

Tony Plante

From: Dennis R. Brown [REDACTED]
Sent: Wednesday, August 09, 2017 2:34 PM
To: Dennis Welch; David Nadeau; Tim E. Nangle; Bob Muir; Donna Chapman; Jarrod Maxfield; Brett Jones
Cc: Tony Plante; Rosie Hartzler; Kim White; Chantal Scott
Subject: Highland View Zoning Request from Last Evening's Meeting
Attachments: Communication to Windham Town Council.docx

Dear Windham Town Council:

I want to thank you for providing me the time to present my request for a zoning change from the overlay mobile home designation to the appropriate zoning for the Chase property at your meeting last evening. It is recognized that the timing of this request is at the 11th hour with the Planning Board set to take up the permit approval on August 28, but having listened to the words spoken by Dennis Welch at the beginning of the meeting attesting to your commitment to integrity and doing the right thing, I'm counting on your moving forward with this zoning change as expeditiously as possible, even if it likely means an emergency meeting of the Council.

I reviewed the Town Charter for the Town Council and learned that in the section on "Enumeration of Powers" that under section F, that your responsibility is to "Adopt, reject, or modify and carry out plans proposed by the Planning Board." Based upon what I requested last evening, if you can help in getting a delay in the approval of the project until a rezoning proposal can make its way through the process, then you will have shown that you not only express your commitment to doing the right thing, but actually practice it in executing your duties. Carefully thought out regulations work in most circumstances, but those aren't the right answer for the few most vulnerable sites impacted by larger scale projects like the Highland View proposal.

I only had one copy of my proposal last evening and I provided it to Dennis Welch. I'm including a copy here for your consideration.

Please let me know if there is anything else you need from me to make this happen.

Respectfully,

Dennis Brown

Dennis Brown, PE
39 Pond Villa
Windham, ME 04062
August 8, 2017

Windham Town Council:

Good Evening, my name is Dennis Brown, a resident of Highland Lake and a taxpayer of Windham.

I am here this evening to request an urgent zoning change to the old McDermott property on the south end of Highland Lake now owned by and about to be developed by Chase Custom Homes as the Highland View Development

This land now has an overlay zoning for mobile homes. This was overlaid on the property years ago when the State of Maine required the Town of Windham to identify five mobile home parks. The McDermott campground just off Route 302 was one of those properties. The State has since rescinded that requirement, but the Town of Windham has not changed the overlay zoning, and can change the zoning back to the appropriate category.

Why is this important?

The proposed development is for 24 manufactured homes, 10 family rental units and 10 self storage units under the mobile home zoning ordinance. This development will increase the dwellings with direct access to Highland Lake by about 10%.

This is a significant increase when one considers the fragility of the water quality in Highland Lake. 7 years ago, Highland Lake was removed from the DEP list of most troubled lakes in the state. We all celebrated in that change in designation. Four years ago, we experienced our first of four straight picocyanobacteria blooms. This is the only lake in the State with this phenomenon. We don't yet know the cause of the bacteria bloom, but with the welcomed help from the Town of Windham's grant to the Highland Lake Association to study the causes, we are hoping to find out what it is.

While we don't now know the cause, we do know that Highland Lake:

- Is one of the more densely populated lakes in the state
- Already has high phosphorus loading
- Has 4 main marsh areas, with major developments proposed in Windham with drainage directly into two of them

We know that:

- Residents and visitors contribute measurably to the economic benefit of Windham
- The Town of Falmouth has similar concerns about the lake, and the respective Town Managers spoke to each other last week about the growing concern.
- A meeting is being set up with the Town Managers of Windham and Falmouth, the DEP, the Cumberland County Soil and Water Conservation District and the Highland Lake Association to develop stricter development guidelines within the Highland Lake watershed.

Why is this urgent?

The DEP is reviewing the second draft of the development proposal as is the Town of Windham, and it is due for final approval at the August 28 Planning Board Meeting. Significant wetlands were not identified on the original plans and it had to be redone.

It is imperative that you delay the final approval of this project until a better understanding of the mechanism causing the bacteria bloom in the lake be understood or you risk pushing the lake beyond the tipping point, making recovery that much greater if it is even possible. Changing the zoning would make this project much more compatible with the fragile infrastructure around it

Respectfully,

Dennis Brown

Phone [REDACTED]