



Ms. Maureen O'Meara  
Cape Elizabeth Planner  
320 Ocean House Road  
PO Box 6260  
Cape Elizabeth, Maine 04107

Provided via email 5/11/2021

**Subject: Review of Post Construction Stormwater Inspection & Maintenance Plan for Carr Woods Condo Development, Map U06 Lots 91, 91A, 92, 94A and 95**

Dear Ms. O'Meara:

As you requested, this letter provides a review of the Carr Woods Condo Development Post Construction Stormwater Inspection & Maintenance Plan for compliance with the requirements imposed on the Town by the General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s), which flow down to developers through the Town's ordinances.

We reviewed the following documents in preparing this letter:

- Stormwater Report dated April 2021:
  - Sections 1 and 2 Project Description and Stormwater Narrative
  - Appendix E Inspection, Housekeeping, and Operation & Maintenance Plan
- Site Plans dated April 30, 2021 focusing on the Grading and Drainage plans and associated details.

The site is located within the Urbanized Area of Town, will disturb more than one acre of land, and is subject to the Town's Stormwater Ordinance (Chapter 25). The site is also subject to the Chapter 16 Subdivision Ordinance. As such, the following items should be completed:

1. The following note should be added to the plans as identified in Section 25-1-4.8:
  - a. The site requires (a) a Maintenance Agreement for the storm water runoff system to be executed with the Town of Cape Elizabeth and filed with the Cumberland County Registry of Deeds, and (b) after construction is complete, provide annually a certification to the Cape Elizabeth Public Works Department that the storm water runoff system has been inspected and maintained in accordance with the Post Construction Storm Water Inspection and Maintenance Plan approved for this site.
2. The Maintenance Agreement will need to be signed and filed with the Cumberland County Registry of Deeds as identified in Section 25-1-4.8 Typically in Cape Elizabeth, this agreement is signed just before the Performance Guarantee is fully released, in the event there are changes required to the stormwater infrastructure during construction. Filing of the Maintenance Agreement should be made a condition of approval. We have attached a sample Maintenance Agreement to this letter.
3. Annually, after construction is completed, the Homeowners' Association will need to certify to the Town that maintenance has been completed as described in the Post Construction Stormwater Inspection and Maintenance Plan. When the Homeowners' Association Documents are provided to Planning Board they should reference the Maintenance Agreement and should reference or include a copy of the approved

Appendix E Post Construction requirements, Grading and Drainage Plan Sheets 1 and 2, and all referenced detail sheets.

4. The following changes should be made to the “After Construction” section of Appendix E:
  - a. Change the title “After Construction” to “Post Construction Storm Water Inspection and Maintenance Plan”
  - b. Include a specific list of stormwater infrastructure that requires inspection and maintenance, which according to the current plans includes: 11 catch basins, 1 drain manhole, 4 Underground Detention structures and their associated piping and 4 Outlet Control Structures, 1 Contech Storm Filter and 3 cross culverts.
  - c. Update Section 1. Inspection to:
    - i. Make it clear that after construction of the common elements are completed, the Contractor is responsible for Post Construction Maintenance and Inspections until such time as the Homeowners’ Association accepts responsibility for the system.
    - ii. Include a definition of qualified inspector consistent with the definition in Chapter 25 (Section 25-2-4 on page 13) and note that annual inspections must be conducted by a Qualified Post Construction Stormwater Inspector, but that inspections after a significant period of rain may be conducted by the Homeowners’ Association.
  - d. Update Section 2. Specific Inspection and Maintenance Tasks to:
    - i. For all items in this section provide sample inspection forms to allow the Homeowners’ Association to inspect after heavy rain events and document any maintenance needed and/or completed.
    - ii. Add a requirement to inspect the road annually for the need to street sweep, and to sweep if needed.
    - iii. Update subsection A. Vegetated Areas subsection to include inspection of steep slopes.
    - iv. Remove subsection B. Ditches, Swales, and Other Open Channels unless these components, including the check dams, are part of the permanent system that needs to be maintained. If these components are part of the permanent storm drain system, they should be shown and called out on the Grading and Drainage Sheets 1 and 2 and listed along with the items in b. above. If this section is to be retained, include Exhibit B.
    - v. Update subsection D. Catch Basins/Outlet Control Structure subsection include a better narrative on what must be inspected for the Outlet Control Structures.
    - vi. Add a subsection for inspection of the Underground Detention structures
    - vii. For subsection E. either attach a copy of the Contech StormFilter maintenance specifications, or ensure subsection E correctly lists the frequency and types of inspections and maintenance associated with that document.
  - e. Update Section 3. Documentation to:
    - i. Identify that the site is required to certify annually to the Town that the system has been inspected and maintained according to the Plan by August 1. A sample annual certification is attached.
    - ii. Identify that the site is required to certify to the Maine DEP every 5 years.
    - iii. Either delete the references to Attachment 1 or provide a sample Stormwater Inspection and Maintenance form. We assume this form is an Annual form.
    - iv. Require that all documentation be maintained for a period of 5 years.

- f. Section 4. Duration of Maintenance: Consider deleting this section in light of the changes to Section 1 Inspection. Maintenance and Inspections of the system will be required as long as the system is in place.

If you have any questions about this information, please call me at 207-415-5830 or email [krabasca@integratedenv.com](mailto:krabasca@integratedenv.com).

Sincerely,

***Integrated Environmental Engineering, Inc.***

A handwritten signature in cursive script that reads "Kristie L. Rabasca".

