



Long Creek Watershed Management District Board of Directors
Minutes from March 28, 2018 Meeting
Location: ON Semiconductor, 333 Western Avenue, South Portland, Maine

- 1. Call to Order:** Mr. Dillon called the meeting to order at 9:10a.m.
- 2. Roll Call:**
 - a. Attendance: Curtis Bohlen, Arthur Colvin, Fred Dillon, Eric Dudley, Doug Roncarati, Michael Vail
 - b. Absent: Angela Blanchette, Brian Goldberg, Craig Gorris, Will Haskell, Susan Henderson, Peter Newkirk, Ed Palmer
 - c. Staff/Guests: Paul Pettengill (GGP-Maine Mall L.L.C.), Peter Carney (LCWMD Executive Director), Aubrey Strause (Cumberland County Soil & Water Conservation District), Jim Katsiaficas, Esq. (Perkins-Thompson)
- 3. Review of Board Meeting Minutes:**
 - a. There not being a quorum of Board members for this meeting, no action was taken pertaining to the minutes from the February 28, 2018 meeting.
- 4. Treasurer's Report:**
 - a. Mr. Bohlen reviewed the February Financial Report.
 - b. Mr. Carney noted that the accounts receivable list is much shorter because most assessment accounts have been brought current since last month.
 - c. Ms. Strause advised that Chris Brewer is working with Maine DEP with respect to Notices of Default for past-due accounts.
- 5. Gorham Sand & Gravel, Inc. Change Order – Maine Mall Gravel Wetland:**
 - a. There not being a quorum of Board members for this meeting, no action was taken pertaining to the Gorham Sand & Gravel, Inc. change order.
- 6. Disposition of Jellyfish Frames and Monitoring Equipment:**
 - a. There not being a quorum of Board members for this meeting, no action was taken pertaining to the disposition of the Jellyfish frames and monitoring equipment.
- 7. Main Stem Restoration Project – Update:**
 - a. Mr. Carney noted that as a result of the review of the 95% design drawings a suggestion arose that planting not occur until spring or early summer of 2019.
 - b. It was further being discussed whether the floodplain work should occur in 2018 or 2019.
 - c. Mr. Carney advised that he and Mr. Dillon would be meeting with the Field Geology Services, LLC design team to resolve the construction schedule.
 - d. Mr. Carney noted that Mr. Goldberg raised the concept of incorporating a trail into the Main Stem restoration project because people who work in the area often walk in Darling Avenue and they might prefer to walk on a trail than in the street.
 - e. Mr. Carney noted that he had been emailing with Ms. Henderson and she supported the notion of incorporating a trail.

- f. Mr. Carney noted that he had reviewed the South Portland Land Trust's "West End Master Plan" for trails in the area and that the master plan does identify a proposed trail along the main stem of Long Creek where LCWMD's restoration project will take place.
- g. Mr. Carney noted that working with land trusts is an element of the watershed management plan.
- h. Mr. Carney noted that there is probably not a formal role for LCWMD because the restoration project will take place in the flood plain which is not a good location for a trail.
- i. However, Mr. Carney noted that perhaps it would be a good opportunity for the South Portland Land Trust to seek permission for a trail from landowners at the same time that LCWMD is seeking easements for main stem restoration project.
- j. Landowners may see the trail as an amenity and added benefit that they can offer to tenants and employees and may make the LCWMD easement process easier if landowners feel they are getting a benefit beyond the restoration project.
- k. Mr. Roncarati said that there may be potential for erosion issues from the trail itself.
- l. Mr. Dillon described that trail location would be more at the back edge of the floodplain, not immediately adjacent to the stream.
- m. Mr. Katsiaficas asked if the city could move quickly, we may be able to show the trail on the easements.

8. Hannaford Basin – Update:

- a. Mr. Carney summarized that last winter he had submitted the revised inventory of all structural BMP and in-stream projects to Maine DEP with the Board's authorization, and asked Maine DEP to confirm that LCWMD will have met its commitments under the Long Creek Watershed Management Plan with respect to structural BMP and in-stream projects by the end of the permit cycle if work is done in accordance with the inventory.
- b. Mr. Carney reported that Maine DEP has verbally provided that confirmation.
- c. Mr. Carney noted that the Hannaford Basin project was included in that list.
- d. This fall, the Board discussed whether to accelerate the Hannaford Project into Fiscal Year 2019 or keep the project on its present schedule to be constructed in Fiscal Year 2020.
- e. The Board expressed different perspectives during this discussion.
- f. Mr. Newkirk had encouraged the Board to not construct the Hannaford Basin project because it was not worth the investment given the high level of chlorides in the South Branch of Long Creek.
- g. Mr. Roncarati and others suggested that we should treat what we can and not let the chloride issue be the driver for the entire project.
- h. Given the lack of consensus on the Board, Mr. Carney recommended leaving the Hannaford Basin project on the original construction schedule for Fiscal Year 2020 which would give LCWMD time to figure out whether the project should be constructed as planned, modified, or eliminated.
- i. Mr. Dillon mention that he asked Jeff Dennis of Maine DEP whether the Hannaford Basin project was worth doing at all if we cannot treat chlorides.
- j. Mr. Dennis suggested to Mr. Dillon that LCWMD could possibly look at infiltration of clean stormwater as a means of mitigating chlorides in groundwater, a concept which could be incorporated into the Hannaford Basin project or potentially an alternative project.
- k. Mr. Dillon asked Mr. Carney if we have investigated the infiltration concept.
- l. Mr. Carney noted that data would need to be gathered to determine whether such a concept was realistic.

