

May 5, 2024

Chip Stephens  
Code Enforcement Officer  
Town of Readfield, Maine  
8 Old Kents Hill Road  
Readfield, ME 04355

RE: Menatoma Woodlands Subdivision Application by Lovejoy Ventures, LLC Response to Comments from the Planning Board submitted April 26, 2024.

Mr. Stephens,

The majority of my review comments from my letter dated April 26, 2024, minus the rain gardens, are still valid and have not been addressed in Main-Lands Response Comment submittal to the Planning Board dated April 26, 2024.

**Item 2.** If they created a retention pond to contain the increased stormwater quantity of the whole subdivision somewhere on Lot 2, that potentially could double as fire pond as requested by the fire chief. This would also solve the ordinance violation of treating stormwater off-site.

**Item 3.** Supporting Septic and Soil Information. – Per Ordinance, they need to provide Form HHE 200 or its equivalent. This form is the design of each wastewater disposal system for each lot based on the soil borings. Furthermore, they are to have 2 soil observations and show/locate the disposal field dimensions on their plat. Submitting merely the soil boring logs is not enough.

**Item 4.** They have identified wetlands on the project as well as two streams. I still find it hard to believe there are no vernal pools, but maybe they are incorporated in the wetlands. That is beyond my expertise and will have to trust the judgement of Mr. Hunter Dalton. Also, with the wetlands on Lots 1 and 4 combined with the stream buffer and what will most likely be mounded wastewater disposal fields, where a house can be built will be very limited. It should be verified there is enough room for a house site on those lots.

**Item 5.** Yes, John did reach out to us to see if we had any concerns. We are working on a response. Yet, that correspondence is not necessarily tied to working with us regarding a maintenance agreement for the use and maintenance of the first 400 feet of Menatoma Camp Road. It merely asks us if we have any concerns.

**Item 6.** They removed all the rain gardens, which now changes the total dynamic of the stormwater management. Yet, they haven't changed any of the containment downstream and with the removal of the rain gardens has increased what goes downstream. The post-development runoff and drainage zones are different compared to pre-development and they are still violating the ordinance with treatment of stormwater off-site on a lot in a different subdivision. While the developers are only installing the road and each house lot will be built individually, the overall plan needs to account and address the site as a whole taking into consideration post development drainage zones and flows and disturbance. According to their

narrative, they accounted for some imperviousness from houses, driveways and lawns. Therefore, the permit by rule shouldn't apply as more than 5 acres are going to be disturbed (taking into consideration the whole subdivision is built out and houses are put in place). The entire project encompasses over 20 acres and when you include 8 house sites and septic and lawns you are over 5 acres of developed area.

The run-off increases are still increases and will impact downstream events especially since they are channelizing the majority of the run-off onto a lot outside the subdivision. Again, no calculations are provided or comparison between pre-development drainage zones to post-development drainage zones to show the change of flow and run-off. Also, there is still untreated run-off from a portion of the new road being deposited directly into a stream. This is in direct conflict with the Ordinance.

Article 8, Section 10. Subsection A states All new construction and development shall be designed to minimize stormwater runoff from the site in excess of the natural pre-development condition. Stormwater shall not be channeled to discharge directly into any waterbody or tributary stream, or abutting properties.

Article 6, Section 3, subsection K, part 2, subpart a states a stormwater management plan for the disposal of surface drainage waters shall be prepared by a Registered Professional Engineer and approved by the Cobbossee Watershed District. I did not see a letter of approval by the Cobbossee Watershed District.

DEP Stormwater rules state Chapter 500 "applies to a project that disturbs one acre or more of land area and requires a stormwater permit pursuant to the Stormwater Management Law 38 M.R.S §420-D; a development that may substantially affect the environment and requires a site location of development (Site Law) permit pursuant to 38 M.R.S. §§ 481-490". A project that requires a Stormwater Management Law permit, other than a stormwater permit by rule (PBR) must follow the stormwater standards set out in Chapter 500. A project qualifies for a stormwater PBR when there is less than 1 acre of impervious area and less than 5 acres of developed area in any other watershed. Developed area, by rule definition, means an impervious area, landscaped area, or unvegetated area. Developed area includes all disturbed areas except an area that is returned to a condition that existed prior to the disturbance and is revegetated within one calendar year of being disturbed, provided the area is not mowed more than twice per year. While the developer appears to be only disturbing the road and is considering this the disturbed area, this is just a phase of the disturbed area and according to the rules, the planning of the stormwater management system should encompass the entire site which may ultimately be developed and not limited to an initial or limited phases of the development. The developed area for the house sites, sewage disposal system, and lawns need to be accounted for in the overall developed area even if those are in different phases. This will push the developed area above 5 acres and out of a PBR condition. If they account for it in their stormwater calculations, which they do, then they need to consider the development as whole and are subsequently outside the parameters of a permit by rule.

