COMPENSATION FEE UTILIZATION PLAN

HART BROOK WATERSHED
LEWISTON, MAINE

Prepared for:

The City of Lewiston
Public Services Department
Lewiston, Maine

Prepared by:
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April 4, 2007

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Establishment of Hart Brook Stormwater Compensation Fee Utilization Plan and Compensation Fund

Purpose: The City of Lewiston recognizes that properties in the Hart Brook watershed may become subject to the Urban Impaired Stream standard contained in the Maine Department of Environmental Protection (DEP) Rule Chapter 500 Stormwater Management regulations. This standard requires that developers either (1) mitigate any adverse water quality impacts by improving the quality of stormwater runoff at an on-site or off-site location or (2) pay into a compensation fund if a Compensation Fee Utilization Plan (CFUP) has been created and approved by the Maine DEP. To allow developers to pay a Compensation Fee in lieu of providing off-site mitigation, the City hereby establishes a Hart Brook Watershed Compensation Fund.

Urban Impaired Stream: Hart Brook (also known as Dill Brook) in Lewiston, Maine.

Limits of Area: Figure 1 shows the parcels that fall within the boundaries of the Hart Brook Watershed that may be subject to the Urban Impaired Stream Standard.

Process for Determining the Amount of the Fee to be Paid: The Maine DEP determines the amount of the fee that will be paid into the fund. Currently, any new development or redevelopment project in the Hart Brook Watershed area that triggers the Maine DEP Chapter 500 Regulations, including projects that trigger the regulations through Site Location of Development Regulations, becomes subject to Maine DEP review. Maine DEP staff review the proposed project and determine whether water quality will be adversely impacted or not. If the Maine DEP makes the determination that water quality will be adversely impacted, they will determine the number of mitigation credits or amount of compensation fee that will apply to the project. The developer may then determine whether they would like to pay the compensation fee, or mitigate on or off-site.

Process for Receiving Compensation Funds:
A developer electing to pay into the Hart Brook Watershed Compensation Fund will notify the Public Services Department and Planning Department in writing.

Upon receiving the compensation fee, the City will provide the Stormwater/Site Law applicant with receipt confirming payment of the fee. The applicant must then submit this receipt to the Department of Environmental Protection before he/she may receive a permit for the proposed project.

The City will deposit these funds in the Hart Brook Watershed Compensation Fund. The Fund will accumulate interest at the standard rate that is applied to all City accounts. The fund and any interest earned may only be used for implementation of projects described in Attachment A which are designed to mitigate the effects of stormwater discharges in the Hart Brook Watershed.

Process for implementing proposed compensation work:

The Public Services Department will determine when sufficient funds have been collected to begin a project using the funds collected in the Hart Brook Watershed Compensation Fund. Projects eligible for funding that are described in Attachment A are listed in order of priority. The first project will be initiated as follows:

- City staff will re-contact the property owner to confirm continued interest in completing the project selected. Refinements to the selected project may be made as agreed to by both the City and the property owner (and/or lessee if applicable).
- With input and/or assistance from the landowner(s) and, if necessary, assistance from consultants contracted for the purpose, the City will develop detailed design plans and specifications for the project.
- With input and/or assistance from the landowner(s), the City will construct, or contract with a qualified contractor to construct the project.
- With input and/or assistance from the landowner(s), the City will formalize the plan for long term maintenance of the stormwater Best Management Practices (BMPs) to be installed or implemented on the site. The maintenance plan will identify the parties responsible for maintenance, a schedule for inspections and regular maintenance, and any penalties for failure to implement the maintenance plan. The maintenance plan will conform to the Maine Stormwater BMP Manual (2005 version).

