

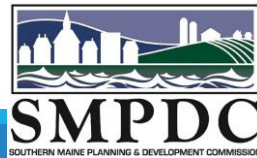
# Conservation Commission & Plan Review

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MUNICIPAL BOARD EMPOWERMENT SERIES WORKSHOP

OCTOBER 29, 2019

MAINE AUDUBON, FALMOUTH



# Agenda

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1. Plan review 101
2. Role of conservation commissions in the review process
3. Reading plans
  - a. Site Plans
  - b. Subdivisions
4. Key conservation considerations
5. Hands-on exercise
6. Interacting with the Planning Board
7. Discussion / Q&A

# Plan Review 101

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- Site Plan & Subdivision Review

- Ensure development occurs in a manner consistent with community goals, policies, and strategies
- Protect health, safety, and welfare of citizens
- Promote development of a sound and stable community
- Protect the environment

# Role of Conservation Commission in Plan Review Process

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- Role varies from community to community
  - Formal vs. Informal
- Identify points in the process for input
  - Review local ordinances for mention of conservation commission and/or opportunities for input from municipal commissions
- Build relationship with Planning Department
  - Request applications be forwarded to Conservation Commission for review and comment
- Not all recommendations will be accepted by the Planning Board

# Role of Conservation Commission in Plan Review Process: Local Land Use Ordinances

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## •Cape Elizabeth

- Conservation Committee **advises** the Planning Board in the granting of Resource Protection Permits
  - Prior to considering the application, the Planning Board shall refer it to the Conservation Commission for its review and recommendation.
  - Conservation Commission may request that the applicant attend a meeting of the Commission to discuss the application.
- Role as steward of Town open space is formalized in the Conservation Ordinance
  - Following report of a potential encroachment, the potential encroachment shall be inspected by the Town and, if deemed necessary, a professional surveyor may be retained to confirm the property boundary and prepare a sketch showing the extent of the encroachment. When applicable, the deed for the open space shall be reviewed for restrictions. If the Conservation Commission identifies a possible encroachment, it may gather information as described above and report its findings to the Town Manager.

# Role of Conservation Commission in Plan Review Process: Local Land Use Ordinances

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- **Eliot**

- Consultation **required** to approve language of dedication and allowed uses if undeveloped land is dedicated to the town for open space developments

- **Kennebunkport**

- **Shall** be provided with copies of appeals of CEO's interpretation to allow opportunity to provide information, comments, and recommendations to BOA

- **Kittery**

- Appointment, purpose, duties, powers, & membership established in ordinances
- **Must** be invited to review and offer recommendations from an environmental protection perspective during preliminary plan review
- **Must** be notified of public hearing for plan acceptance and right-of-way application
- **May** request information from CC for proposed wetlands alterations and the PB will consider the advisory opinion

- **York**

- Feedback **shall** be solicited from CC on the site design during Conceptual Design Review for cluster subdivisions
- **May** be involved in mandatory inspection program of open space for cluster subdivisions
- Notification **required** if variance requested from BOA for shoreland zone





# LEGEND:

- EXISTING PROPERTY LINE
- EXISTING OVERHEAD POWERLINE
- EXISTING GAS LINE
- EXISTING FENCE LINE
- EXISTING PAVED ROAD
- EXISTING GRAVEL ROAD
- EXISTING WETLAND
- EXISTING STREAM
- EXISTING WETLAND SETBACK
- EXISTING INDEX CONTOUR LINE
- EXISTING INTERVAL CONTOUR LINE
- PROPOSED INDEX CONTOUR LINE
- PROPOSED INTERVAL CONTOUR LINE
- PROPOSED SOLAR ARRAY
- PROPOSED ELECTRICAL EQUIPMENT
- PROPOSED ACCESS ROAD
- MODULE SETBACK LINE
- PROPOSED SECURITY FENCE
- PROPOSED LAYDOWN YARD
- PROPOSED DRAINAGE BERM
- PROPOSED DRAINAGE BASIN
- DRAINAGE BOUNDARY LINE
- DRAINAGE DIRECTION

