

Town of Belgrade Lakes Committee

Feb. 9, 2022 / 3 p.m.
Belgrade Town Office
990 Augusta Road

This meeting will be conducted in person.
The public may also view the meeting and participate online at
<https://us02web.zoom.us/j/88927724178>

A G E N D A

Call to order

1. OLD BUSINESS

- A. Discussion of **committee bylaws**.
- B. Discussion of **joint meeting** between Lakes Committee, Planning Board and Comprehensive Plan Committee.

2. NEW BUSINESS

- A. Discussion of Lakes Committee involvement in crafting of **commercial solar array regulations**.

3. OLD BUSINESS

- A. Consideration of Aug. 25, 2021, Sept. 1, 2021, and Dec. 1, 2021, **minutes**.

4. ADJOURN

Town of Belgrade

Lakes Committee bylaws

I. Authorities and duties

The Lakes Committee considers, researches and discusses issues, concerns and other matters that impact the community's greatest natural resource – its lakes. The Lakes Committee will work in partnership with other groups, organizations and individuals who share a commitment to the lakes' preservation. Those stakeholders include the 7 Lakes Alliance, local lakes association, other towns that share Belgrade's lakes, and property owners. The committee serves as an advisory body to the Board of Selectpersons, forwarding lake-related recommendations for the Selectboard to discuss and consider.

II. Committee Membership

The Lakes Committee will consist of seven members, who shall be appointed by the Board of Selectpersons in keeping with the Selectboard's appointment policy. Membership shall include:

1. One member from the Belgrade Lakes Association.
2. One member from the McGrath Pond-Salmon Lake Association.
3. One member from the Friends of Messalonskee.
4. One member who is a seasonal resident.
5. Three at-large members.

Appointees shall be sworn to the faithful discharge of their duties by the Town Clerk.

III. Terms

Committee members will be appointed for staggered terms of three (3) years. Trustees shall be eligible to serve no more than four (4) full terms in succession. Terms shall coincide with the first Selectboard meeting after the annual town meeting. The Town Clerk shall maintain an up-to-date list of trustees and their terms.

Except for the seasonal representative, committee members shall be qualified electors and residents of the Town. They shall comply with the provisions of 30-A MRSA 2605 pertaining to conflicts of interest. If any committee member no longer meets the above qualifications or is convicted of a crime punishable by incarceration for six (6) months or more, his/her position will be immediately vacant.

IV. Meetings, officers and attendance

As with all Town boards and committees, the meetings of the Lake Committee must be posted in advance and open to the public. Meetings shall be scheduled at 3 p.m. on the first Wednesday of the month in the Town Office on an as-needed basis.

Specially called meetings may be conducted at other times, dates and places. The committee shall meet at least once annually. At its first meeting after each annual town meeting, the committee shall elect by a majority vote of the committee:

1. A chair, who will preside over the meetings and will report to the Selectboard, as necessary. The chair shall not serve more than two (2) full terms in succession.
2. A vice-chair, who will president over meetings in the absence of the chair.
3. A secretary to take written minutes of meetings to be shared with the Town Clerk upon their approval.

If a committee member misses more than three (3) regular meetings from April through the following March without suitable reason satisfactory to the committee chair, the committee shall notify the absent member and the town manager of the absences. The Town Manager shall inform the Selectboard, which may then remove the absent member. The vacancy will be filled in accordance with the Town's appointment policy.

V. Quorum

A majority of the committee shall constitute a quorum for the transaction of business. If a quorum is not present and the meeting is rescheduled before the next regularly scheduled meeting, it shall be done so in the manner required for all Town board and committee meetings.

VI. Compensation of members

Members of the Lakes Committee shall serve without compensation.

Minutes of August 25 2021, Lakes Committee Meeting

Present at meeting was Anthony Wilson, Jim Hillier, Pat Donohue, Michael Barrett and present by zoom was Michael Guarino, Lenny Reich and Paul Feinberg

George Seel Chairman of the Comprehensive Plan Implementation Committee of Belgrade was our invited guest and commenting on how lake water quality issues are reflected in the comprehensive plan that was originally adopted in 2014 and what improvements were recommended in that plan and whether they have been implemented. Then need to ask what standards we have today. These standards can be divided three categories, storm water runoff, phosphorous export and soil erosion. You also have to look at how the three ordinances that are within the purview of the Planning Board ("PB") contain provisions dealing with water quality.

The PB has no control over waste water as that is governed by the state plumbing code and administered by the CEO, who is the plumbing inspector.

The Planning Board does very little planning. It is mostly a permitting board, although we do work with the ordinances and now are finishing up the sub-division ordinance. The other two major ordinances are the Shoreland Zoning Ordinance and Commercial Development Review Ordinance. The Planning Board revises these ordinances with regard to water quality. The storm water standards needed to be reviewed.

