

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

DATE: October 9, 2019
APPROVED: November 6, 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 6:32PM at the Eliot Town Hall.

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

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6 **Review and Approve Past Minutes:** Kari made a motion to accept the minutes from 9/4/19 as amended. Lisa
7 seconded. All in favor. Lisa will submit the final minutes to post online.

8
9 **Public Input:** Bill Olsen (Planning Board liaison), Christina Karas

10
11 **Financial Report:**

- 12 • Kari will submit receipt for the Eliot Festival Days booth.
13 • Renewing Maine Association of Conservation Commissions (MEACC) membership – Lisa made a motion to
14 renew our membership with MEACC, allocating \$150 from the memberships line item in our budget. Kari
15 seconded, all in favor. Lisa will submit membership renewal form and work with Jordan on payment.
16

17 **Little Brook Pond:** Kari emailed Shelly, hasn't heard back. No updates yet. Kari will try to connect with Shelly.
18

19 **Education/Outreach Initiatives:**

20 *Eliot Festival Days Recap*

- 21 • Kari managed ECC booth all day, about 35 people visited the booth; main topics: recycling, composting, smell
22 from across the River (someone on River Road), dragonfly nymphs (non-native – becomes a problem), lots of
23 interest in trails (need to reprint trails brochure, add map, get trail data online), lots of interest in the cleanup
24 • Kari talked with Robert and Jessica from Bahai – they want to partner with us on some projects; want to open
25 up their parcels for trails (about 300 acres throughout town); trail cleanup efforts
26 • People asked about New England cottontail – Kari connect them with Jeff Tash
27

28 *Fall Clean Up at Dead Duck with Blue Ocean Society 10/19 @10am*

- 29 • Lisa: Flyer, social media, newspaper; Kari: Outreach with the schools
30 • Kari: Coordinate with Public Works (Steven Robinson)
31 • Lisa: Connect with Green Acres folks
32

33 *Speaker Series/Hikes (ECC sponsored events) – proposed topics*

- 34 • Potential topic for speaker series – conservation options 101, what you can do with your property, benefits –
35 Kari will follow up with Great Works Regional Land Trust (GWRLT))

- 36 • Kari: GWRLT for our November or December meeting? (discuss conservation priorities, open space zoning)
- 37 • Kari: Connect with Jeff Tash re: winter walk
- 38
- 39 **Open Space discussion and related items**
- 40 • ECC met with Planning Board last week to discuss the open space ordinance
- 41 • Bill: The way our ordinance is written gives the developer/applicant and subsequent homeowners' association
- 42 too much design input and ongoing maintenance responsibility. Concerns about homeowners' associations –
- 43 transient, may not have the understanding of the original intent of the protection and the ongoing
- 44 maintenance/enforcement needs. York's ordinance provides more framework around the preliminary design
- 45 of the project; have to identify a 'theme' of conservation; having a conservation body involved from the
- 46 beginning. Not that our ordinance is bad, but we could firm it up.
- 47 • Kari: Took away some comments from the Planning Board and public – what's the intent, what are we trying
- 48 to preserve (rural character, conservation of natural resources). Comprehensive Plan says to develop an Open
- 49 Space Ordinance. Open Space Plan (OSP) says the #1 goal was to prioritize areas with critical natural resource
- 50 values, build on assets important to the town. How open space is defined – important ecological features,
- 51 natural resources, cultural resources, historic sites, scenic views, passive recreational resources (e.g., trails).
- 52 OSP identified an action to develop an open space ordinance for subdivision – set aside areas for critical
- 53 natural resources and recreational value. Focus areas and resource values should be written into the
- 54 ordinance. See additional notes from Kari (attached).
- 55 • Need to get the focus areas on the town GIS – helpful for Planning Board to have that readily available.
- 56 • (*Open Space Plan is on the Conservation Commission page on the town website*)
- 57 • Specify protection of farmland and forest resources as a valid purpose for open space protection
- 58 • Bill: If you identify an area as significant, how do you manage it and ensure the long-term stewardship?
- 59 • What's the address for the Frost Hill subdivision?
- 60 • Kari found an application for an open space subdivision in York – very detailed
- 61 • Kari talked to a planner from VT – there's an example of a town implementing fines for violations
- 62 • Maine has a model ordinance
- 63 • Also need to review some of the language for flexibility in requirements – contradicts itself; Bill wants to
- 64 discuss ways to improve it with the planner
- 65 • What we like from York example:
- 66 ○ Includes requirement from the start to look at the resources/conservation design – more holistic
- 67 ○ Planning Board has the option to require or request additional input from a biologist, cultural
- 68 resource expert, landscape architect, etc.
- 69 ○ Method for defining “non-buildable areas” and “open space;” clarify the calculation
- 70 ○ Show a side-by-side – conventional vs. open-space comparison
- 71 ○ Open space should be in one large piece vs. small areas
- 72 • There are also opportunities to strengthen buffer requirements to reduce visual and other impacts
- 73 • Language re: natural resources in the main subdivision section – pretty minimal, could strengthen
- 74 • Bill: C. 2) (f) – “resource protection district” (should be capitalized)
- 75 • Who pays for long-term maintenance/stewardship? Resources needed will depend on primary purpose – e.g.,
- 76 Conserving natural resources/habitat (may need funds for forest management), providing public access for
- 77 recreation (may need funds for long-term trail management)
- 78 • Important for community and developers to understand the intent
- 79 • Comprehensive Plan (2009) → due for an update?

- 80 • Share recommendations with Planning Board for next meeting (Kari check re: date)
81 o Kari will send Lisa her notes, Lisa will add, get Planning Board a draft
82 • Lisa: Check in with Kristina/Abbie for the documents that came in the day of the Planning Board workshop
83

84 **Town Conservation Areas:**

85 *Forest Management:* Kari talked to Patti Mitchem (GWRLT) – she is going to send some information

86 *Access Issues:* Kari talked to GWRLT about this as well – they’re still working on the parking lot by the York Pond
87 area; parking situation by Brixham Danceworks may change

- 88 • 11/17 hike at the Rocky Hill Preserve (GWRLT parcel)
89 • GWRLT had a trail cleanup at Goodwin Farm parcel today, another one next week → share on Facebook page

90 *Future Actions*

- 91 • Kari: Follow up with Oliver.
92 • Kari: Check with Patti re: Goodwin Farm plans.
93 • Lisa: Overlay GPS points with the parcel map.
94

95 **Project Development/Permit Review:** Nothing on the recent agendas.
96

97 **Roundtable**

98 *Commission Members*

- 99 • Election Day is November 5, not planning on having a table this year
100 • Next meeting – discuss the budget, vernal pools project
101

102 *Non-Commission Members*
103

104 **Next Regular Business Meeting: November 6, 2019, 6:30pm**
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106 Lisa made a motion to adjourn the meeting, Kari seconded. All in favor. Adjourned at 8:00pm.
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108 Respectfully submitted,
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110 Lisa Wise

111 Secretary, ECC

112 Cc: Eliot Town Clerk, Commission Members, Commission File
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124 **ATTACHMENT 1: Discussion Points: ECC Meeting, 10/9/19, K. Moore**

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126 Objective: Review Eliot's Open Space Ordinance (45-467) to determine if it adequately promotes conservation.

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128 Concerns Expressed at PB Meeting 10/1/19: Cluster developments will result in impacts to water quality and
129 quantity, increase in traffic and loss of rural character.

130

131 How did we get here? Smart approach to development in our rural district. Community did not say no
132 development in rural districts.

133

134 Eliot Comprehensive Plan: Develop an open space development ordinance for subdivisions, which permits overall
135 project density at the level permitted by the district, but sets aside open space for areas with critical natural
136 resource and or recreation values.

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138 Eliot Open Space Plan:

139 #1 goal was to prioritize those areas in Eliot which contain critical natural resource values of statewide and
140 regional significance but also build on local assets crucial to the town.

141

142 #2 Open Space Defined as undeveloped land that includes:

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- Land with important ecological features
- Natural resources
- Cultural resources
- Scenic vistas
- Historic sites
- Passive recreations resources such as trails
- Not including: Organized rec spaces: ball fields and courts.

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151 #3: Develop an Open Space Development Ordinance for subdivisions, which permits overall project density at the
152 level permitted by the district but sets aside open space for areas with critical natural resources and/or
153 recreational value. Recommended Implementation: Focus area should be written into the Ordinance, as well as
154 the resource values.

155

156 #4: Ensure that any new cluster development requirements specify the protection of farmland and forest
157 resources as a valid purpose for open space preservation. The planning board should incorporate language into
158 any new open space development ordinance which specifically includes farmland or forest resources as part of
159 the protected open space.

