, as fully developed, without surcharging the system.
- (6) The maximum length for carrying open stormwater in a street gutter prior to intake at a catch basin will be three hundred feet. No stormwater will be permitted to drain on the surface across a street or across an intersection.
- (7) The storm drainage system to serve a proposed development will be designed and installed in accordance with the plans and specifications prepared by a professional engineer, unless waived at the discretion of the director of public works or his/her designee.
- (8) The developer will maintain and inspect all components of the stormwater runoff system unless the system is formally accepted by the city, or is placed under the jurisdiction of legally created property owners association whose charter and powers require maintenance of the system, with adequate financing to carry out this responsibility. Any approved plans must include a statement as to who will be responsible for said maintenance and inspections. The components of the stormwater run-off system shall include, but not be limited to, detention ponds, level spreaders, inlet and outlet protection and structures, swales, etc., and the piping unless the piping is under an accepted city street. For piping under accepted city streets, at the time of street acceptance, the piping shall become the property and maintenance responsibility of the city. An easement shall be provided to the city for the maintenance of this piping. In addition, a separate access easement for all other stormwater runoff components shall be provided to the city for emergency purposes.
- (9) The biological and chemical properties of the receiving waters will not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source.
- (10) The filling of wetlands on-site will be conducted only in accordance with applicable federal and state law and regulations, including the Natural Resources Protection Act.

NOTE: Additions are underlined; deletions are ~~struck out~~.

## **REASONS FOR PROPOSED AMENDMENT**

On August 12, 2015 an amendment to Maine DEP's Stormwater Management Rule (also known as Chapter 500 Rules) became effective. The changes include, but are not limited to, providing additional options for when treatment is required of stormwater, providing credits for Low Impact Development (LID), establishing new standards for the redevelopment of existing sites, and providing updates to best management practices associated with stormwater management.

DEP has granted delegated review authority to the City for reviewing projects subject to the Site Location of Development Act (Site Law; essentially projects involving 3 to 7 acres of development activity) and capacity for reviewing and issuing permits subject to state Stormwater Management Rules. With the new rule changes adopted by the State, the city must amend the applicable sections of the Zoning and Land Use Code referencing these new provisions. Failure to do so puts the City at risk of losing its delegated review authority and capacity for review certain sized projects. Maintaining this authority from DEP is welcomed by property owners and developers, as the City is able to provide an expedited and less costly review of projects.

## **CONFORMANCE WITH COMPREHENSIVE PLAN**

The City Council hereby determines that the changes to the Zoning and Land Use Code are in conformance with the 1997 Comprehensive Plan for the following reason:

1. Review development review, permitting, and licensing policies and practices to see where they can be streamlined in order to better service the development community (1997 Plan, Economy, Policy 1, Strategy B and C).

The City Council hereby determines that the changes to the Zoning and Land Use Code are in conformance with the Draft 2016 Comprehensive Plan for the following reasons:

1. Improve stormwater management: Implement plans, programs, policies, and projects to meet the City's requirements under the Municipal Separate Storm Sewer Systems (MS4) Phase II Permit and Clean Water Act Master Plan (p. 218).
2. Protect Lewiston's natural resources: Consider amending local land use ordinances, as applicable, to incorporate low impact development standards and Ensure that land use ordinances are consistent with applicable state law regarding critical natural resources (p. 24 for Lewiston Comprehensive Plan Implementation Matrix).