BASIN	BOTTOM ELEV.	OUTLET ELEV.	BASIN "DEAD" STORAGE (CF)	CONVERT OUTLET ELEV.	TOP OF BERM ELEVATION	BERM "TIE-IN" STORAGE (CF)
1	158.9	162.1	17,628	1.12	1.88	25,793
2	158.2	166.2	16,729	1.88	1.88	8,708
3	148.15	144.15	17,628	1.82	1.85	17,805
4	146.4	159.4	8,905	1.86	1.86	7,302

**Westwood**

Phone: (603) 887-0100 FAX: (603) 887-0101  
 Email: info@westwoodps.com  
 Website: www.westwoodps.com



Designed: DA  
 Checked: MPC  
 Drawn: DA  
 Record Drawing by/Date:  
 Revisions:  
 1 DATE DESCRIPTION

Prepared for:  
**NEXTERA ENERGY RESOURCES**

## Kennebunk Solar Project

York County, ME

### Drainage Plan

LAND OWNER:  
 STUART C. GILES  
 PRODUCE AGREEMENT  
 511 MAPLE RD. & 523 ALPINE RD.  
 KENNEBUNK, ME

### Civil Permit Plan

Not For Construction

Date: 12/20/2017  
 Drawing No: C-303







CPA-Construction.com Profile

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1. All work shall conform to the applicable codes and regulations.

- INSPECTIONS/MONITORING

1. MAINTAINING WORKSITES SHALL BE AFFECTED AS NECESSARY DURING THE EMERGENCY CONSTRUCTION PERIOD, AFTER WHICH WORKING ON HIGHWAYS OR PUBLIC PLACES SHALL BE RESUMED. THE CONTRACTOR SHALL MAINTAIN THE CONSTRUCTION SITES AND PROVIDE A HIGH LEVEL OF PROTECTION OF ALL INSTALLED EMERGENCY CONSTRUCTION MEASURES. THE CONTRACTOR SHALL PERFORM MEASURES TO ALSO PROTECT PERSONNEL FUNCTIONING ON THE EMERGENCY OUTLINE, MEASURES. THE CONTRACTOR SHALL PROVIDE THE NECESSARY SUPPORT AND ASSISTANCE TO THE EMERGENCY OUTLINE, MEASURES. THE CONTRACTOR SHALL FOLLOW THE FOLLOWING WORKING INSTRUCTIONS: MAINTAINING THE REQUIREMENTS OF THESE PLANS.
2. FOLLOWING THE TREATMENT AND/OR CLEANING, MEASURES, THE CONTRACTOR SHALL PROTECT THE WORKING AREA AND MAINTAINMENT UNTIL THE REQUIREMENTS HAVE BEEN ESTABLISHED. ESTABLISHING A MINIMUM OF ACCESS OF AREAS OF SPECIAL INTEREST WITH VARIOUS TYPES OF FENCING AND/OR BARRIERS. THE CONTRACTOR SHALL FILL IN THE FOLLOWING: IN THE EVENT OF ANY FAULTS AND/OR VARIATIONS, THE CONTRACTOR SHALL:

## DISCUSSION

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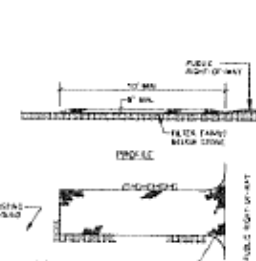
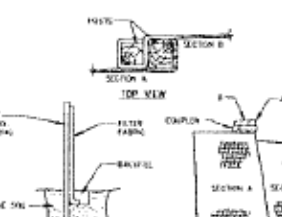
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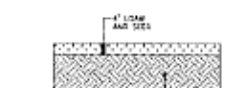


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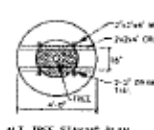
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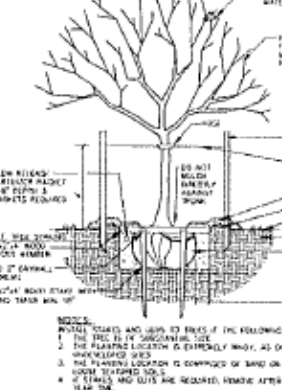


