

Highland Lake Leadership Team  
**Ordinance Subcommittee Meeting Minutes**  
January 11, 2018

Attendees:

John MacKinnon (HLA), Ethan Croce (Falmouth,) Nathan Poore (Falmouth), Tony Plante (Windham), Jeff Dennis (Maine DEP), Kim White (HLA), Ben Smith (Windham), Damon Yakovleff (CCSWCD), Heather True (CCSWCD), Kimberly Darling (Falmouth), Dennis Brown (HLA) (on conference line)

- **Elect a Vice Chair** - Subcommittee tabled this item but agreed to designate someone from the group to lead future meetings in the event the Chair is absent.
- **Agree on a charge (starting with HLLT charge, no.5: "To review existing zoning and ordinance in the two towns for effectiveness in protecting the lake, modify as appropriate and research lake protections utilized by other towns for consideration in Falmouth and Windham")**

Discussion on phrases, "protecting the lake", "protecting water quality". There will be issues associated with the lake such as consideration of restrictions on the number of house lots accessing future ROWs to the lake. Consensus reached on keeping above charge as is.

- **Review Attachment A – Task Detail (Task 2: Amendments to Municipal-wide Ordinances) prepared by CCSWCD and attached to Memo of Proposed Scope of Work and Cost Estimates, dated 12/18/17**

Focus and review will be Highland Lake Watershed, although some of this work can act as a template for other similar efforts regarding lakes around Maine.

**- Discuss and comment on proposed timeline**

Clarification on "amendments" are rather suggestions from the District to bring to the Towns. The District would like some clarification on exactly what is going to be in their review. Group agreed to meet in February to be updated on progress of amendments.

- **Review land use zones within the Highland Lake Watershed for Falmouth and Windham including uses and standards**

The District provided a brief preliminary overview of a document comparing the zoning standards between the two Towns. Not an exhaustive comprehensive review, only a first pass. Also provided a map of the Highland Lake watershed for both towns—first map prepared for this to date.

Different overlay zones need to be added to this comparison. More should be added to this map, but it's a starting place.

Strive for consistent standards around the lake and within the watershed, but each community needs to go through their own legislative processes. Goal to make them consistent. This could be a model also used for other lakes in the state.

May not be a mirror image between the two Towns, but the standards and methodologies for how we are working towards protecting the lake will be similar, while being careful not to become too restrictive.

Next analysis on the mapping effort could potentially show things like densities and uses, etc.

Question for DEP – are there examples of two towns molding ordinances into one? Cobbossee Watershed District performs similar reviews in each of their adjacent towns, but it is unique in the fact it's a quasi-municipal body. There is cooperation through the District, but unsure if the standards are melded.

What Falmouth has been doing, and now Windham has introduced as of two days ago (point system) – applies not to just new construction but existing construction with additions. If on the market to be sold, shall it be brought up to new standards rather than be grandfathered with dated/pre-existing standards? Watershed survey is likely to highlight some of these concerns.

Stormwater Utility - like Portland, perhaps discussion for the future.

Sources of phosphorus, major sources from roads which would likely be the biggest concern. Natural Hydrology standard by the DEP hasn't been adopted but discussion has happened over the years. Channel scour associated with changes in hydrology from road construction could be evaluated during the watershed survey.

Looking at roads and how they may be regulated by ordinances on private roads and being consistent with public roads.

Need to be mindful of regulating private roads. State allows towns to do work on private roads in light of benefits to the environment. Would like to explore this more. Perhaps the approach is to work with the road associations to gain a public easement.

Windham - easement is for the town to provide winter maintenance. Windham has a public easement advisory committee, for roads that have public easement for winter maintenance and need to be inspected every three years.

The education and outreach subcommittee is working on road maintenance outreach which will pass information to residents. Information is likely to be developed in this subcommittee, or overlap between subcommittees will happen.

The District has a lot of GIS resources that can be helpful to this overall process. This information could also be valuable for the Watershed Survey as well.

- **Review existing surface water protection ordinances within those zones**

Allowable phosphorus export in the Highland Lake watershed per Falmouth ordinance = 0.053 lbs./acre/year. Per DEP = 0.020 lbs./acre/year

Chapter 500 - Rules for stormwater management law. When disturbing more than an acre, need to apply for a stormwater permit. In a lake at risk, such as Highland Lake, when you create more than 20,000 sq. feet of new impervious, the applicant must meet the phosphorus standard or the general standard and meet the allocation for that lake. Generally, applies to subdivisions and larger commercial buildings, whereas single family dwellings are not subject to these rules. Depending on the type of development, roads may also be subject to these rules.

Windham has been working with 0.027 lbs./acre/year until recently.

When DEP originally came up with the phosphorus methodology, towns were doing it themselves, but changed it because towns were coming up with high or very low allocations, was then changed to set the allocation to 0.020 lbs./acre/year for Highland Lake.

- A. Falmouth ordinance allocates 0.053 lbs./acre/year for private ways and subdivisions
- B. Falmouth also requires a phosphorus control plan be prepared for private ways and subdivisions in accordance with the DEP technical guidance manual

Windham ordinance includes specific structural BMPs to eliminate phosphorus load into the lake.

Falmouth ordinance filtering methods primarily use buffers, could add more language on buffer systems. Structural BMPs often involve design, construction and maintenance issues.

When feasible, put the emphasis on the buffers, but still have information on the structural BMPs as well.

Maine Soil Scientist Dave Rocque is working to enhance buffer practices and BMPs.

Windham has a Surface Water Protection Ordinance Guide brochure. Perhaps Falmouth should look into having something similar.

**- Discuss and comment on recently revised Windham Surface Water Protection Ordinance and Falmouth's Highland Lake Conservation Overlay District**

- **Review Attachment B – HLA Priorities for Ordinance Amendments attached to CCSWCD Memo of Proposed Scope of Work and Cost Estimates, dated 12/28/17 (complemented by suggested Windham Ordinance Changes attached to Dennis Brown 1/3/18 email)**

Committee reviewed the high priority list identified by the HLA.

- **Time permitting, discuss lake protection measures used in other communities and how they might be applied to Highland Lake**

**• Action Items**

- **Assignments** - many of the assignments are being delegated to the District.

Complete comparison table, add table for Windham on phosphorous control point systems, share maps.

**- Schedule**

A working meeting is going to be scheduled with the chair of this subcommittee, along with the appropriate staff from both towns along with the District before this subcommittee meets again.

- **Set date and time for next meeting**

Wednesday, February 28<sup>th</sup> 11:30am-12:30pm. HLLT will meet this same day from 1-3pm.