In 2015 when Seel joined the PB , they started off with a work plan regarding. Implementing the Comprehensive Plan in the areas where the PB had jurisdiction. It meant looking at all three ordinances that the PB did have the authority to review and revise. We started with the Commercial Development Review Ordinance, then the Shoreland Zoning Ordinance and finally the Sub-Division Ordinance, the latter of which we now revising.

Regarding the water quality standards in the Commercial Development Ordinance, there was a performance standard but not well defined as we used the general standard that the project not develop any more storm water. Phosphorous export the same way as there was not a lot of meat on the bone. We utilized by reference the best management practices of DEP. There was a bias to use solutions of buffer filter strips and natural vegetation not engineered solutions that need maintenance. The mistakes we made that the phosphorous standards are too high because we put them into the ordinance rather than incorporate by reference the DEP standards. Wilson clarified that it would be best to use the DEP standards for and be incorporated by reference rather than insert the standards in the ordinance, which phosphorous standards are too high. This came to the PB attention with the Brightside application as their engineer used the DEP phosphorous standards, which are lower than the Town's.

When looking at the data, before 2015 there were no phosphorous standards and there was no consistency.

Regarding Shoreland Zoning and Storm Water Management , there is a state model, where we can be more stringent but not less stringent and there is no phosphorous export standards or requirements. So the PB went beyond the model ordinance with regard to storm water rather than a generic requirement as written it was over inclusive. Again relied on Dep guide who has

a citizens guide laying out the laymen use of DEP best practices, like rain gardens. There was then a discussion with roof run off in typical applications of additions to camp

Wilson asked whether the biggest concern with storm water is with commercial versus residential regarding storm water and phosphorous export and Seel agreed that there is more soil disturbance but did say in summary; that both have their challenges but just different ones. Barrett talked of requiring adequate natural buffers. Then ensued a general discussion on buffers and soils regarding run offs.

Seel made the point that as to phosphorous export and storm water the Planning Board can only deal with the future, and has no authority to deal with past problems that require retrofits. That situation is only addressed now by volunteer organizations e.g. Lake Smart. Wilson then asked if the Planning Board had ever considered an applicant to submit as condition a Lake Smart survey? Seel said he did not know. Wilson remarked that reason he brought this up is in the context of this Committee's interest in perhaps requiring periodic septic inspections. Seel had concern is to how the PB in making it's decision could tie this condition into its findings as required by law in its decision. There was a discussion about the practicalities of implementing from the Planning Board point of view as well whether 7LA has the manpower to implement a Lake Smart survey.

In Shoreland Zoning there are no phosphorous export standards. Implicitly is dealt with in the general storm water provisions But the planning board does require a certified DEP certified excavation contractor. There is now also a requirement that septic systems be certified on sale was added by the PB in the Shoreland Zone. This was done before the state mandated this. Barrett asked how is the inspection is done and Seel said more often than not, it is a video inspection, that it is functioning. Not the same as routine pumping requirements.

Guarino asked how is it followed up for the Buyer to do the work that the Seller has given the Buyer credit for in the purchase price in a sale scenario. Seel said that in all permits he has seen that the work is done and he does not know if the Buyer or Seller has done the work. Donohue commented on the usual practices in a typical transaction. The realtor does submit the report to the Town CEO and sometimes submitted at a later date due to the season.

Seel also said that a lot of the new applications include a new sub-surface disposal system due to the owner expanding and/or realizing the old system was inadequate. Donohue remarked that in this experience a Buyer has always required an inspection. Guarino followed up with what do you do if the failed system after a sale is not fixed. Seel told him that need to report this to the CEO. Barret commented that the Seller should fix a broken system.

Feinberg asked seel to comment on what he recognized, as a the gap that there is no notification on sale. e.g. could be from one generation to the other. Seel said it not within his role to deal with the loopholes in the law. Feinberg then queried about the qualifications for septic inspectors to be familiar with soils. He referred to Dave Rocque's recent presentation on

soils and septic systems at a seminar sponsored by the BLA. Seel said this is outside the domain of Belgrade and that we are really talking about the weaknesses of the State Plumbing Code

Finally Feinberg asked about the coordination between the Planning Board and the resources of the BLA and 7LA and specifically utilizing the latter's scientific capacity in the persons of Danielle Wein and Whitney King. Prior to the rewrite of the Shoreland Zoning Ordinance there was none. Seel said that Charlie Baeder did appear before us regarding the Shoreland Zoning re-write with valuable information. Now as to the subdivision control by law Seel said he has advocated more public involvement. Really on the ordinance development area there is hardly a modicum of public participation. On the permitting side, with the recent Brightside application, was the first time the PB ever received comments from 7LA or its predecessors.