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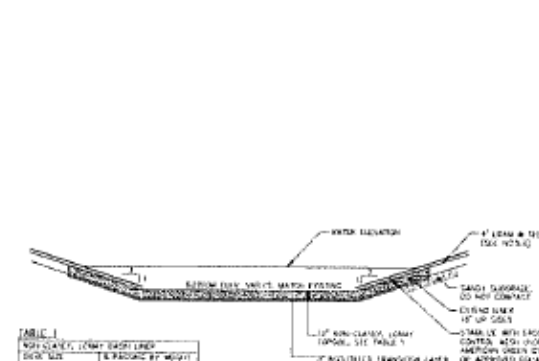


WILEY-INTERSCIENCE, JOHN  
WILEY & SONS, INC.

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### TREE PLANTING DATA

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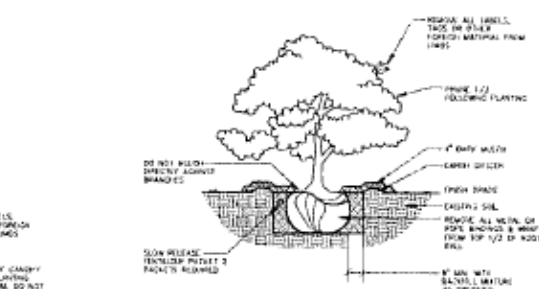


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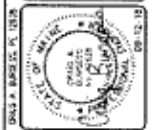


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DETAILS  
 20' PORTER FARMS  
 100 TOWN STREET  
 NORTH BEND, WISCONSIN  
 PORTER LAND PRESERVATION, LLC  
 154 ASHTON ROAD  
 WAUKESHA, WISCONSIN 54984

PROJECT NO. 02563 SCALE NIS  
 SHEET 8 OF 9

# Key Conservation Considerations

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Image: NRCS - USDA



# MS4 Requirements

- MS4: Municipal Separate Storm Sewer Systems
- Since 2003, Clean Water Act requirements apply to 14 municipalities in Greater Portland
- Six Minimum Control Measures
  1. Public Education and Outreach
  2. Public Participation
  3. Illicit Discharge Detection and Elimination
  4. **Management of Construction Site Runoff**
  5. **Management of Post Construction Site Runoff**
  6. Good Housekeeping for Municipal Operations



Current Greater  
Portland Regulated  
Communities



# Implications for Development Review

- New Permit to be issued with additional requirements:  
Expected effective date **July 1, 2021**
  - **Additional municipalities *could* be added in the 2026 Permit**

## Key Points for Development Reviewers

- If you don't have an ordinance that "requires the use of erosion and sediment control BMPs" you need one
- Public comment requirements will be enhanced

*Additional requirements may be added, as MCGP and MS4 permit are under review and will soon be re-issued*

