An Ordinance to Amend Chapter 202 (Subdivision of Land)
of the Code of the Town of Wells
to Revise Submission Requirements for Final Plans for Major Subdivisions and General Standards Requirements for Stormwater Design and Analysis

NOTE: Proposed additions to existing Code sections are underlined.
Proposed deletions of existing Code sections are ~~crossed out~~.
Other sections of the Ordinance are unchanged.

The Town of Wells hereby ordains and enacts "An Ordinance to Amend Chapter 202 (Subdivision of Land) of the Code of the Town of Wells to Revise Submission Requirements for Final Plans for Major Subdivisions and General Standards Requirements for Stormwater Design and Analysis" to read as follows:

Part 1: § 202-9, entitled "Final Plan for major subdivision" is hereby amended as follows:

§ 202-9. Final plan for major subdivision.

B. Submissions. The final plan shall consist of one or more maps or drawings drawn to a scale of not more than 100 feet to the inch. Plans shall be no larger than 24 inches by 36 inches in size and shall have a margin of two inches outside of the border line on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by the Board located in the lower left corner of the plan. Four copies of the plan shall be submitted. In addition, the applicant shall submit 12 copies of the final plan, reduced to a size of 11 inches by 17 inches, and all accompanying information to the Office of Planning and Development no less than 10 days prior to the meeting. A digital version (PDF) of the submittal materials and the plan(s) shall also be provided. The application for approval of the final plan shall include the following information:

> (15) A stormwater management plan, prepared by a registered professional engineer in accordance with the most recent edition of Stormwater Management For Maine: BMPS Technical Design Manual, published by the Maine Department of Environmental Protection, 2006, or current adopted edition ~~.~~; the Maine Stormwater Management Design Manual Volumes I, II and III, current adopted edition; or ~~A~~another methodology may be used if the applicant can demonstrate it is equally or more applicable to the site.

Part 2: § 202-12, entitled "General standards" is hereby amended as follows:

§ 202-12. General standards.

H. Land features.
In reviewing applications for a subdivision, the Board shall consider the following general standards and make findings that each has been met prior to the approval of a final plan. In all instances the burden of proof shall be upon the applicant.

(4) Stormwater management.

(c) The developer shall provide a statement from the designing engineer that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or in other properties. The engineer shall provide a computer modelled stormwater analysis and certify that peak runoff from the subdivision onto other properties shall not be increased either in volume or duration from the peak runoff characteristics existing prior to development for a 50 year storm event.

(d) A stormwater management plan, meeting the standards of ~~Chapter 201, Streets and Sidewalks, Articles II and III, Wells Municipal Code~~ the Maine Stormwater Management Design Manual Volumes I, II and III, current adopted edition, shall be submitted.

(e) For subdivisions that require MDEP review under 38 M.R.S.A. § 481 et seq. (Site Location of Development), a stormwater management plan shall be submitted which complies with the Site Location of Development permit and the requirements of MDEP Chapter 500 Stormwater Regulations.

(f) For subdivisions that do not require a Site Location of Development permit, but that require a MDEP permit pursuant to 38 M.R.S.A. § 420-D, a stormwater management plan shall be submitted which complies with the requirements of MDEP Chapter 500 Stormwater Regulations.

(g) For subdivisions outside of the watershed of a great pond that neither require a Site Location of Development permit, nor a MDEP permit pursuant to 38 M.R.S.A. § 420-D, a stormwater management plan shall be submitted which incorporates the low-impact development techniques set forth in Volume I, Chapter 3 of the Maine Stormwater Best Management Practices Manual, 2006 or current adopted edition (LID Techniques) on each individual lot approved by the Planning Board when such LID Techniques are adopted by MDEP. At such time that the MDEP adopts the LID Techniques, the Planning Board shall adopt them for use in approving subdivisions for the Town of Wells.

(h) For subdivisions located within the watershed of a great pond containing: 1. five or more lots or dwelling units created within any five-year period; or 2. any combination of 800 linear feet of new or upgraded driveways and/or streets, a stormwater management plan shall be submitted that meets the phosphorus allocation across the entire subdivision in accordance with the methodology described in the ~~MDEP~~ Phosphorus Design Manual, Volume II of the Maine Stormwater ~~Best Management Practices Manual, 2006~~ Management Design Manual, current adopted edition.

(i) The Planning Board may require a hydrologic analysis for any site in areas with a history of flooding or in areas with a potential for future flooding, associated with cumulative impacts of development. This hydrologic analysis would be in the form of a “Downstream Analysis” under conditions of the ten-year, twenty-four-hour storm, the twenty-five-year, twenty-four-hour storm, fifty-year, twenty-four hour storm and the one-hundred-year, twenty-four-hour storm, as described below:

> [1] Downstream Analysis Methodology: The criteria used for the downstream analysis is referred to as the “10% rule.” Under the 10% rule, a hydrologic and hydraulic analysis for the ten-year, twenty-four-hour storm, the twenty-five-year, twenty-four-hour storm, ,fifty-year, twenty-four hour storm, and the one-hundred-year, twenty-four-hour storm is extended downstream to the point where the site represents 10% of the total drainage area. For example, a ten-acre site would be analyzed to the point downstream with a drainage area of 100 acres. This analysis should compute flow rates and velocities downstream to the location of the 10% rule for present conditions and proposed conditions. If the flow rates and velocities increase by more than 5% and/or if any existing downstream structures are impacted, the designer should redesign and incorporate detention facilities;
> or;

[2] Stream Smart Road Crossing Design Guide, by MDOT, Methodology are utilized for design, sizing and placement of drainage structures crossing a brook or stream.

(5) Construction in flood hazard areas. When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall conform with Chapter 11~~5~~ 6, Floodplain Management, of the Wells Municipal Code.

(6) Impact on groundwater.

(g) Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the final plan and as restrictions in the deeds to the affected lots.

(h) All foundation drains shall be designed and constructed as gravity systems (no pumped systems) and shall be directed to an outlet with no impact to abutting properties or an adjacent lot in the subdivision. Design information to be provided on the Final Subdivision plans and depicted on as-built plans.

[1] Gravity foundation drains shall be installed with a check valve.

[2] A sump pump system may also be installed in addition to the gravity system.

Part 3: Effective Date.

This Ordinance shall take effect upon adoption by the Town Meeting.

Given under our hands this ____ day of _____, 2025.

THE SELECT BOARD OF THE TOWN OF WELLS:

_____ _____

John MacLeod III Scott DeFelice

_____ _____

Kathleen Chase Timothy Roche

_____

James N. Smith