There is a lacking of expanded notice to the public in the Shoreland Zoning. That issue was controversial at the PB. Wilson told me that there are PB cases when 7LA has been notified. Seel followed up to remark that Charlie Baeder had contacted him to present the results of the Great Pond Management Plan and Seel's response is that that information should be not only to the PB but to the other boards in town as well.

Feinberg again asked about more cooperation and Seel said it was the job of Wilson. Wilson told us how closely he is working with 7LA and that he is in continual contact with Laura Rose Day and Charlie Baeder. Wilson said it is important to note the technical role of the PB and that there is a legal process that must be followed. Feinberg asked about the availability of the draft of the new Sub-division control by law to the public. Wilson believes that there will be a public hearing on the Sub-Division control by law and be opportunities for public's input.

Seel said Feinberg had hit on an important point that members of the PB do not have any real scientific or engineering expertise. However the PB does have access under the Commercial Development Review Ordinance to hire engineers, i.e peer review. There was a discussion about holding a public informational meeting. The problem with the process is it is all over as no changes can be made in the prospective ordinance as a result of public comment at a public hearing, unlike the State. Barrett reiterated the need for another step to make changes to the prospective ordinance as a result of the public informational meeting. Seel and Barret spoke of the lack of attendance at hearings.

Donohue reminded us of how the mooring ordinance was developed with significant public interest and all realized there was no comparison in complexity to the sub-division revision process.

Hillier asked Feinberg if he thought that 7LA and BLA could be asked to be peer reviewers. Feinberg said that was beyond their scope.

Seel reviewed the history of the Subdivision Ordinance and how the PB has learned their lessons with the Commercially Development Review when the phosphorous standards were included as exact standards; not incorporating the DEP standards by reference.

Wilson asked Seel if he has a sense of what controls soil erosion the best; ordinance or permitting. He said there is no hard data on this. Reich then asked would not the CEO have in his files all of this data..Seel hoped that would be so and that recently the Comprehensive Plan Implementation Oversight Committee met with Fuller and Wilson about this. The result was that the best guess of Fuller is that only 50% of the projects are in compliance. Reich reiterated this is a big problem and Seel said the Committee will be presenting a written report of their

findings and recommendations regarding ordinance compliance to the Select Board. Barrett said that the Select Board needs to know as they react to public sentiment.

Wilson spoke about the next step to be a joint meeting with the three Town Committee's and there was a discussion of how to implement this. The Lake Committee then thanked Geogre Seel for his presentation.

Lastly, the minutes from the last meeting were unanimously approved. The meeting was then adjourned.

Respectfully submitted,

Paul Feinberg, Secretary

Minutes of The Lake Committee of September 1, 2021

Present: Members, Lenny Reich, Pat Donahue Anthony Wilson, Michael Barret, and guest Charlie Baeder

Old Business , Consideration of August 25 minutes . Informed that the minutes are not yet available, deferred until next meeting

New Business; Public swimming access in North Belgrade. Now there are two accesses at the Center for All Seasons for Great Pond and also at Long Pond on Lakeshore Drive and the Select Board is interested in additional swimming areas in North Belgrade. One of the recommendations in the comprehensive plan is public access in North Belgrade. Barbara Allen Belgrade Select Person, told us that the Select Board had assigned this issue to our committee. She spoke about the 56 miles of lake frontage and so comparatively very little is available for the public and she noted that some kids are swimming at the public boat launch, which is prohibited. There used to be a beach called Cooks Beach in North Belgrade which was private with public access granted and is no longer available. There are several other groups looking for access being the Great Pond Yacht Club as well as 7Lakes Alliance. She mentioned the possibility of a partnership with these other groups. Wilson thinks there are opportunities to collaborate ; also thinks Town may be able to pay for purchase but not pay for the maintenance. Pat Donohue informed the meeting that his real estate brokerage firm represents Pine Tree Council, Inc. ,the Seller that is currently selling Camp Bomazeen. Wilson asked about the timeline as there is a mediation going on. Wilson told the meeting about the Attorney General's aggressive stance that the PTC cannot use the proceeds, as that is in the deed.

Barrett would like to see the Town acquire it and run it as a camp. Wilson spoke of a public-private partnership. Any deal with the Town would be contingent on voter approval that might not be obtained until March 2022.

Select person Barbara Allen reiterated that the Select Board thinks that the Lake Committee should develop a plan. Jim Hillier asked if anybody had contacted the Nature Conservancy. Donohue asked for the specifics needed so he could search out properties -- like there is a 50 acre piece on the West side of Salmon Lake that might be suitable.

