

CHAPTER 4. PHOSPHORUS CONTROL ORDINANCE

SECTION 1. PURPOSE

- A. Purpose. To control the amount of phosphorus entering China Lake and Three Mile Pond from all new development.

SECTION 2. APPLICABILITY

- A. This Ordinance shall not apply to any existing residence, or to additions thereto, or to any other existing structure or land use or to new accessory structures, or to additions of less than 1500 square feet to existing non-residential structures.
- B. This Ordinance shall apply to the following uses and structures located in the watersheds of China Lake and Three Mile Pond:
- 1) new or expanded portions of subdivisions; mobile home parks; campgrounds; commercial (new development, or expansions of existing commercial structures in excess of 1500 square feet); hazardous or solid waste disposal facilities; and
 - 2) all new principal structures requiring a permit under the Town of China Land Use Ordinance except those structures and uses exempted in paragraph A.

SECTION 3. PHOSPHORUS EXPORT STANDARDS

Within the watershed of China Lake or Three Mile Pond, all uses and structures to which this Ordinance applies shall meet the following phosphorus export standards:

<u>Watershed</u>	<u>Phosphorus Export Standards</u>
China Lake, East Basin -	.034 pounds of phosphorus/acre/year
China Lake, West Basin -	.057 pounds of phosphorus/acre/year
Three Mile Pond -	.031 pounds of phosphorus/acre/year

SECTION 4. SINGLE-FAMILY DWELLING, DUPLEX

In addition to the requirements of the Town of China Land Use Ordinance, the following provisions shall apply to all new single-family dwellings and duplexes:

- A. Phosphorus Control Requirement. Permit applicants must show how they will comply with the phosphorus export standards of Section 3.

- B. Buffer Strip. A new single-family dwelling or duplex shall be deemed to comply with the phosphorus export standards of Section 3 if a permanent, vegetated buffer is located downhill from the developed portion of the lot according to the requirements of Table 1 or Table 2 of this Ordinance, whichever applies. On an existing lot of record that is smaller in size than what is required in the table, the applicant shall meet the buffer width requirement to the maximum extent possible.
- C. DEP Phosphorus Control Methodology. As an alternative to Tables 1 and 2 of this Section, an applicant may utilize the phosphorus control methodology contained in DEP's Phosphorus Control Guide to calculate lot size or buffer width, or to design other phosphorus control measures that meet the phosphorus export standard. A copy of supporting documents shall be submitted with the application.
- D. Maintenance and Use of Buffer Strips, Other Measures. Homeowners and occupants shall maintain vegetated buffer strips and, if applicable, other phosphorus control measures in accordance with the buffer maintenance requirements contained in Section 5.3 of DEP's Phosphorus Control Guide.

TABLE 1			
EAST BASIN CHINA LAKE, THREE MILE POND			
Note: Lot sizes shown below are for lots with greater than 10,000 square feet of clearing per lot. For lots with less than 10,000 square feet of clearing per lot, the lot sizes in parentheses shall apply.			
	<-----Buffer Width----->		
	50 feet	100 feet	150 feet
Average Slope	Lot Size Acres	Lot Size Acres	Lot Size Acres
0-3%	4.3 (2.5)	3.0 (1.75)	2.1 (1.25)
3-8%	5.5 (3.25)	3.8 (2.25)	3.0 (1.75)
8-15%	6.4 (3.75)	4.7 (2.75)	3.4 (2.0)
15-30%	6.8 (4.0)	6.0 (3.5)	4.7 (2.75)

TABLE 2

WEST BASIN CHINA LAKE

Note: Lot sizes shown below are for lots with greater than 10,000 square feet of clearing per lot. For lots with less than 10,000 square feet of clearing per lot, the lot sizes in parentheses shall apply.

	<-----Buffer Width----->		
	50 feet	100 feet	150 feet
Average Slope Within Buffer	Lot Size Acres	Lot Size Acres	Lot Size Acres
0-3%	2.5 (1.5)	1.75 (1.0)	1.25 (.75)
3-8%	3.3 (2.0)	2.3 (1.25)	1.75 (1.0)
8-15%	3.8 (2.25)	2.8 (1.75)	2.0 (1.25)
15-30%	4.1 (2.5)	3.6 (2.0)	2.8 (1.75)

SECTION 5. SUBDIVISIONS

In addition to the requirements of the Town of China Subdivision Ordinance, the following provisions shall apply to new or expanded portions of subdivisions.