According to Maine DEP stormwater rules, no unreasonable effect on runoff/infiltration relationships is to occur and shall make available for review the hydraulic computations. Evidence that the stormwater management system will take into consideration the upstream

runoff which must pass over or through the development site, which I do not know if they have taken that into consideration as calculations were not made available. Furthermore, when the construction of a development is to occur in phases, the planning of the stormwater management system should encompass the entire site which may ultimately be developed and not limited to an initial or limited phases of the development. This renders permit by rule obsolete.

The plans Sheet C5.2 indicate the stormwater treatment measure of a level spreader and wooded buffer to be outside of the subdivision on an abutting property (tax map 111-016) in another subdivision. The narrative fails to mention this fact. This is in direct conflict of the Ordinance and Stormwater regulations, even though Mr. Lawrence, a member of Lovejoy Ventures, LLC owns said lot. Furthermore, there are no design details for the level spreader and wooded buffer, just a design length with no width or depth. This might be on plan sheets not submitted with the application.

The engineer, as part of the overall subdivision stormwater comprehensive plan, should site the assumed footprint location of each house and driveway location along with the location and size of the septic field and location to justify post-development stormwater drainage zones and runoff calculations. Without doing such, the risk is too great that individual property owners will circumvent the disposal field area and house location and subsequently blow the whole stormwater management plan.

No drainage plans with flow arrows and drainage zones were submitted. From the existing contours, there appears to be 3 pre-development drainage zone(s) with the main drainage zone defined primarily all flowing in a westwardly direction. The other 2 drainage zones have a portion going south to the southern stream and a portion going north to the northern stream. There is a significant upslope area that also drains through this property. I cannot tell from the submittal if this upslope drainage was taken into consideration. The construction of the road and the creations of mounded wastewater disposal fields and house locations will significantly change the drainage zones areas, flow patterns, locations, and flows. The construction of the road and subsequent conveyance channels also redirects the majority of the runoff from the site to the level spreader and wooded buffer outside of the subdivision on tax map 111-016. This is a significant change in drainage zone acreage, volume and deposit location. The runoff volume will increase onto tax map 111-016 which will significantly affect downstream property owners such as me as tax map 111-016 is directly above my property. This poses a significant adverse downstream impact, which is contrary to the overall goal of stormwater management.

There is no maintenance plan for stormwater buffers, ditches, culverts, storm drains, and level spreaders.

**Item 7.** They still haven't identified forested areas and how much of the buildable area will be converted from forest to lawn.

**Item 8.** The revised plan set still shows the stormwater being treated off-site on another lot in another subdivision. The road cross section detail has the wrong cross-slope for the shoulders. There is no mention of any upgrading of Menatoma Camp Road to meet private road standards.

I would still think, for traffic flow purposes, a "T" intersection would be better than having to right turn off a left-hand curve to access this subdivision. Still no construction schedule or location of signs or erosion and sediment control measures. Still no lot line bearing and distances or location of proposed utilities. I am also confused as to whether this is a 9 lot or 8 lot subdivision as technically Lot 9 (former Lot 10) has already been subdivided and sold.

Lovejoy Ventures really hasn't addressed the water supply with proof, only a blanket statement stating it is sufficient.

Lovejoy Ventures hasn't addressed the fact the land was harvested for timber in the last 5 years.

The Homeowner's deed and covenants should clarify if the developer is responsible for paying into the maintenance fee on the unsold lots after 2 years. I'm afraid whoever buys the first lot is going to get stuck with all the maintenance of the road and stormwater controls as it isn't clear what the developer's role will be after 2 years and what happens if someone doesn't pay. A maintenance plan for the stormwater measures should be incorporated as well.

Respectfully,

A handwritten signature in black ink that reads "Mark W. Boenke". The signature is written in a cursive style with a large initial "M" and "B".

Mark Boenke  
168 Menatoma Camp Road  
Readfield, ME 04355  
276.620.9616  
[mboenke@pillaroma.com](mailto:mboenke@pillaroma.com)