

# Highland Lake Ordinance Committee

Meeting Minutes, August 21, 2018

Attendance: Kimberly Darling, Ethan Croce, John MacKinnon, Jeff Dennis, Heather True Hunt, Dennis Brown, Kim White

The Committee reviewed the CCSWCD comparison of ordinances between two towns—many of which have been moved through Windham to address specific concerns.

The question was raised about mineral extraction in Falmouth—proposed on Forest Lake, crosses over into the HL watershed—another group of people are working on this, but we did learn that Falmouth does allow mineral extraction in the mixed-use zone (near 95 on ramp), but doesn't allow it near Highland Lake or anywhere else in town.

There was a discussion on the need to consider road impact on hydrology, and not just building lots. Ethan Croce described how cluster housing sites are considered: Define where the highest priority conservation lands are (open space), build house lots and roads around those areas. Falmouth staff provides input to the Planning Board on minimization of impact to natural drainage ways etc.

## 1. Road standards

There was an informative discussion on private roads and the ongoing effort in the Town of Windham.

It was pointed out that in Windham, winter maintenance may be done by the Town with requirements to keep public easements up to safety standards. The question is still out there about whether environmental standards be added to this?

Falmouth—road maintenance, a subdivision requires a road association which takes care of all maintenance. If there is more than one house, you're required to have a road maintenance agreement. If you trigger subdivision review, planning board has the authority to require the entire road to be upgraded to meet a standard up to the public road. If you're just doing a lot split, you're not going to trigger that standard.

There is nothing in Falmouth that would preclude looking at water quality after triggering subdivision review. Falmouth also requires paving on any private road with more than 5 lots. There haven't been any proposed subdivisions in Falmouth in 15 years, so this is untested.

Dead end road standards/limitations—There must be two access points to any subdivision over a certain number of houses. Falmouth has a dead end road length standard that can impact the intensity of development in some instances. Is this being considered by Windham in their private road review effort?

It was suggested that someone from HLLT should be on the Windham Road Committee, or at least sit in on the meetings—to report back to the entire group and influence their work. Gretchen might be a good candidate for this.

## **2. Minimum lot size—**

There was a healthy discussion on minimum lot sizes and net residential density. Generally, net residential density determines the “ceiling” for how many houses you can fit on a parcel. Take out steep slopes, wetlands, flood plains and other non buildable areas and one is left with net residential area, divide it by the allowed net residential density to determine the maximum number of lots. This approach may allow more lots than could be configured on a site because of the actual locations of the wetlands, vernal pools etc.

It was suggested that we blend standards for the point system approaches between the two towns for Highland Lake. Doing so would provide homeowners more flexibility in meeting the required points. Obviously natural buffers are preferred over BMPs, and can be given more points to encourage the use of buffers to BMPs.

## **3. Ordinances—**

There was a discussion on the 0.020 lbs/acre/yr phosphorus budget standard for Highland Lake. Currently the 0.020 standard (chapter 500) and Windham’s reference to that figure causes Falmouth’s 0.053 lbs/acre/year standard to stand out. It was recommended that Falmouth lower it’s target to the same 0.020 as Windham for all developments.

**Septic systems—**Jeff passed out a map which he worked on with the state soil scientist. This map shows the areas where there either very coarse sand and gravel soils or shallow bedrock soils and the possibility of short circuiting of flow from the septic system to the lake is more likely. 319 money can be used to upgrade these potentially problematic systems.

After a thorough discussion, it was decided to keep septic concerns on the list, but since they did not seem to be a major contributor to the lake’s problems, septic systems should not rank as high of a priority as roads.

Jeff pointed out that a potential new protocol is being discussed at the State level for properties around water bodies.

The two issues coming out to the Committee meeting to be brought to the full HLLT are:

1. Allowed phosphorous issue on Falmouth side: 0.053 lbs/acre/yr
2. BMPs—Falmouth has additional requirements than Windham. These should be addressed for periodic review.

It is generally felt that the work of the Ordinance Committee will be to help push the suggested changes through the two Town's approval processes and then to focus on longer term tuning of watershed ordinance at a lower pace than what was required to this point.