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

Attachments:

sample Maintenance Agreement

sample Annual Certification

**Maintenance Agreement for  
Stormwater Management Facilities**

This Maintenance Agreement is made this \_\_\_ day of \_\_\_\_\_ 20\_\_ by and between \_\_\_\_\_ and the Town of Cape Elizabeth, Maine.

The project name is \_\_\_\_\_.

The location is: \_\_\_\_\_, South Berwick, Maine.

The project's Tax Map and Lot Numbers are Tax Map Lot \_\_\_\_\_

The project is shown on a plan entitled " \_\_\_\_\_ " dated \_\_\_\_\_ and most recently revised on \_\_\_\_\_, approved by the \_\_\_\_\_ on \_\_\_\_\_ and recorded in the \_\_\_\_\_ County Registry of Deeds in Plan Book \_\_\_\_\_ Page \_\_\_\_\_ (the "Project").

WHEREAS, the approval of the Project includes Stormwater Management Facilities which requires periodic maintenance; and

WHEREAS, in consideration of the approval of the Project the Town of Cape Elizabeth requires that periodic maintenance be performed on the Stormwater Management Facilities;

NOW, THEREFORE, in consideration of the mutual benefits accruing from the approval of the Project by the Town and the agreement of \_\_\_\_\_ to maintain the Stormwater Management Facilities, the parties hereby agree as follows:

1. \_\_\_\_\_, for itself, and its successors and assigns, agrees to the following:

(a) To inspect, clean, maintain, and repair the Stormwater Management Facilities, which includes, to the extent they exist, parking areas, catch basins, detention basins or ponds, drainage swales, pipes and related structures, at least annually, to prevent the build up and storage of sediment and debris in the system;

(b) To repair any deficiencies in the Stormwater Management Facilities noted during the annual inspection;

(c) To provide a summary report by August 1 each year on the inspection, maintenance, and repair activities performed annually on the Stormwater Management Facilities to the Town Public Works Director;

(d) To allow access by Town personnel or the Town's designee for inspecting the Stormwater Management Facilities for conformance with these requirements.

(e) To create a homeowners' association for the purpose of maintaining the Stormwater Management Facilities.

2. Upon creation of the homeowners' association, the homeowners' association shall become responsible for compliance with the terms of this Agreement.

3. This Agreement shall constitute a covenant running with the land, and \_\_\_\_\_ shall reference this Agreement in all deeds to lots and/or units within the Project.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

TOWN OF CAPE ELIZABETH, MAINE

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF MAINE  
\_\_\_\_\_, ss.

\_\_\_\_\_, 20\_\_

Personally appeared the above-named \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, and acknowledged the foregoing Agreement to be said person's free act and deed in said capacity.

Before me,

\_\_\_\_\_  
Notary Public / Attorney at Law

Print Name:

\_\_\_\_\_

STATE OF MAINE  
\_\_\_\_\_, ss.

\_\_\_\_\_, 20\_\_

Personally appeared the above-named \_\_\_\_\_, the \_\_\_\_\_ of the Town of \_\_\_\_\_, and acknowledged the foregoing Agreement to be said his/her free act and deed in said capacity.

Before me,

\_\_\_\_\_  
Notary Public / Attorney at Law

Print Name:

\_\_\_\_\_

## Annual Stormwater Management Facilities Certification

I, \_\_\_\_\_ (print or type name), certify the following:

1. I am making this Annual Stormwater Management Facilities Certification for the following property:  
\_\_\_\_\_  
(print or type name of subdivision, condominium or other development)  
located at: \_\_\_\_\_  
(print or type address), (the "Property");
2. The owner, operator, tenant, lessee, or homeowners' association of the Property is:  
\_\_\_\_\_ (names of owner, operator, tenant, lessee, homeowners' association, or other party having control over the Property);
3. I am a qualified Post-Construction Stormwater Inspector as described in the Town of Cape Elizabeth Ordinances Chapter 25, Article II, Section 25-2-4, and as such:
  - a. do not have any ownership or financial interest in the property being inspected, nor am an employee or partner of any entity having an ownership or financial interest in the property, and am
  - b. am technically qualified to conduct the inspection and maintenance
4. I have reviewed the approved Post-Construction Stormwater Management Plan for the Property;
5. On \_\_\_\_\_, I inspected the Stormwater Management Facilities, including but not limited to parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures required by the approved Post-Construction Stormwater Management Plan for the Property
6. At the time of my inspection of the Stormwater Management Facilities on the Property, I identified the following maintenance needs for the Stormwater Management Facilities:
  - a.

7. (If necessary) On \_\_\_\_\_ I returned to the site and found the above items had been completed

Date: \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

STATE OF MAINE

\_\_\_\_\_, ss. \_\_\_\_\_, 20\_\_

Personally appeared the above-named \_\_\_\_\_, the  
\_\_\_\_\_ of \_\_\_\_\_, and acknowledged the foregoing  
Annual Certification to be said person's free act and deed in said capacity.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

Print Name: \_\_\_\_\_

**Mail this certification to the Cape Elizabeth Public Works Department at the following address:**

Cape Elizabeth Public Works Department: Post Construction Stormwater  
10 Cooper Drive  
Cape Elizabeth, Maine 04107

Or [Jay.Reynolds@capeelizabeth.org](mailto:Jay.Reynolds@capeelizabeth.org)