

Highland Lake Leadership Team

Ordinance Committee Meeting

March 28, 2018

Agenda items:

- Approve minutes from February 28, 2018

Minutes were approved with a unanimous vote.

- **Discuss retroactive ordinance changes proposed by the Highland Lake Association and presented to the Windham Town Council on March 20, 2018. Review and process they will follow for potential acceptance by the Town**

Three recommendations from HLA presented to the Windham Town Council on March 20, 2018

1. All subdivisions and site plans in the watershed must be designed to meet the current DEP requirement of phosphorus 0.020 lbs./acre/year.
2. Proposal for subdivision to pay a fee in lieu of meeting the 0.020lb/acre/year is not acceptable.
3. Allowing public use of the open space within a subdivision will not result in any subdivision bonus houses within the Highland Lake watershed.

Phosphorus point system has been adopted in Windham using Falmouth's as an example.

Group discussed lot sizes, lack of space to put in buffers and BMPs on small lots. Discussed manufactured treatment systems and DEP being resistant to permit their use, or not as progressive as accepting these systems.

DEP would have to present this to the entire state. We can adopt rules that are stricter than the state rules.

Subdivision bonus houses—density bonus, 20% how it's written is if you open the open space to the public.

Planning board discussion with no public input will occur, then there will be another meeting with a public hearing, a recommendation will then be made to the Windham Town Council which is likely going to include a public forum. Moratorium is extended until the end of April into early May.

If these amendments were adopted they probably wouldn't go into effect until sometime this summer.

- **Review and Discuss "Potential Options for Mitigating Phosphorus in Runoff from Existing Development in the Highland Lake Watershed" prepared for this meeting**
 1. Manure Management

Kim White—would like evidence that the farm identified as Rand Farm is actually contributing phosphorus in the lake.

Testing was done in the adjacent stream/brook and the group is waiting to hear about those results. Kim White will let the group know who conducted that test.

We decided we were going to utilize the Conservation District or the DEP to focus on the commercial and large lot developments within the watershed ahead of the May 19 watershed survey.

2. Private Roads

In the 1990s someone convinced the town of Windham to plow private roads by easements. There are standards that have to be met by the Road Associations for the town to do this.

How many private roads does Windham plow?

Discussed pavement versus gravel roads and possible options to finance this work. Chantal wants to entertain the idea of zero interest loans as well as Stormwater/watershed tax.

Discussed statutory versus corporate road associations.

3. Shoreland zone

- a. Discussed shoreland zone training above the state requirements.
- b. Also discussed survey of the shoreline to be done to see who is in compliance of the requirements within the shoreland zone. Group discussed doing 5 of these a year and having a preliminary assessment done by the Lake Association before bringing to the Towns attention before any discussion of enforcement is done.
DEP required towns to update shoreland zone standards in 2009 or so.

4. BMP Inspection and Maintenance

Group discussed the lack of maintenance that is required under the Chapter 500 rules with the DEP. An inventory is likely needed, and would be good to have ahead of the Watershed Survey. John will reach out to Gretchen who is the Stormwater Compliance Officer who may be able to provide insight on this.

5. Grandfathered Direct Discharge Systems

This could be accomplished by forcing people to update their systems and give them one year to do so. Consensus to conduct an assessment/survey to identify direct discharges.

6. Fertilizer Phosphorus Restrictions

Falmouth's Conservation Commission is working on an ordinance to restrict the use of pesticide and fertilizers and Kimberly will be sending this to the group. Discussed adding a section specific to Highland Lake if appropriate.

- **Discuss other “potential options” that committee members wish to consider**

Discussed wetlands and their ability to absorb phosphorus.

- **Assignments**
 - **Action items**
 - **Schedule**
- **Set date and time for next meeting**

Next meeting TBD