

**OFFICIAL MINUTES:**                      **DATE: September 6, 2017**  
**Eliot Conservation Commission**      **APPROVED: November 1, 2017**  
**Eliot, Maine 03903**  
**OFFICIAL MINUTES: Business Meeting**

**OFFICERS:**

**Chairman: Kimberly Richards**  
**Vice chairman: Glenn Crilley**  
**Secretary: Lisa Graichen**  
**Treasurer: Kari Moore**

The meeting was called to order at 7:01PM at the Eliot Town Hall.

**In attendance:**

Members: Kimberly Richards, Lisa Graichen, Kari Moore

Alternate members: Connie Weeks, Linda Anderson

Guests: Jack Murphy, Liaison to Select Board; Jennifer Fox, Great Works Regional Land Trust

**Absent:** Andrew Laforge, Glenn Crilley

**Public input:**

Jennifer Fox will be talking later in the agenda. No other public in attendance.

**Past Minutes:**

- June 7, 2017: Connie made a motion that June minutes be accepted as amended. Kari seconded. All members voted in favor.
- July 5, 2017: Connie made a motion that July minutes be accepted as amended. Kari seconded. All members voted in favor.
- August 2, 2017: Connie made a motion that August minutes be accepted as amended. Lisa seconded. All members voted in favor.

**Financial report:**

Kim submitted two forms for expenses: 1) Reimbursement for Kim's expenses (printer paper and binder) for \$21.66; 2) Eliot Festival Day charges \$15 for our booth space. Connie made a motion to submit the two reimbursement forms as presented. Kari seconded. All members voted in favor. The two forms go to Becky Bergeron – drop it off in person, put in box, or mail. Kim gave Kari the treasurer binder. Kim checked the land bank balance: \$72,503.30. Jack suggested adding a line item for the Eliot Festival Day booth in the next budget.

**Guest: Jennifer Fox**

*Goodwin Farm Project – next steps*

Thank you to the town – Great Works Regional Land Trust (GWRLT) has been working on Goodwin Farm for a number of years. It's about 110 acres. GWRLT was looking for ways to recoup finances. Front acres (about 30-35 acres) have been under cultivation, back acres are forested. GWRLT wants to maintain public access to back acreage (historically used for hiking, recreating) in perpetuity. In exchange for that, GWRLT sought funds from Eliot Land Bank. Connie asked whether the public will be able to access the agricultural portion. Jennifer described that they're proposing that the access to the back portion (to relieve Johnson Lane) be on Goodwin Road with a parking area and public access trail along the farm area back to the forested area. GWRLT proposed that \$40,000 from the Eliot Land Bank go toward the project – discussions with ECC and Select Board, then town vote – passed by about 79%. Moneys would be transferred once there was a legal agreement in place between GWRLT and the Town re: access – that's one of the immediate next steps, on the agenda for Select Board's 9/14 meeting (Jennifer needs to confirm with Dana). GWRLT will come back with a draft agreement. Perhaps there are examples from other projects or land trusts to serve as a model for this agreement. Jack asked about the agricultural side of the property – will the agreement include leasing it to a farmer to use the land, maybe public garden space residents could use (though that would need oversight). Jennifer mentioned there's already been interest from farmers in purchasing the property due to the good agricultural soils. That's another way GWRLT is looking at recouping the costs. GWRLT would put an agricultural easement, may negotiate having a house lot (don't want to sell a farm where you couldn't live there), but the rest would be restricted – would be sold as a 30-acre parcel in the future, only for agricultural/forestry practices. That can help make the land more affordable, help GWRLT recoup costs. Kim mentioned a presentation by someone from Maine Farmland Trust who had purchased a property under an agricultural easement. Keep in mind for future opportunities to have him speak.