- A. Phosphorus Control Requirement. Applicants for subdivision approval must show how they will comply with the phosphorus export standards of Section 3.
- B. Fees. If, in the Planning Board's judgment, consulting services are required to evaluate the phosphorus impact of the proposed subdivision application, an additional fee shall be required based on the estimated costs of such consulting services. These funds may be used by the Town for reasonable costs contracted for by the Town through the Planning Board which relate directly to the review of the phosphorus impact of the subdivision application.
- C. Application Requirement. All subdivision applications utilizing buffer strips to meet the phosphorus export standards of Section 3 shall include:
 - 1. Buffer Location. A plan showing the location and dimensions of vegetated buffer strips, and classification of the buffer as wooded or non-wooded, to be designed and maintained in accordance with the buffer-maintenance provisions contained in Section 5.3 of DEP's phosphorus Control Guide.
 - 2. Deed Restrictions. A copy of all covenants and deed restrictions, if any, to be placed on the

amount of clearing on individual lots and by which vegetated buffer strips are to be permanently maintained.

3. Buffer Maintenance. A written plan for the maintenance of buffer strips.
- D. Minor Subdivisions. Minor subdivisions shall be deemed to comply with the phosphorus export standards of Section 3 if a permanent, vegetated buffer is located downhill from the developed portion of the lot according to the requirements of Section 4, Table 1 or Table 2, whichever applies. As an alternative to these tables, an applicant may prepare a phosphorus control plan as set forth for major subdivisions in paragraph E.2 below.
- E. Major Subdivisions. Applications for major subdivisions shall include:
 1. An Erosion and Sedimentation Control Plan prepared in accordance with the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," prepared by the Cumberland County Soil and Water Conservation District and Department of Environmental Protection, March, 1991.
 2. A Phosphorus Control Plan to meet the phosphorus export standard of Section 3 and prepared in accordance with the methodology contained in DEP's Phosphorus Control Guide. A copy of supporting documents shall be submitted with the application, including the worksheets contained in DEP's Phosphorus Control Guide, engineering calculations, a site plan showing drainage patterns and buffer locations, and detailed construction specifications and diagrams for all structural measures. The Board shall require the use of vegetated buffers, limits on clearing and minimizing road lengths, and shall encourage other non-structural measures such as clustering and reduction in the number of lots, prior to allowing the use of high-maintenance structural measures such as wet ponds and infiltration systems.
- F. Maintenance and Use of Buffer Strips, Other Measures. The applicant shall include provisions for monitoring, inspecting and maintaining vegetated buffer strips and other phosphorus control measures in accordance with DEP's Phosphorus Control Guide, including the buffer maintenance provisions contained in Section 4.D.

SECTION 6. OTHER USES AND STRUCTURES.

In addition to requirements of the Town of China Land Use Ordinance, applicants for permits and approvals for the following uses shall comply with all of the requirements of a major subdivision as set forth in Sections 3 and 5 of this Ordinance:

- 1) new or expanded portions of: mobile home parks; campgrounds; commercial (new development, or expansions of existing commercial structures in excess of 1500 square feet); hazardous or solid waste disposal facilities; and
- 2) new principal structures, other than single-family dwellings and duplexes, requiring a permit under the provisions of the Town of China Land Use Ordinance. Property owners shall

maintain vegetated buffer strips and other phosphorus control measures in accordance with DEP's Phosphorus Control Guide, including the buffer maintenance requirements contained in Section 5.3.

SECTION 7. ADMINISTRATION

Within the watersheds of China Lake and Three Mile Pond: no new or expanded portion of a subdivision may be approved under the provisions of the Town of China Subdivision Ordinance except in strict conformance with the provisions of this Ordinance; and no permit may be issued under the provisions of the Town of China Land Use Ordinance for:

- 1) New or expanded portions of: mobile home parks, campgrounds, commercial (new development, or expansions of existing commercial structures in excess of 1500 square feet), hazardous or solid waste disposal facilities; or
- 2) New principal structures;

except in strict conformance with the provisions of this Ordinance, provided that this requirement shall not apply to any existing residence or to any other existing structures or to new accessory structures.