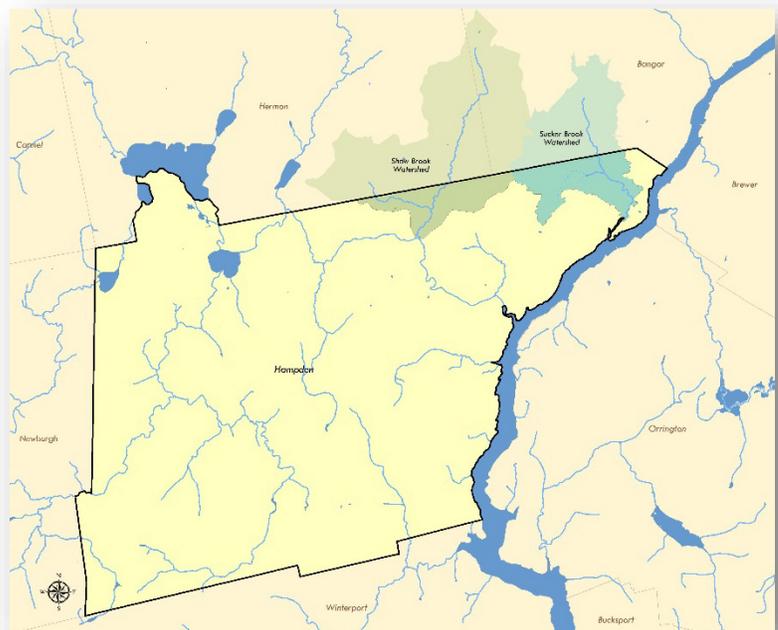


Compensation Fee Utilization Plan



Sucker Brook
Watershed in
Hampden Maine

Jan. 11, 2019





JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
ACTING COMMISSIONER

January 15, 2019

Karen M. Cullen
Town Planner
Town of Hampden
106 Western Avenue
Hampden, ME 04444

RE: Sucker Brook Compensation Fee Utilization Plan

Dear Karen,

I am pleased to inform you that the Maine Department of Environmental Protection (DEP) has approved the proposed Compensation Fee Utilization Plan (CFUP) for the Sucker Brook watershed in Hampden and Bangor, as provided for in the Maine, Chapter 501 Stormwater Management Compensation Fees and Mitigation Credit, Section 3.A.2. This approval is based on a plan that was submitted to the Department on January 11, 2019 that references two potential stabilization projects in Attachment A of the CFUP.

As stated in the plan, Hampden will establish and maintain a fund for projects located in Sucker Brook watershed. This fund will be dedicated to receiving funds submitted in conjunction with the Chapter 500 Stormwater Management Rules Section 4.E Urban Impaired Stream Standard and the Chapter 501 Stormwater Management Compensation Fees and Mitigation Credit Section 3.A. This fund will accumulate interest at the standard rate that is applied to all Town accounts. This fund and any interest earned may only be used for the implementation of projects described in Attachment A, which are designed to mitigate the effects of stormwater discharges in the Sucker Brook watershed.

This approval is subject to the condition that the Town of Hampden maintains records of funds collected and expended under the CFUP. The DEP may periodically request this information from the Town for the purposes of monitoring the success of the plan in mitigating the impairments in Sucker Brook.

The DEP recognizes that the Town of Hampden may wish to modify the CFUP from time to time. Proposed modifications to the CFUP must be made in writing and submitted to DEP for approval prior to their implementation if they are to be used to satisfy the requirements of Chapter 500, Section 4.E of DEP's Stormwater Management Rules.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

Letter to Karen M. Cullen

January 15, 2019

Page 2 of 2

I appreciate your efforts to address stormwater issues in the Sucker Brook watershed and wish you and the Town of Hampden success with this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald T. Witherill". The signature is fluid and cursive, with the first name being the most prominent.

Donald T. Witherill, Director
Division of Watershed Management
Bureau of Land & Water Quality

Copies provided:

Mark Bergeron

Mike Mullen

Jeff Dennis

Sucker Brook Compensation Fee Utilization Plan

1. Purpose

Sucker Brook, which has its headwaters in Bangor and flows through an industrial/commercial area within Bangor before crossing into Hampden, was designated as an Urban Impaired Stream by the Maine DEP in May of 2018 (see Appendix B of MDEP Rule Chapter 502). Under 38 MRSA Section 420-D.11 and Section 6 of Chapter 500 of the MDEP Rules, certain property owners who wish to develop their land within the watershed of Sucker Brook have the option of paying a compensation fee in lieu of performing mitigation to existing development to reduce stormwater pollution. As required under state laws and rules, this Compensation Fee Utilization Plan has been created to allow property owners the option of paying the fee.

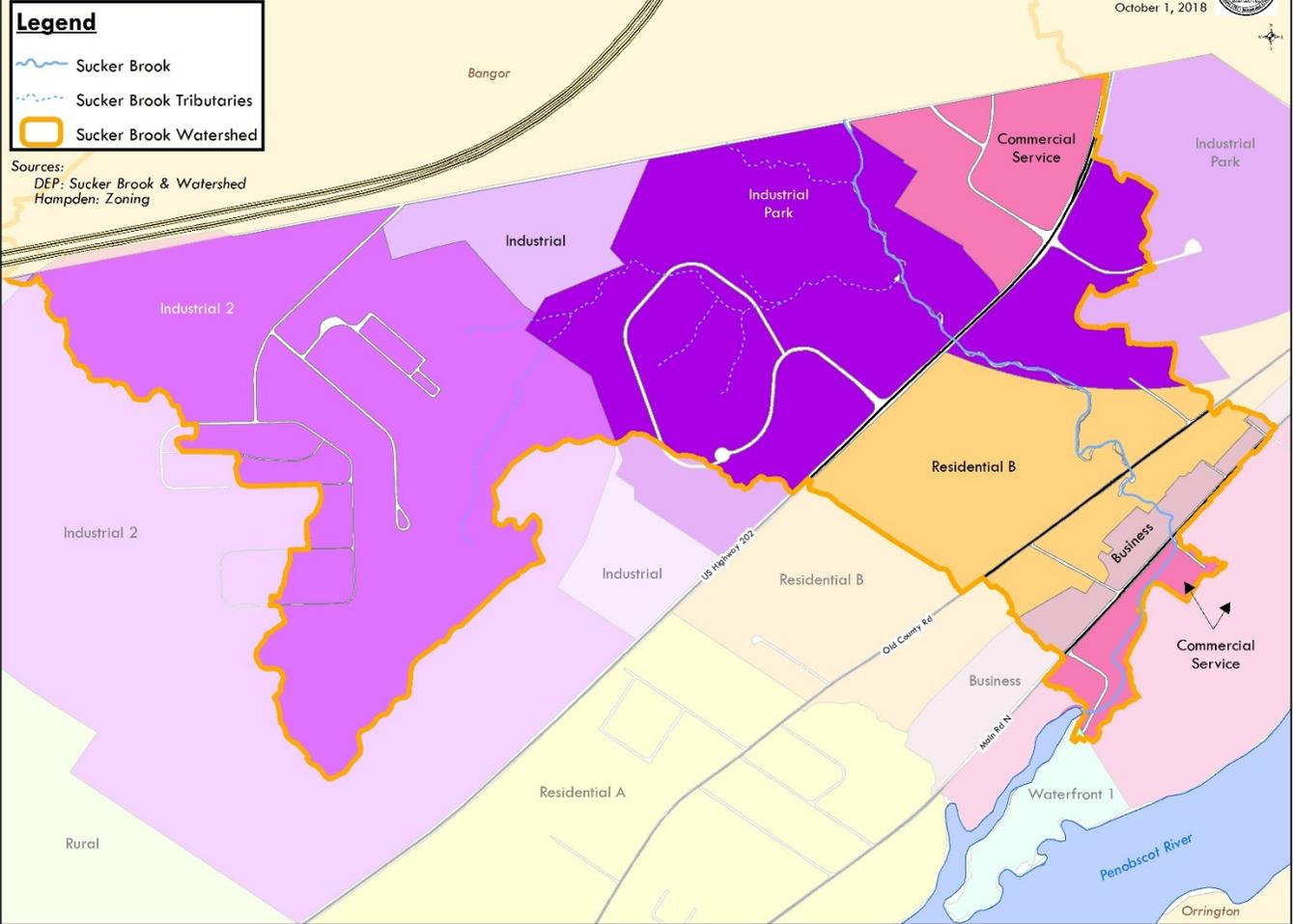
The Town of Hampden hereby creates the Sucker Brook Compensation Fee Utilization Fund for the purpose of depositing fees and paying for projects listed in this Plan. This fund will accumulate interest at the standard rate that is applied to all Town accounts. This fund and any interest earned may only be used for the implementation of projects described in Attachment A, which are designed to mitigate the effects of stormwater discharges in the Sucker Brook watershed.

2. Limits of Area

Figure 1 shows the parcels existing as of May 23, 2018 that are within the Sucker Brook watershed and therefore may be subject to the Urban Impaired Stream (UIS) Standard, and are eligible to pay into this fund. It should be noted that parcels (including undeveloped parcels) within the Hampden Business and Commerce Park that are developed in such manner that an amendment to the existing Site Law Permit for the Park is not required are not subject to the UIS Standard.

