

**OFFICIAL MINUTES: Business Meeting
Eliot Conservation Commission
Eliot, Maine 03903**

**DATE: August 7, 2019
APPROVED: September 4, 2019**

OFFICERS:

Chair: Kari Moore

Vice Chair: Kimberly Richards

Secretary: Lisa Wise

Treasurer: Lisa Wise

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2 The meeting was called to order at 6:34PM at the Eliot Town Hall.

3
4 **In attendance:** Lisa Wise, Kari Moore; *absent: Kimberly Richards*

5
6 **Public Input:**

7 Tom Dundzila (no comments)

8 Ernie DelleDonne (20 Doe Drive), Shawn Benedetto (3 Doe Drive), Suzanne Caron (28 Doe Drive), Brendan
9 McNamara (19 Doe Drive), Jennifer Riccardi (26 Barnard Lane): Ernie shared concerns about a situation that has
10 arisen over the last few years regarding the Little Brook pond. Shared pictures on his computer and left a thumb
11 drive with photos. Would like to be on ECC 9/4 agenda for a more formal presentation. Little Brook was a thriving
12 waterway – swans, dock, boat. David Leavitt cut the pipe that allows water to flow out of Little Brook where the
13 dam is. Now it is almost gone. The Maine Department of Environmental Protection (DEP) has assigned an
14 investigator to look into it. It was previously reported to the Code Enforcement Officer and DEP but nothing took
15 place. Concerns about wildlife – great blue herons and geese no longer land there. Used to be able to skate and
16 kayak in the pond. Want the pond to be restored. DEP is looking into the jurisdiction and laws.

17 Suzanne: It is in the shoreland zone. The dam was put in place by John Hardy a very long time ago. Maybe 1960s?

18 Kari: It may not be regulated as a natural ecosystem because it's manmade.

19 Ernie: If you're not allowed to cut shrubs down, you certainly shouldn't be allowed to drain it. David's son Keith is
20 now in control of it. On the zoning map, it's identified as a freshwater wetland, inland wading waterfowl habitat,
21 and a resource protection area. It appears on the National Wetland Inventory. It's also identified in the town's
22 Comprehensive Plan. The pipe sits on the water's side of the right-of-way in everyone's deeds. When David cut
23 the pipe, he said that Al Crawford (former owner) wanted the pipe to be that height. There's only one DEP
24 investigator for the entire state. Contacted DEP about 3 weeks ago. Michele Meyer suggested that we come to
25 the ECC. Does this person have the right to drain the pond? Vegetation has changed out to Sturgeon Creek.

26 Kari: It's a jurisdictional question for the DEP. It's still considered a manmade resource.

27 Suzanne: I own to the water – as the pond changes, does my property change?

28 Brendan: Looking at a survey map from 1992 – There doesn't appear to be a clear determination of ownership of
29 the pond itself, just down to the edge. Also looking at a deed from 1964 (1666 pp. 98-99) that references
30 "Reserving to the town of Eliot the right to take water through a pipe line across said described premises from a
31 pond and the privilege of maintaining said pipe line."