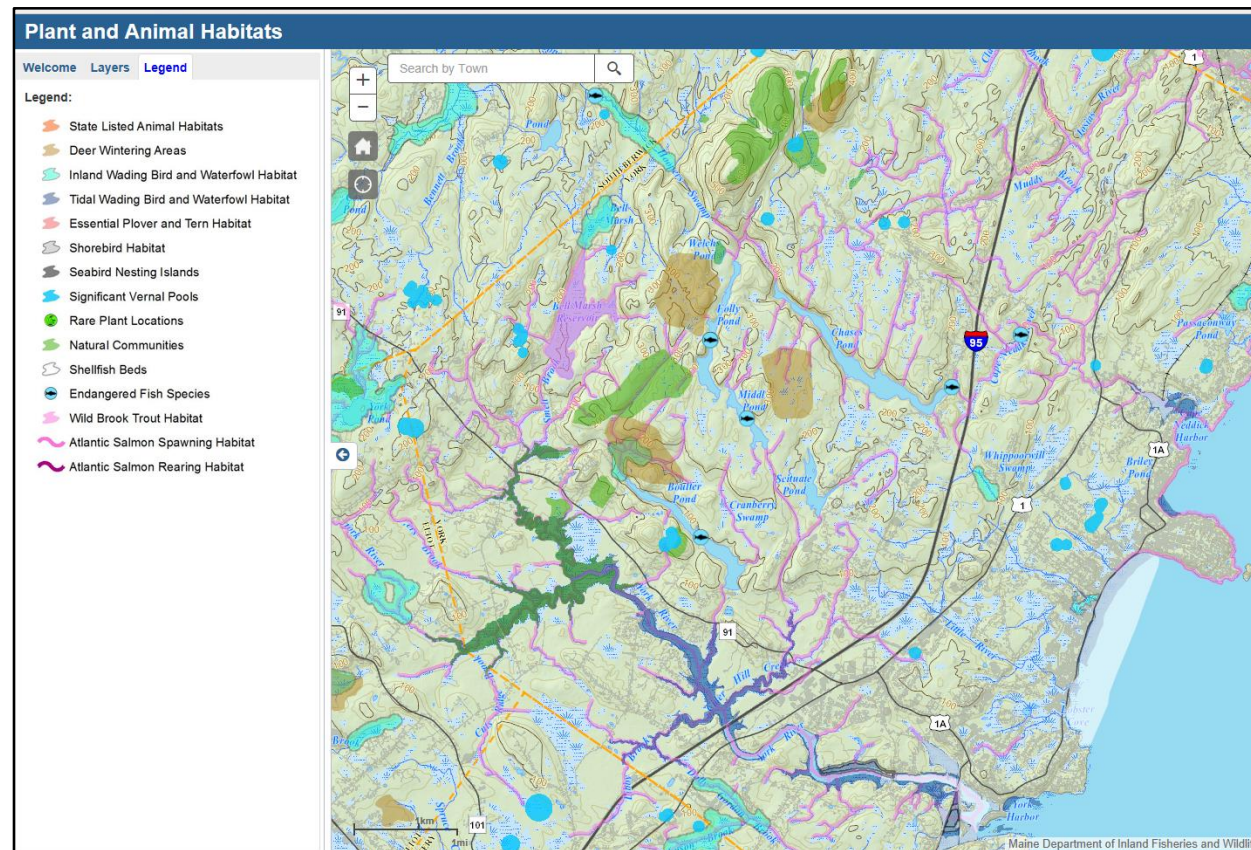
# Key Conservation Considerations

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- Vegetative Buffers
- Shoreland Zone
  - Wetlands
- Stormwater
  - LID/Green infrastructure
  - Impervious (%lot coverage)
- Habitats
- Erosion control
- Landscaping
  - Vegetation
  - Pesticides/herbicides
  - Tree removal
- Open space
  - Connectivity, value
- Hazard areas
  - SLR, surge, marsh migration, slopes