160

161 Purpose: An open space development is a flexible, alternative type of housing development that is consistent with
162 the character of the surrounding community, and protects contiguous parcels of open space that have value for
163 wildlife habitat, other natural or cultural resources, or public recreation areas. This land use option can potentially
164 preserve large areas of open space land for agricultural and/or recreational uses, and preserve important
165 viewsapes or visual buffers from existing roads and residential development. The parcel is divided into the same
166 number of lots as it would be in a traditional subdivision, but the lots are smaller and significant portion of the
167 land is protected open space. A successful open space development can be an effective tool to reduce loss of

168 open space, reduce habitat fragmentation, provide recreational opportunities, and ensure that the protected
169 space is usable and accessible.

170

171 Improvement of Eliot’s Ordinance (Preliminary ideas for consideration):

172 Clearly state the goals and objectives of the ordinance. The statement of purpose is the key to defining an open
173 space development ordinance. The purpose should be stated in clear, direct, and specific language, free from
174 ambiguity or uncertainty. The statement of purpose should explain the objectives and the advantages of open
175 space development. Define “rural character.”

176

177 Context and Setting

178 In a conservation subdivision, the site’s context and its attributes are the first priorities. This type of design
179 analysis recognizes that a parcel does not stand alone, but is part of a much larger environmental and cultural
180 system.

181

182 1. Existing Site Resources Map (similar to York).

183

184 Current subdivision ordinance says (41-215) may require identified of natural /cultural resources that will remain
185 (does not say that all resources need to be identified). Also:

186

- 186 • consider site context (big picture); and
- 187 • focus areas as according to the Open Space Plan this is the reason for the ordinance. Even when the
188 subdivision parcel includes no obvious large resource (such as a wetland or a stream), the town’s
189 conservation and recreation plans should always be checked to see if this parcel could help meet the
190 plans’ goals.

191

192 2. Do we want to consider a “conservation theme”?

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194 Example: York Maine: Open Space Design: the open space proposed was designed based on the conservation
195 theme of forest preservation and water quality preservation as this area includes a stream, forested wetlands and
196 wooded uplands with multiple stone walls and interesting land formations. The proposed open space location
197 aligns with the direction given in §7.6.1.G to locate the built environment on the soils most suitable for on-site
198 septic systems and has been reviewed by the Conservation Commission. A vernal pool evaluation will be
199 conducted in April as noted in the soil scientist report but initial analysis suggests they are unlikely in or outside of
200 the proposed open space due to land topography and drainage. As a prior agricultural area without marshland,
201 and as the primary objective of the open space is for forest preservation and water quality preservation, and as
202 existing regulatory constraints dictate where lots can be located, the need for an additional expert opinion is not
203 provided; §6.3.16 requests one project waiver for a wildlife biologist analysis as justified in that section’s narrative
204 as the area has been heavily studied in and past with no significant wildlife habitat detected.

205

206 3. Determine Site constraints (nonbuildable list)

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208 Yield Plan

209

- 209 • Determine the number of traditional lots possible (side by side- already in the ordinance)
- 210 • Ensure language is included that Conservation Commission shall be solicited for feedback (similar to York).

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212

213 Open Space standards (similar to York).
214 Clarify definitions of open space and unbuildable.
215 Add in guidance that to the greatest extent possible, the open space should be in one large piece rather than
216 separate pieces or narrow buffer strips that have little conservation value (assuming conservation is the key).
217
218 Include option to request for further review by landscape architects/biologists, etc.
219
220 Bring it back to review for setting and context. (this may address the concerns of the visual impacts of these
221 developments on the “rural character” (which should also be defined). For instance, in an agricultural or rural
222 setting, the new homes could be designed, located, and grouped to provide a visual continuation of the
223 agricultural character of the land. The design of an open space development greatly influences the success of the
224 project, and its long-term benefits to the community.
225
226 Control of Open space.
227 Different opportunities (need to explore options and review language in surrounding towns
228 restrictions/regulations). For conservation land trusts: Will they have a fee? Who pays? How does this work?
229
230 Dimensional Standards
231 Open space subdivision regulations generally provide for modifications in the setbacks and dimensional aspects of
232 the lots. Open space developments should also feature flexibility of road design, diversity of housing types, and
233 creativity of clustered placement to reduce privacy and property ownership issues.
234
235 Flexibility. Road frontage should be sufficient to provide access to the lot. Do not bring it back to 41-255(g).
236
237 Abutter buffers.
238
239 Education and Monitoring
240 Overall, need to better educate the community, decision makers and developers about open space development.
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242 Monitoring of designated open space needs to be clearly defined.
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