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- m. Mr. Roncarati said he would be okay with considering alternative projects, but not okay with giving up on the Hannaford Basin project entirely.
 - n. Mr. Roncarati said he does see another opportunity where we have so much untreated area with such a huge pollutant loading to the stream. We are going to have chlorides anywhere we go in the watershed and we cannot get away from that.
 - o. Mr. Katsiaficas noted that the issue now is that we are paying more attention to chloride than was envisioned by the Long Creek Watershed Management Plan.
 - p. Mr. Bohlen said LCWMD needs to do a study that looks at application rates, roof drainage, and the huge volume of infiltration that would be needed to dilute chlorides
 - q. Mr. Colvin noted that he would be nervous about spending money on Hannaford Basin if it will not help the critical issue of chlorides.
 - r. Ms. Strause noted that the Board does not need to look at this as an “either/or,” but could do something at Hannaford Basin and study chloride more.
 - s. Mr. Roncarati noted that the toxicity of salt is symbiotic with metal. If the metals are captured, the chlorides may improve.
 - t. Mr. Bohlen suggested there is a big groundwater reservoir of salt under the Maine Mall parking lot and that chloride will be coming out slowly.
 - u. Mr. Bohlen suggested we need more ideas about what a chloride study would look like and asked, “what are the next steps that can be done in the next month or two?”
 - v. Mr. Carney noted that at the winter maintenance workshop contractors were interested in using lower salt application rates, but that contracts with landowners put the liability on the snow removal contractor. Until the model changes with respect to liability, contractors will tend to overapply to protect themselves from liability.
 - w. Mr. Vail said we cannot generalize about contractors, some contractors do it great.
 - x. Mr. Dillon reminded the group about the tort law limit on liability in New Hampshire.
 - y. Mr. Bohlen asked if we cannot do anything about application rates until the liability issues are resolved, “can we encourage landowners to design snow storage areas better?” Mr. Bohlen noted that impervious areas could be graded so that we do not need as much salt, this will take a generational shift in thinking.
 - z. Ms. Strause raised the example of heated sidewalks.
 - aa. Mr. Katsiaficas suggested maybe doing a demo project with heated sidewalks.
 - bb. For way of example, Mr. Bohlen suggested that LCWMD could pay to heat sidewalks, pay to regrade a few areas, or pay to repair some snow storage areas, focusing on a few priority sites.
 - cc. Mr. Katsiaficas reminded the group this is the first RDA site and the first time anyone has tried to bring back an urban impaired stream. Chlorides are an issue shared among thirty MS4 communities.
 - dd. Mr. Katsiaficas suggested LCWMD could support liability limiting legislation for winter contractors as well as look into whether municipal ordinances could require better snow storage areas.
 - ee. Mr. Katsiaficas noted that currently such measures cannot be required if they are above Chapter 500 standards without changes to municipal ordinances. In the meantime, these practices can be encouraged and LCWMD could contribute financially to pay for improvements that exceed required standards.
 - ff. Mr. Katsiaficas suggested that a Chloride Committee could be formed.

- gg. Mr. Dudley, Mr. Bohlen, and Mr. Roncarati volunteered to participate on the chlorides committee.
- hh. Mr. Bohlen suggested starting with a review of chloride data trends including short-term impacts from melt and storm events, and long-term impacts on base flow.
- ii. Mr. Bohlen noted that we see monitoring data spikes during snow melt and during the dry season noting that snow melt spikes are a 48-hour issue whereas summer spikes are more chronic. Summer is the most stressful time for the bugs.
- jj. The Board asked Mr. Pettengill what the primary considerations are for landowners.
- kk. Mr. Pettengill suggested that the drivers are cost and liability.

9. Schedule Annual Participating Landowner Meeting:

- a. Mr. Carney asked if there was concurrence to holding the Annual Meeting in mid-May, which is the same time the meeting occurred last year.
- b. There was a consensus to hold the annual meeting May.
- c. Mr. