

## Highland Lake Leadership Team Meeting Minutes May 10, 2018

### Members Present:

Dennis Brown, Kim White, Chantal Scott, Rosie Hartzler, John MacKinnon (by phone), Tony Plante, Donna Chapman, Wendy Garland, Jeff Dennis, Kimberly Darling, Gretchen Anderson, Tom Peterson, Heather True

### Absent:

Nathan Poore

1. **The group was welcomed and the minutes from the last meeting were unanimously approved.**
2. **Alewives**
  - a. **Downstream fishway**

It was discussed how the existing fishway has issues with plugging and it is marginal at best for downstream passage. It is hoped that the DMR will be responsive to the reevaluation of the site. The two towns may be asked to join the effort to address the current shortcomings with the fishway if the State response is less than hoped. (a subsequent conference call with DMR, DEP etc. was very successful and actions are being taken to address our concerns.)

- b. **Management Plan**

It was reported that there is no management plan for alewives spawning in Highland Lake. On lakes where alewife harvesting is conducted the management plan is to not allow fewer than 35 alewives per acre enter the lake.

There is a stewardship plan in the works for Highland Lake, and it could morph into a management plan.

There are 17 management plans for other lakes with active alewife spawning and all but one establish a minimum number of fish entering the lake to 35/acre in order to sustain a viable alewife run. Sean Ledwin from DMR, will be part of a large conference call with most of the relevant players where we hope to address a number of concerns. The results of the call will be reported back to the HLLT at the next meeting.

- c. **Fishway modifications to keep debris out of the grates plugging the upstream opening in the dam, and facilitate cleaning the grates**

This issue was discussed and will be part of the phone call with DMR as mentioned above. Even though the cleaning rake has been modified to facilitate cleaning of the fishway rack, this is not sustainable and hopefully will be addressed this year.

### **3. Compensation Fee Discussion on what to do with the \$7,300 at CCSWCD**

Stormwater compensation fees, an option that is available to developers who meet certain criteria allows those developers to pay a fee for the amount of phosphorus that they cannot remove after they have reduced the allowed amount by a minimum of 60% through natural buffers. The fees are retained by CCSWCD until a large enough sum is collected and/or a project outlined where the funds could be used.

Options for projects include:

1. Permit change and land use (trails, vegetative buffer, agriculture...)
2. Treating Stormwater runoff, not just fixing the erosion problem, but treating the Stormwater from the site
3. Long term projects—District, operation maintenance plan for private roads with inspections etc.

This money can be used post Watershed Survey. Site that is chronic erosion site that had 319 funds used, but is still an issue where it is difficult to get 319 funds, but this could be an option. It could also be used to assist with a manure storage and management plan.

The current sum is \$7,300 and it has gone unused since 2010, suggesting that this option within the regulations is questionable at best. It was decided that the money should be left as a reserve until more is known about the Rand Farm, along with the results from the Watershed Survey.

### **4. Horse Farms**

Heather True has made contact with the owner of the Rand Farm and discussed the concerns with the manure as a source of phosphorus to the lake. The owner has the property up for sale and it could be a potential new owner's responsibility to address manure management.

It was decided to treat the Rand Farm as a special project, and that it should be communicated that we collectively (DEP/District/Towns/HLA) want to help them. This property will be handled as an "opt-out" on the May 19 watershed survey.

Water samples taken during a rain event from both streams leading from the farm site which are intermittent but flowing this time of year. One drains to Macintosh brook, the other drains to the headwaters of the "ridge road brook". Samples were pretty high for concentrations in the stream that flows to Macintosh Brook, and very high in the "ridge road brook".

Suckfish brook—The McDermott's have a smaller farm whose drainage flows to Suckfish Brook. This will also be treated as a special project, and handled as "opt-out" from the May 19 watershed.

The question was raised if Natural Resource Conservation Service funds might be available to help mitigate the phosphorus runoff from the farm, but it was stated that those funds are ONLY applicable to farm raised food production, not for horses.

**5. Three possible short term policy issues were discussed for consideration until new ordinance language is approved through Ordinance Committee, HLLT and the Towns:**

**a. Photographing lakeshore for permit facilitation**

The Portland Water District photographs the perimeter of Sebago Lake for use by Code Enforcement in the surrounding towns. The photographs are linked to GPS coordinates through Google Earth street view and is available only to Code Enforcement. This tool is currently used in Windham on Sebago. The photos are taken with a special camera from a pontoon boat. The tool ends up saving the code enforcement a lot of time. More discussion on this will follow at the next HLLT meeting after getting more input from Chris Hansen CEO from Windham.

An example of where this might be used is in a report from a Road Association member is a report of a parcel being clearcut near the shoreland and enforcement had not been notified.

Rosie Hartzler is going to follow up with Lake Environmental Association (LEA) to learn more details regarding how the LEA photographed shoreline property.

**b. Waterfront permit applicants sign document listing Shoreland regulations to assure that they are familiar with the full set of requirements within the Shoreland Zone.**

LEA uses this as an education piece and requires people to sign it before getting their permit to do projects within the shoreland zone. Other perspectives suggest that the handouts that are provided accomplish the same thing without the need to keep the signed copy on file. Ignorance of the ordinance is not an excuse from a citation for violating the ordinance.

**c. Need for 3<sup>rd</sup> party review of any Planning Board projects within a lake watershed until review process holes are addressed.**

It was observed in a number of Town Council and Planning Board meetings that if the DEP approved a Stormwater Permit or other requirement, that the perception was it must be OK. It was learned through a recent Stormwater Permit appeal process that the one engineer who reviews all subdivisions in Southern Maine said he "spot checks" the sites and doesn't have the time to do a full inspection or visit any of the sites. He has less than 8 hours of review time for any subdivision. A number of errors were missed, and this is very concerning, not just Highland Lake, but on all subdivisions.

Jeff Dennis offered that the phosphorus is complicated, and a broad range of skills is required to perform a thorough review. The skills of the professional engineers submitting permits range from very good and responsible to marginal at best. If a 3<sup>rd</sup> party is contracted to perform a review, it is critical that the specific work scope of a 3<sup>rd</sup> party review be spelled out ahead of time.

Typically the applicant pays for the 3<sup>rd</sup> party review when required by a town or the DEP.

It was reported that Windham puts general engineering services out for every few years, they have agreements with other firms and puts them through a process looking for qualifications. Windham will look into scope of work for development reviews within the watershed and will also talk to the town engineer.

Windham—Town's Long Range Planning committee is looking at ordinance language and encourages this group to attend that, particularly those from the Ordinance committee.

#### 4. Committee Updates

- a. **Education and outreach** has upcoming meetings with the road associations, including one on gravel roads maintenance and repair. A Power Point presentation has been developed by Gretchen and John Maclaine for this seminar.

Dennis pointed out that It has become clear through recent communications that in person communication is the best way to send a message. We have to go to the watershed residents; they're not all going to come to us.

The Committee is was informed about a project based learning initiative with Windham Middle School 8<sup>th</sup> graders that hopefully will become a part of the HLA's ongoing outreach.

- b. **Watershed Survey** is on track with tech leaders, though there are some issues with the mapping. John MacClain and DEP will step in and get the maps completed by the time of the survey. Only 10-12 opt out letters came back so far.

**Ordinance Committee** no updates yet,

- c. **Water Quality Committee** - DEP has an intern that can designate 3/5 of their time, Karen Wilson has also found an intern, which will end in August but the money that HLA is contributing may extend into the school year. Key personnel will be going through all of the protocols on the lake in the next week to ensure everyone is on the same page.

#### 5. Other

Next Meeting is on June 19

## 6. Adjourn