

**Harpswell Conservation Commission
Minutes
October 19, 2016**

Opened Meeting: 3:06 PM.

Roll Call: Mary Ann Nahf, Deirdre Strachan, Wendy Batson, Sue Vachon, Paul Ciesielski, Burr Taylor, Ann Nemrow, Mark Eyerman, Planner.

Approval of 10/05/2016 Minutes: The Minutes were approved unanimously, as presented.

Announcements:

Climate Resilience Webinar:

D. Strachan reminded members to register for the free webinar, sponsored by the Land Trust Alliance, to be held October 20 from 1:00 - 2:30 PM.

Casco Bay Bulletin:

D. Strachan stated that the recent bulletin mentioned Harpswell's new pesticide ordinance in the article "Pesticides, One Town at a Time."

Obituary:

D. Strachan noted that the obituary of John Perry, a longtime civic participant, was listed in the October 17 Times Record.

2017 Workplan and Budget

M. Nahf submitted the final report on 10/15 to the Town Administrator who suggested a round figure of \$2,100.00 for the Budget Committee's consideration.

Bowdoin Spring Intern:

M. Nahf and D. Strachan compiled a general list of topics on SLR and sent to Professor Eileen Johnson for her to choose a project that most reflects intern interest and curricular relevance for her GIS spring course.

Update:

Review Appendix 22, Open Space Plan 2009:

"Observations and Recommendations Regarding Land Use Ordinances and Open Space in Harpswell" 2009.

M. Eyerman suggested reviewing Appendix 22 to flesh out possible areas for future protection of the Focus Areas by the establishment of new ordinances and other means. Discussion included the following points:

- **Definition of "open space."** This was updated in the Definitions Addendum and defines open space as "an area of land in a predominately undeveloped condition." Discussion on the various types of open spaces, as how it is addressed in the basic land use and subdivision ordinances, followed.
- **Basic Land Use Ordinance.** Unlike subdivision development ordinances, there are presently no controls limiting building placement on a single lot, neither are there any protective devices for preserving existing natural resources within the lot. The existing codes are limited to requiring a permit for a septic system, setbacks and height

- restrictions, and a legal deeded access to the site. It was noted that some of these setbacks tend to produce a uniformity that is contrary to the rural character
- **Location.** Should changes to the Basic Land use ordinance be Town-wide or restricted to lots within the focus areas?
- **Impact of Current Minimal Lot Size:** The current lot size is 40,000 sq. ft. This roughly measures 150 ft. along a public way by 270 ft. deep. Should the lot size be enlarged within the focus areas so that important water features are protected, and hilly areas retain their vegetation to act as buffers for privacy purposes and scenic integrity? It was noted that the relative low density, presently existing within the focus areas, reflects the difficulties inherent in building on difficult terrain.
- **Impact of Setbacks on Town Character:** Any standards that lead to conformity within the landscape should be reviewed to comply more with existing features of the site, rather than matching setbacks of an abutter.
- **Focus Areas:** Future development should not compromise the existing natural features.
- **Shoreland Zoning Ordinance:** M. Eyerman pointed out that this ordinance considers neither the use of the land, nor where to site a house.
- M. Eyerman stated that any new **ordinance change** that requires extra site surveillance, adds to the CE's workload, delays the review procedure and increases costs for site evaluation to the owner. If changed, it would also necessitate activating Town procedures for public notification etc. similar to that required for "variances" of pesticide applications.
- **Four of the Wetlands** listed in the O/S plan are not under resource protection. The wetlands, last delineated in 1996, need to be reexamined. Only the larger ones presently require a 250 ft. buffer of adjacent uplands. What buffers are required for small wetlands? What determines big v small?
- **O/S Plan Additions/Changes** need to be updated since 2008. More land has recently been preserved by HHLT. e.g. Otter Brook and Curtis Shores.

Procedure / Plan of Action:

1. Determine the potential for future lot by lot development in each of the eight Focus areas by referring to Map 6 from The Open Space Plan: *High Value Focus Areas in Harpswell.* By subtracting already conserved lands and exempt those circled areas that represent existing structures with a 175' radius buffer, an assessment can be made regarding the amount of land available for future development in each area that complies with the existing ordinances.
2. Set up a process for defining the existing non-fragmented habitat features of the landscape prior to building. Locate all water bodies, corridors for critter movement, upland drainage areas, steep terrain (unbuildable land) and any other significant natural feature that needs to be spared. This information to be overlaid with the map of available building lots from #1, in order to subtract those building sites that would potentially harm the environment.
3. Define environmental problems that might arise from the building processes, using a minimum of 40,000 sq. ft. as the base. For example, those factors that might impact abutters: Additional roads, loss of tree buffers, runoff from hardscape construction, scenic loss, sun rights and visual perspectives.

4. Having amassed all the above information, lot sizes and numbers can be located on a map for suitability for construction without destroying the natural geological features.
5. Determine what preventative measures need to be worked out.

Outreach Opportunities:

- It was decided to have a table at each of the three polling locations on November 8 to solicit citizens to name their private road associations for future communication purposes, and to promote and highlight the current topics of HCC interest: Locations of roads impacted by future SLR and details of the newly passed Pesticide Ordinance. M. Nahf will seek Town approval.
- Timetable for volunteers:
Cundy's Harbor: AM: D. Strachan and W. Batson. PM: A. Nemrow and B. Taylor.
Orr's Island: PM: S. Vachon.
Route 123, Kellogg Church: P. Ciesielski.
- M. Nahf and S. Vachon will design bookmarks of the above topics for handout material.

New

Aquaculture:

Concern regarding the proliferation of oyster breeding/harvesting practices and the placement of traps off Harpswell's shores was voiced. B. Taylor, member of the Harbor and Waterfront Committee, assured the Committee that all traps were located well away from navigational lanes and any other obstructions. The Division of Marine Resources and the Army Corps of Engineers are responsible for upholding the regulations. The Harbor and Waterfront Committee is keeping track of the expanding commercial harvesting of cultured oysters.

Tabled:

The Selectmen's Workshop program on SLR and infrastructure considerations will be placed on the agenda of the next meeting.

Adjourned: 5:05 PM.

Meetings: 11/02 and 11/16 at 3:00 PM.

Scribe: Ann Nemrow.