Kim asked how long the access trail might be. Jennifer said maybe half a mile. There are older trails in the forested area, which could be improved. These also connect to trails on surrounding properties. Potential to get from here to York Pond. Kim suggested it would be great to have an informational kiosk. Jack mentioned the need to consider forest fires. Connie brought up that ECC was supposedly contributing to help maintain Johnson Lane (since it's currently privately maintained). Kim asked Jim Tessier, but he said nothing had been done. Need to know who to write the check to. Kim will follow up with Jim. Need a record of this. Jennifer said one of the next steps is to start working on access points. GWRLT has received permits from ME DOT (driveway cut) and notified Joel (Public Works Director). Work may begin in September. Kim recommended that GWRLT submit a draft agreement to the Select Board ahead of the meeting, but that probably won't work with the timeline. Connie asked about making sure people who access the forested area won't interfere with farming activities. Jennifer said they have other properties with a similar situation, and GWRLT will be responsible for marking the trails.

### *Great Hill Gravel*

Jennifer noted that she's cautious about saying "contaminated soils" – DEP would say that they're "regulated materials." Connie mentioned that nobody monitors it. Kari asked if it's an approved landfill. It's not a landfill; it's a reclamation site. Jennifer has a lot of notes from 2008-2012; she doesn't know the details after that time. There's a good Seacoast Online article from 2008 that provides some background. Great Hill was an unpermitted gravel pit (they were taking materials out of it). Got into trouble with soil erosion that got into Shorey's Brook – that's how the ECC got involved back around 2002. Then the State got involved for WQ issues. They came up with a plan to supposedly reclaim the site (bring in solid fill, then seed it). There was concern in town because truckloads of materials were coming from MA. Why are they coming up all that way? Maine's regulations are different, and it would be costlier to landfill this material in MA (e.g., materials with a mastic coating of asbestos). There are standards, but the monitoring of it appears to be limited. Kari asked about water quality monitoring. Jennifer said there has been some air testing done for asbestos, and from what she found there weren't concerning levels found. What she finds concerning though is that there was supposed to be a closure plan (originally supposed to close in 2008). They didn't reach that deadline. Then they proposed 2010. Select Board weighed in at that point – they wanted to see it close sooner. They didn't reach the 2010 target. There was no longer anyone from the town involved in the discussions. Jennifer never got an answer about when the closure was going to happen. Every truck that comes in is supposed to have a manifest. What was allowed in the site changed through the years (e.g., first the mastic coating of asbestos, then materials with lead based paint). The owners and their consultant say it's all regulated, and it's fine. But the monitoring appears to have been limited. Closure plan was delayed, but the ECC is unsure if that's changed since 2012. DEP is supposed to monitor the materials. The closure plan goes through Assistant Attorney General (different branch). Jennifer said they have been fairly open with sharing what they have. Kim has been told anecdotally that trucks have started going back there recently. Jennifer said they still may be allowed to take gravel out, so maybe those are the trucks but need more info. Connie recollected that Glenn mentioned that ARC materials have gone up there. Jennifer said there's a bigger question at the state level about why our regulations allow truckloads of material to come in from other states. Jennifer said there are supposed to be yearly reports, but not sure the town has received them. Jack suggested asking the Code Enforcement Officer.

Jennifer mentioned ME DEP contact Eric Hamlin – he doesn't have control over the consent agreement or the closure, but questions regarding use of fill material can be directed to him. He said in the past that he'd like to see more of the slope loamed and seeded. He generally didn't see issues with silty discharge from the reclamation area. The site is supposed to be seeded and stabilized. It's not certain if there have been more issues with Shorey Brook. Kim shared older photos of the area. Connie described some of the backstory of the origin of this issue. Jennifer said the annual reports from the Attorney General's office didn't seem to include much more information beyond the tonnage of material. Peggy Bensinger is the contact on the

Attorney General end. At the time, they were reassessing the type of report Mr. Renaud is required to submit, they were going to require more detail in quarterly reports. Connie said turnover in ownership may be another issue. Jennifer said Della Land Corp bought the property in 2005. Jennifer said there have been times the people doing the monitoring have said, 'oh we need to get in touch with them, that's not supposed to be in there,' so what's going in there when no one is checking? Connie asked about the retention pond (blowout incident in the past where people were concerned about well contamination). Jennifer doesn't think there's been an issue with that since then. Another layer Jennifer mentioned is that there was a federal investigation of one of the truckers that was hauling the materials. Town officials were interviewed and a federal investigator called Jennifer.

ECC next steps:

- Jennifer gave Kim the folder of files to review – Kim will start reviewing
- Pull together info: what tests have been done, when is the closure going to happen
- Lisa will ask Heather whether she has gotten any of the annual reports
- Look at closure plan, make sure we understand regulations, clearly identify our concerns
- Kari will compile regulation information (reclamation, beneficial use), follow up with Kim
- Maybe write a letter to the Attorney General office to request update on the closure
- Jennifer is happy to help moving forward

### **Eliot Festival Day (9/30):**

Kim contacted Bill Bowman (in charge of the booths), asked if we could have the same spot we've had in past years. He said yes. We'll have our usual materials (pamphlets on our focus areas) – people are still taking them. Info will also be available about neonicotinoids and problems with pollinators. Connie suggested having materials about the Goodwin Farm property. Kim can pull something together for that. Jennifer had a larger map, ended up at the town hall somewhere. Kari suggested a map of the conservation focus areas in town. There was an old map that got beat up, don't know what happened to it. Kim took an old map of the town, drew on there with markers the general areas – usually brings that to events. Jennifer mentioned that GWRLT has some materials for Goodwin Farm – she can see about bringing those. Thinks the Land Trust will be there too. Lisa can bring materials from the Stewardship Network re: invasive species.

They allow people in as early as 6:30am to set up. Officially it kicks off at 8am, goes to 3pm.

- Kim will be there the whole day, will be there early to set up.
- Kari: 8am (or earlier to help set up – check in with Kim)
- Lisa: 10am-12pm
- Connie: 12pm-2pm, Kim will pick her up
- Kim will check with Andrew – can he come by, maybe to help take down the booth
- You can also take the bus from the library or the grange.

**Old business:**

Question: Is the parking lot at the Seacoast Waldorf School permeable (as ECC suggested)?

**Round table:**

Kim got a newsletter from Maine Coast Heritage Trust – will put it back in our box for others to check out. ECC also got a handout re: universal access trails of southernmost York County, Maine – a while ago we talked about wanting to put together a publication that gives information on local trails, not just in Eliot but in surrounding towns. Trail map, let folks know the difficulty level, are dogs allowed, etc. Want to make copies of this handout for the booth, but no contact information. Kim will do some searching – find out who made the flyer, can they give us more copies or can we make copies. Maine Trailfinder? May not have municipal owned properties. Linda just received a map that covers from NH border to Wells area. Kim envisions a little book someone could keep in their car – “we’re near this trail, can we bring our dog in?” The handout Linda got has all of that. She’ll let Kim know where it’s from – find out if they can give or sell us some copies to distribute? Also discussed idea of mapping trails and conservation areas in Eliot. Maybe there’s an opportunity to partner with UNH for student support on this type of effort. Lisa will look into this.

Kari is excited about the vernal pools topic at the November meeting. Should have the Goranssons re: Libbey property at the October meeting.

Lisa is searching for water quality information for Spinney Creek. Kim would love to see a public access spot. Topic for future discussion.

Jack mentioned the Select Board working on workshops – one is to discuss changing/amending the ordinance governing boards, commissions, and committees. The way it needs to be changed will conflict with elements in the Town charter. Jack would like all of us to get familiar with the charter. The charter will have to be modified too. By state law, the charter can be changed in two ways – small changes (not substantive) can be brought forward to the town by the Select Board themselves who set up a committee to do this; if there are major changes (revisions), have to set up a new charter commission (9 members, 6 are voted in by the citizens, 3 are appointed by Select Board) – town meeting, public hearing; Jack wants to get it ready to be adopted next June. Charter should be on the town website. Copies should be available here, may need to print more.

**Next meeting:**

Wednesday, October 4, 2017, at 7:00PM at the Eliot Town Hall.

Kari made a motion to adjourn, Lisa seconded. All members voted to adjourn. Meeting adjourned at 8:44PM.

Respectfully submitted,

Lisa Graichen

Secretary, ECC

Cc: Eliot Town Clerk, Commission Members, Commission File