32 Need clarification of ownership.

33 Kari: It could be up to DEP discretion since it is manmade.

34 Ernie: There is no permit on file for draining.

35 Kari: The next question is who is responsible for the restoration?

36 Brendan: We're happy to assume responsibility for restoring the pipe to get the water level back up.

37 Ernie: Would need to talk to a consultant to determine the best path forward.
38 Lisa: Connected with Jean Hardy about this issue last year. Shared the information with code enforcement officer
39 and planner at the time (both have since left), and to their replacements (also have since left). The former planner
40 had forwarded the concerns to the DEP but nothing came of it. The code enforcement officer didn't respond.
41 **Lisa: Connect with the new code enforcement officer.**
42 Kari suggested that they get on our September agenda for further discussion, and potentially a Select Board
43 agenda, and also suggested that they submit a letter documenting their concerns.
44 **Kari: Call the DEP.**
45
46 **Review and Approve Past Minutes:** Kari made a motion to accept the minutes from 7/10/19 as written. Lisa
47 seconded. All in favor. Minutes approved. **Lisa will submit final minutes to post online.**
48
49 **Financial Report:** **Kari will reserve a table for Eliot Festival Day.** Nothing financially on the Crowell property yet.
50
51 **Commission Memberships/Nominations:** Revisit at a meeting with Kim.
52
53 **Goals and Objectives for this FY:**
54 Update plans – particularly forest management plan and open space plan
55
56 **Education/Outreach Initiatives**
57 • **Lisa will connect with Jennifer Kennedy (Blue Ocean Society) to do a beach cleanup again in October.**
58 • Eliot Festival Days – Kari will be there, Kim?
59 o **Kari: Contact Infinite Imagery re: printing Beginning with Habitat map.**
60 o **Kari: Connect with Kim re: other materials.**
61 o **Find out where can we store ECC materials?**
62
63 **Land Bank Acquisition (Crowell property): Action complete**
64 Kari: Acquisition went through. **Lisa: Need to get a receipt from Jordan for the land bank expense.** Supposed to be
65 \$18,600 for that parcel. Need to get more details about the property so we can share at Eliot Festival Days. **Kari:**
66 **Connect with Kristina.**
67
68 **Town Conservation Areas**
69 *Update on Eagle Scout Project and recognition:* Eagle Scout put in two benches and signs, cleared some trail areas.
70 Already have received positive feedback from some neighbors.
71 **Kari: Send Trevor's map to Dana. Lisa: Get the map up on our website.**
72 **Kari drafted a letter to the Select Board recognizing Trevor's work. Send to Dana tomorrow.**
73 **Lisa: Send Kari photos from the trail.**
74 **Kari: Update Great Works Regional Land Trust.**
75 **Lisa: Follow up with planner re: access challenges.**
76 Longer-term plan: Work on the other side of the trail. Kari has already talked to the troop about future projects.
77 **Lisa: Get GPS points for the trail to Martine.**
78
79
80

81 **Project Development/Permit Review:**

- 82 • 8/20 hearing for shoreland permit on Wisteria Lane (for a replacement of a pier) – Kari: Ask Kristina for a copy
83 of the permit to review.
- 84 • Spinney Creek item was on the recent Select Board agenda – review minutes. Lisa attended recent scoping
85 session for Spinney Creek Shellfish’s new permit application. A preliminary step – there will be a site visit by
86 the Department of Marine Resources and full public hearing process (potentially this fall).

87

88 **Roundtable**

89 1. *Commission members*

- 90 • Kari: Dana sent us a letter re: transferring a portion of parcel 23-8 to a resident (Tim Pickett). Ownership isn’t
91 clear. ECC has no issues regarding clearing up the deed, but we’re concerned about future development that
92 would impact the wetland itself. Kari: Follow up with Dana.
- 93 • *Other ongoing action items:*
- 94 ○ Kari: Follow up with Jeff Tash re: materials for Eliot Festival Days
 - 95 ○ Lisa: Check back in with Oliver (District Forester)

96

97 2. *Non-commission members (none present)*

- 98 • Tom: Happy to help with Eliot Festival Day if available. Re: the trail map from Trevor – make sure he gets
99 recognition for his work. Re: the Crowell Land – the Town has bought it, now what? Where does it fit in the
100 plan? Can people recreate there?
- 101 ○ Kari: Appending it to the town forest. Use/maintenance to be determined. Need to visit the parcel.

102

103 **Next meeting: September 4, 6:30pm**

104

105 Kari made a motion to adjourn the meeting, Lisa seconded. All in favor. Adjourned at 7:35pm.

106

107 Respectfully submitted,

108

109 Lisa Wise

110 Secretary, ECC

111 Cc: Eliot Town Clerk, Commission Members, Commission File

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