# Resources

- Beginning with Habitat <http://www.beginningwithhabitat.org/>



# Resources

- Conserved lands

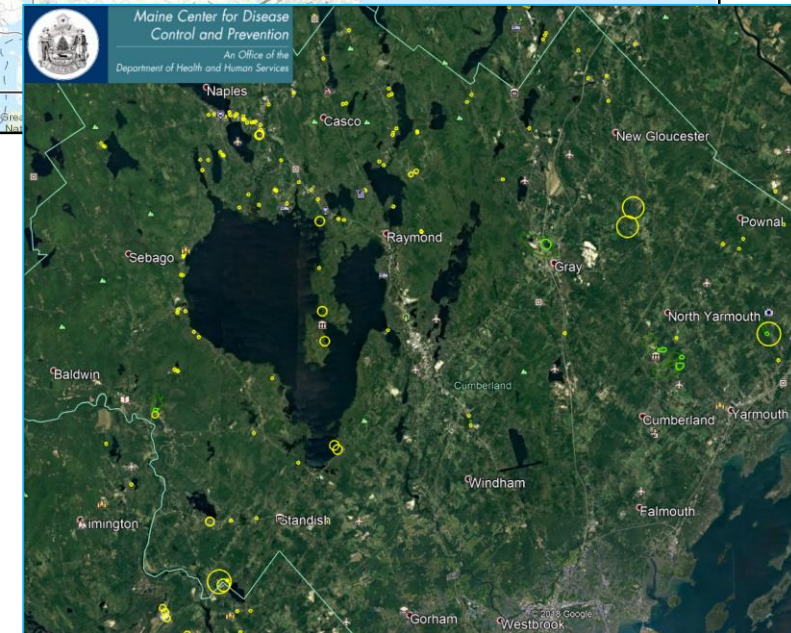
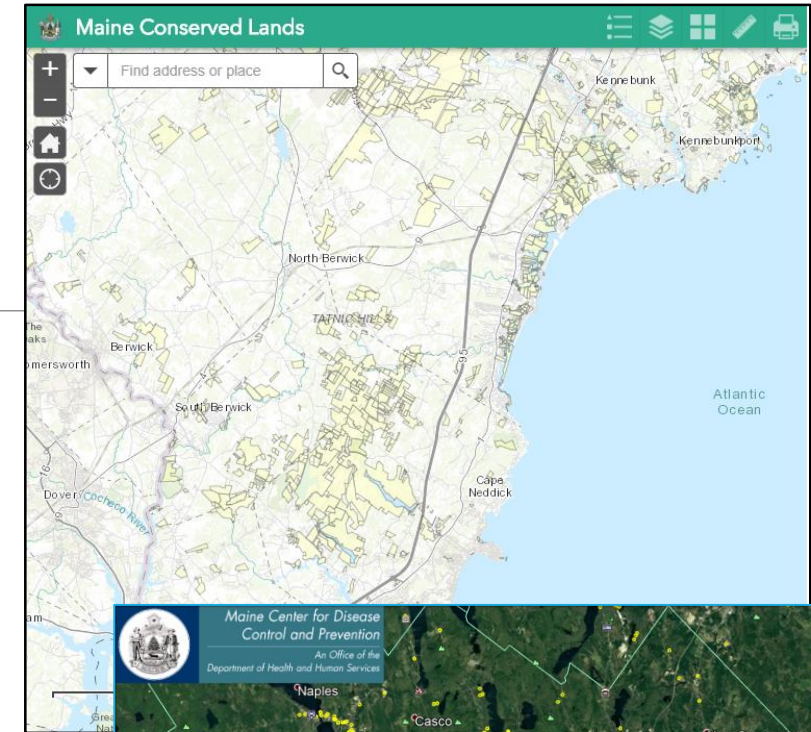
- Land trusts
- Department of Agriculture, Conservation & Forestry, Bureau of Parks & Lands - Conservation Lands Map  
[https://www.maine.gov/dacf/parks/publications\\_maps/conservation\\_lands\\_maine.html](https://www.maine.gov/dacf/parks/publications_maps/conservation_lands_maine.html)

- Natural hazards, resiliency, & marsh migration

- MGS Coastal Viewer <https://www.maine.gov/dacf/mgs/hazards/coastal/index.shtml>
- TNC Coastal Resilience Tool <http://maps.coastalresilience.org/maine/>

- Other

- Soil & Water Conservation District <http://cumberlandswcd.org/site/>
- Maine Drinking Water Program Public Water Resources Information System  
<https://www.maine.gov/dhhs/mecdc/environmental-health/dwp/pws/maps.shtml>
- Locally-specific resources





# HANDS-ON EXERCISE

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READING PLANS

# Interacting with the Planning Board

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- Ways to provide input
  - Public Hearing
  - Written comments
  - Meet with Planner
- Balancing different priorities



# Questions & Discussion

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**Lee Jay Feldman**

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Southern Maine Planning and Development Commission  
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[ljfeldman@smpdc.org](mailto:ljfeldman@smpdc.org)

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Planner  
Greater Portland Council of Governments  
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Community Engagement Coordinator  
Casco Bay Estuary Partnership  
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[Victoria.boundy@maine.edu](mailto:Victoria.boundy@maine.edu)

**Damon Yakovleff**

Environmental Planner & ISWG Coordinator  
Cumberland County Soil & Water Conservation District  
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[dyakovleff@cumberlandswcd.org](mailto:dyakovleff@cumberlandswcd.org)