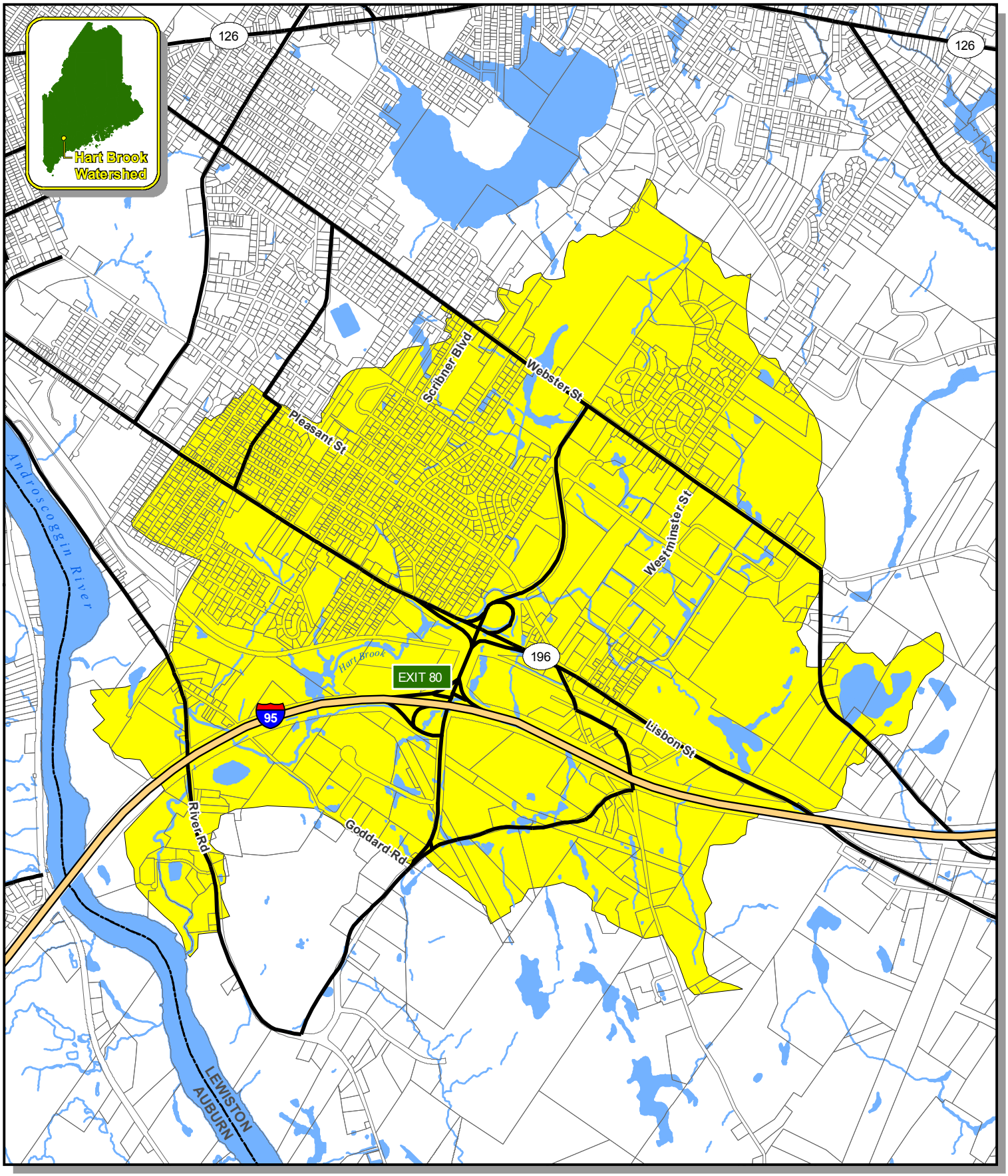
Authorization and Revisions to Proposed Compensation Work

This CFUP has been developed by the City and was reviewed and approved by the Maine DEP. This CFUP will be updated upon completion of the Hart Brook Watershed Management Plan, which is currently being developed. Subsequent revisions of the CFUP by the City will be reviewed and approved by the Maine DEP.

Approved by Maine Department of Environmental Protection this day, _____.

_____
Printed Name

_____
Signature



DRAWN BY: **AML**	DATE: **03/27/2007**
CHECKED BY: **KLR**	PROJECT: **060057064**

0 4,000 8,000 Feet

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Hart Brook Watershed Management
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Figure 1
Location of Hart Brook Watershed

Data Source: City of Lewiston [Maine], City of Auburn [Maine]

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ATTACHMENT A

COMPENSATION FEE UTILIZATION PLAN PROJECTS
HART BROOK WATERSHED

Project 1 of 4

Project Name: Shade Tree Planting within Concrete Channel ROW
Property Owner: Various – City of Lewiston Maintenance and Access Right of Way
Parcel: N/A
Project Type: Riparian Enhancement