Figure 2 shows the watershed within Hampden along with the zoning districts as of October 2018. These include one residential district, two commercial districts, and three industrial districts.

Figure 2: Zoning in the Sucker Brook Watershed



3. Fee Amount

The MDEP will determine the amount of the fee that is due, based on the area of roofs, other impervious areas, and landscaped areas (see Chapter 501, section 3A). As of October 2018, the fees were \$5,000 per acre of roof, \$12,500 per acre of other impervious surface, and \$2,500 per acre of landscaped area; fractions of acre are prorated. The fee is assessed regardless of treatment of stormwater from the site.

Payment of the fee is optional; the alternative being to mitigate existing development within the watershed to reduce stormwater pollution. Refer to Chapter 501 for information on that option.

4. Process for Receiving Compensation Funds

A developer electing to pay into the Sucker Brook Compensation Fee Utilization Fund must notify the Planning Department in writing.

Upon receiving the compensation fee, the Town will provide the developer with a written receipt confirming payment of the fee. The developer is responsible for submitting this receipt to MDEP to enable MDEP to issue the necessary permits for the proposed project.

The Town will deposit the payment into the Sucker Brook Compensation Fee Utilization Fund.

5. Compensation Project Implementation

The Hampden Planning Department will determine when sufficient funds have been collected to begin a project using the funds in the Sucker Brook Compensation Fee Utilization Fund. Projects eligible for funding are described in Attachment A.

For projects that involve privately owned property, project initiation should follow these steps:

- a) Town staff will contact the property owner to confirm interest in completing the project. Refinements to the project may be made upon written agreement by the Town, the property owner, and any lessee affected.
- b) The Town will develop detailed design plans and specifications for the project, with assistance from consultants if necessary and with input/assistance from the property owner.
- c) The Town will formalize the plan for long term maintenance of any stormwater BMP's to be installed on the site. This plan, which must conform to the most recent version of the Maine Stormwater BMP Manual, must identify the parties responsible for such maintenance, a schedule for regular maintenance and inspections, and any penalties for failure to follow the maintenance plan.
- d) The Town will construct the project, with a contractor if necessary and with input/assistance from the property owner.

6. Authorization and Revisions to the Sucker Brook Compensation Fee Utilization Plan

This Plan was developed by the Town of Hampden and has been reviewed and approved by the MDEP. This Plan may be revised from time to time as additional compensation projects are identified that will fulfill the goal of reducing stormwater pollution in Sucker Brook. It will be updated upon completion of a Sucker Brook Watershed Management Plan, which likely will be done in cooperation with the City of Bangor. Based on a Stream Corridor Assessment of Sucker Brook completed by Bangor and Hampden in 2014, a majority of potential impacts to the brook were identified in the Bangor portion of the watershed. Any proposed revisions to this Plan require MDEP approval.