If it is appropriate to set up a sub-committee Allen said she would like to be involved. Wilson mentioned an outfit that he was introduced to at a conference, to do a public private partnership. Wilson will find this firm that specializes in putting together public private partnership. Might KD COG work?

Allen told us that the neighbors are vehemently not in favor of a public beach at Bomazeen. Allen told of a successful acquisition by Oakland of Pleasant Point Park, as it does not abut private lands and did not impinge on private property. Barrett asked Allen if she wanted to attend the GPYC on Saturday. She said she could not attend.

It was asked if the Town had discussed the ability to fund such a purchase and had the Select Board discussed that aspect and we were told that it was premature..

Baeder said public access for swimming is open for discussion with 7 LA and they would like to spread out their footprint and work with lakes other than Great Pond. Wilson just out of

curiosity, asked what are 7LA's priorities. Baeder said primary is protecting water quality, protecting habitat and public recreation.

One of the benefits of this project Wilson said is that it would benefit people who do not live on the lakes. The next step is for the three to get together (Allen, Barrett and Wilson)

Next issue is wake boats. Paul brought it up to be put on the agenda. Reich said we can talk as long as we want but there is nothing we can do about it, as it is state jurisdiction. Wilson asked Reich if this has been discussed in the Legislature. Reich said no but has been discussed in other states. Barrett said also should look at sea doos. Reich said it is different, adoos (known as personal water craft) is the nuisance factor, as to wake boats it is all about the wave. This can cause erosion on the shore. Reich said at Salmon the wave causes property damage, so many on Salmon have installed boat lifts.

Reich explained that ballast creates the wave but Modin denies using any ballast. Baeder said that wake boats are on East Pond (concerned there about Alum treatments)and their turbulence only goes down about 6 feet. Baeder spoke about the small size of Salmon being a problem as compared to East Pond. Legally these boats need to stay 500 feet off the shore. 500 feet is not adequate according to Reich.

Baeder said it might be an issue for DEP if it causes erosion. Wilson asked Reich if he knew if DEP had been contacted and he said no. May also be in I F and W regulations.

Hillier suggested a nuisance law suit by those hurt might be easily winnable. Wilson will reach out to Rich Baker to see if DEP might be worthwhile to pursue. Baeder thinks the game warden might be contacted but unlikely to get great results. Wilson will tell us what Rich Baker advises. Donohue noting no more discussion on wake boats that it would be continued to the October meeting agenda.

Donohue spoke of George Seel's email to look into the Planning Board Select Board, our Lake Committee as well as 7LA. and meeting with the town boards to educate them on water quality. First meeting will be on the Great Pond Management Plan and Salmon—McGrath lake survey. Please review the email.

Likely the October meeting will then be the Joint Meeting. Donohue will coordinate with Peter Rushton. Wilson reiterated that the overview is impact on water quality by the current regulations. Barrett wants to know whether the Boards are bringing anything to the meeting or they are just there to learn and be enlightened. Key is to emphasize the Lake Committee's overriding concern regarding water quality.

Wilson discussed taking trees down and the enforcement of same by the CEO. Hillier wanted to know if in a grand fathered situation is the arbor point system in the Shoreland District required? Wilson Hiller and Barrett had a general discussion on whether permission is required to cut down trees in shoreland zoning in a non-conforming or grand-father situation.

Seel wants input of how to proceed. A discussion ensued on how to approach the response. Baeder was thanked and the meeting was adjourned.

Respectfully submitted
Paul Feinberg, Secretary

Town of Belgrade Lakes Committee

Dec. 1, 2021 / 3 p.m.
Belgrade Town Office
990 Augusta Road

MINUTES

Call to order. Committee chair Patrick Donahue called the meeting to order at 3 p.m.

1. NEW BUSINESS

- A. Discussion of **committee bylaws**. Town Manager Anthony Wilson shared copies of the Library Ordinance related to the activities of the Library Board of Trustees. Mr. Wilson suggested this would be a good template upon which to craft the Lake Committee's bylaws. The committee agreed. Mr. Wilson said he will bring a draft to the committee's next meeting for its discussion and consideration.
- B. Discussion of **upcoming meetings**. Mr. Donahue reported that interest in a joint meeting of the Lakes Committee, Planning Board and Comprehensive Plan Committee remains high, but the coordination between the groups is ongoing. He suggested meeting in the spring.

2. OLD BUSINESS

- A. Consideration of Aug. 25, 2021, and Sept. 1, 2021, **minutes**. Because Mr. Feinberg was not present, the minutes were not considered. They will be considered at the next meeting.

3. **ADJOURN**. The meeting adjourned at 4 p.m.