Estimated Cost of Design:	**$10,000**
Estimated Installation Cost:	**$50,000**
Total Estimated Cost:	**$60,000**

Project Description:

The City of Lewiston maintains a 3800' concrete lined channel through the industrial park and residential areas just north of Lisbon Street. 2500' of the channel is completely within the industrial park along Sarasota Street. The City maintains a 25' ROW setback on each side of the channel for maintenance. Shade trees, selected to minimize disturbance of the concrete channel and improve aesthetics of the roadside area, would be planted to provide shade and temperature control for the channel while still allowing for maintenance access. The Design portion of the budget includes time for the City Arborist to work with an engineer and landscape architect to select and space trees for maximum shading. Coordination with private landowners would be necessary along the corridor and Lewiston staff time to coordinate with property owners is not included in the cost estimate. This project will reduce stream temperature and provide shade through the industrial park area. These benefits should reduce algal growth and increase dissolved oxygen levels for downstream locations. This project could be broken into discrete sections and a phased approach to planting will be considered to enhance planting location selection and potential partnership funding.

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0 800 1,600 Feet

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1. Shade Tree Planting

Data Source: Maine Office of GIS, City of Lewiston [ME]

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Project 2 of 4

Project Name: USM-LA Parking Area Retrofits
Property Owner: University of Southern Maine System
Parcel: Map 124 Lot 39
Project Type: Parking Area Retrofit – Water Quality Treatment

Estimated Cost of Design:	**$ 5500**
Estimated Cost of Construction:	**$40,000**
Total Estimated Cost:	**$45,500**

Project Description:

A portion of the facilities east parking lot drains directly to the resource through closed drainage (approximately 0.8 acres). There is no indication in the USM-LA Master Plan that this parking area will be addressed through future redevelopment, but discussions with USM's building committee will be required to pursue any retrofit option. There is a 40' landscape setback area between the parking area and resource that could provide bioretention-type retrofit. The facilities director has been contacted regarding the proposed improvements and is willing to be considered for this plan. A bioretention retrofits will reduce peak flows to the brook and provide first flush treatment for toxics and nutrients associated with dissolved solids.

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0 200 400 Feet

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2. Parking Area Retrofits

Data Source: Maine Office of GIS, City of Lewiston [ME]

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Project 3 of 4

Project Name: Day Property Parking Lot Retrofits
Property Owner(s): Sylvia Day and Edythe Day
Parcel: Map 124 Lot 033
Project Type: Parking Lot Reconstruction – Water Quality Treatment

Estimated Cost of Design:	**$11,000**
Estimated Cost of Construction:	**$91,000***
Total Estimated Cost:	**$102,000**

Project Description:

This 1.06 acre parking area, at 40 Westminster St., is currently unpaved and receives heavy truck traffic as a function of its nature as shipping for the Dingley Press. Runoff from the facility drains as shallow sheet flow and concentrated overland flow through short buffers or along Westminster Street and into the resource. Compensation funds could be used to regrade and pave the parking area in order to minimize sediment production and route surface runoff to a perimeter gravel wetland treatment system. The manager of this facility has been contacted regarding the proposed improvements of the lot and is willing to be considered within this plan. This project will reduce sediment and associated phosphorus loads from the facility.

*Funding for this project under the CFUP will be contingent upon cost-share partnership with landowner or others for pavement expenses.

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0 400 800 Feet

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3. Parking Lot Retrofits

Data Source: Maine Office of GIS, City of Lewiston [ME]