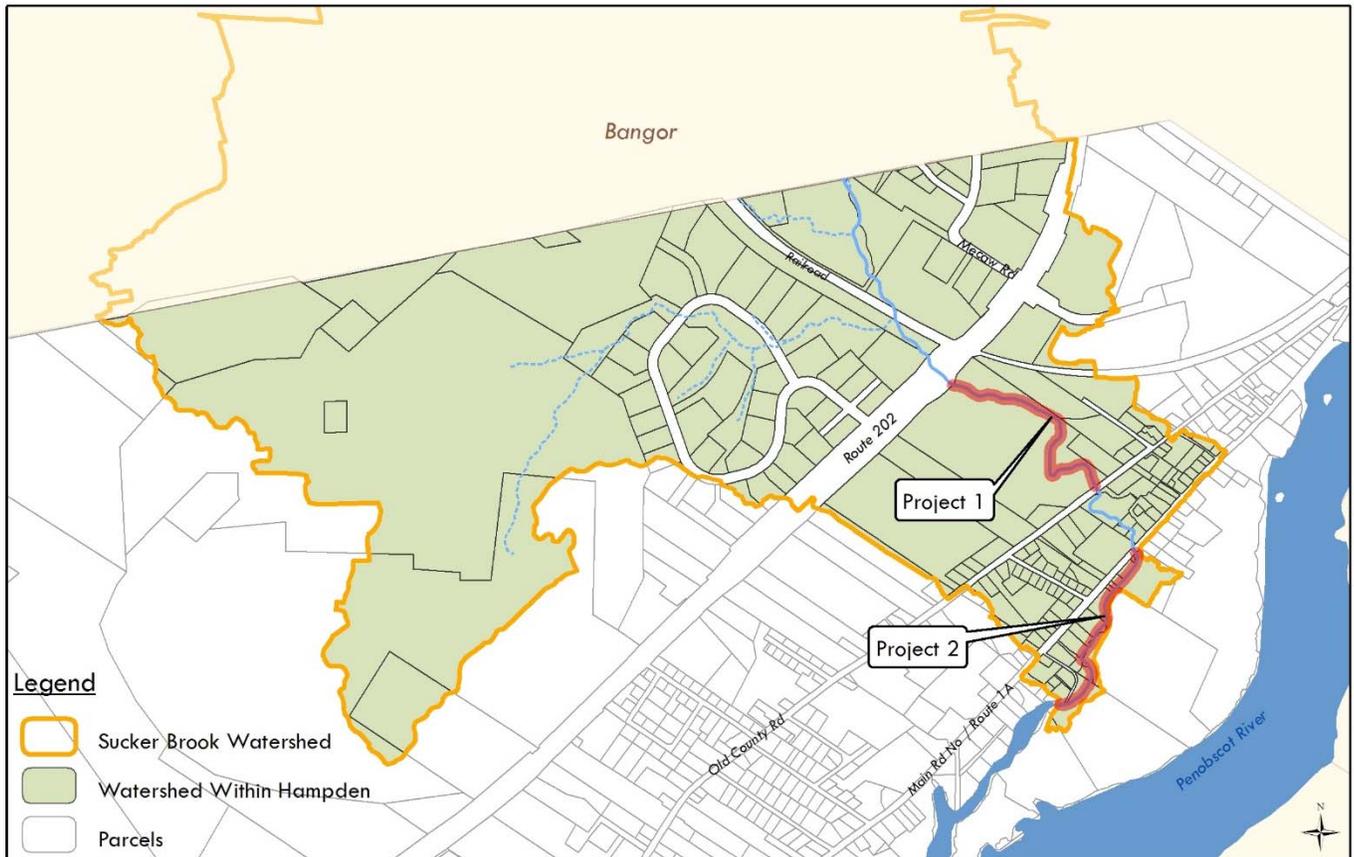
Approved by the Maine Department of Environmental Protection on _____
Date

Printed Name and Title

Signature

Attachment A – Compensation Projects, Sucker Brook Watershed

The map below shows the locations of the projects identified in this attachment.



Project 1:

Project Name: Bank Stabilization – Route 202 to Old County Road

Property Owner: John F. Perry Jr.

Site Address: Opposite 333 Old County Road

Parcel: 10-0-037

Project Type: Bank and stream bed stabilization

Estimated Design Cost: \$37,500

Estimated Installation Cost: \$212,500

Total Estimated Cost: \$250,000

Project Description: To perform a fluvial-geomorphological study of the stream to identify areas in need of stabilization and to design mitigation strategies, and to implement those strategies to reduce erosion of the stream bank, sedimentation of the stream, and to allow the stream to stabilize over time. This project will require an agreement with the property owner. Current land use is agricultural, a cattle farm.

Project location – Route 202 to Old County Road; through the Perry Farm



Project 2:

Project Name: Bank Stabilization – Main Rd N to Penobscot River

Property Owner: Various (8 property owners, 15 parcels)

Site Address: 681 Main Rd N to Marina Road (behind development)

Parcel: Map 20 Lots 51-B, 51-A, 63; Map 28 Lots 11, 13, 14, 15, 16, 16-B, 17, 18-A

Project Type: Bank stabilization

Estimated Design Cost: \$20,000

Estimated Installation Cost: \$180,000

Total Estimated Cost: \$200,000

Project Description: To perform a fluvial-geomorphological study of this stretch between Main Road North (Route 1A) and the confluence of Sucker Brook with the Penobscot River to identify areas where bank stabilization could be done to minimize future bank erosion and sedimentation of the stream without contributing to problems in the stream, which could improve habitat.

Specific areas to target may include:

- The area behind Rawcliffe's car wash and garage, where old cars are lodged into the stream bank and automotive fluids can wash into the stream; potential projects include removal of cars and stabilization of the bank with rip-rap or gabion baskets, installation of an oil/water separator in or adjacent to the parking lot, installation of a silt filter.
- The area through Lane Construction's site, where the culvert is failing and the stream banks are eroding; potential projects include removing the culvert and providing an open channel for fish passage and stabilization of the banks.
- The entrance to the Bangor snow dump, where sediment and mud tracking are a problem; potential projects include adding 100 feet of rock apron to the entrance/exit to prevent tracking mud.
- Doing a stream cleanup event in this stretch of stream and doing targeted public outreach to reduce littering and improper disposal of goods and materials.



Project location