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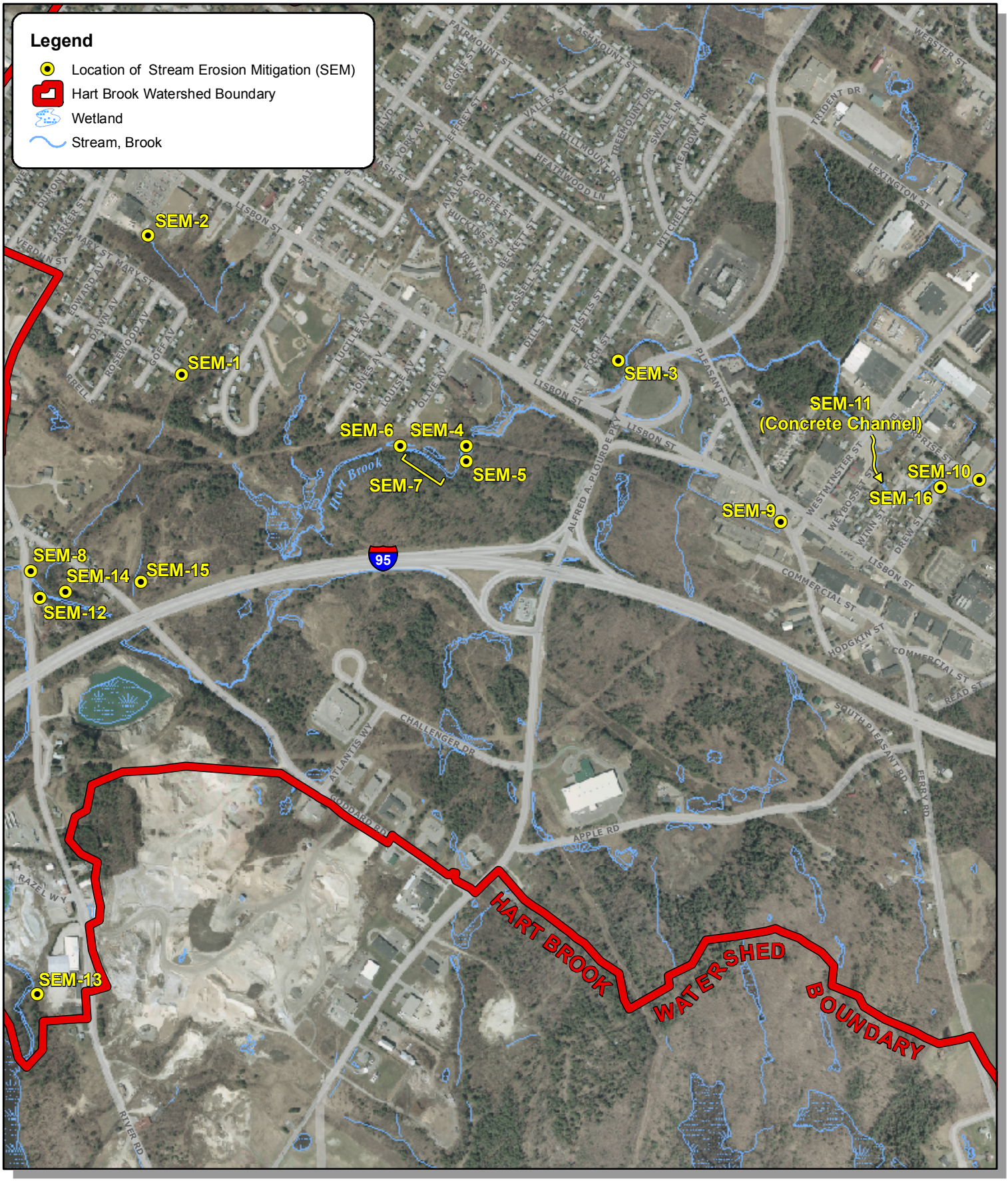
Project 4 of 4

Project Name: Stream Erosion Mitigation
Property Owner: Various Owners within Maintenance Right of Way
Parcel: N/A
Project Type: Erosion Reduction and Infrastructure Protection

Estimated Cost of Design:	**$5,000**
Estimated Cost of Construction:	**$40,000**
Total Estimated Cost:	**$45,000**

Project Description:

In the fall of 2005, a stream walk to identify possible IDDE issues and stormwater outfalls on the watershed also identified stream scour and erosion around critical sewer and drainage infrastructure. Over 16 sites were identified as priority concerns with 5 sites specific to erosion. The compensation fund would be utilized to address these priority issues. Stabilizing existing infrastructure and banks within the stream floodplain will reduce the potential for nutrient loading as a function of erosion and breaks in infrastructure lines. Stream geomorphology surveys over the spring and summer of 2007 will provide the basis for critical needs identification and CFUP funding priorities related to these 16 possible problem areas.



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4. Stream Erosion Mitigation

Data Source: Maine Office of GIS, City of Lewiston [ME]

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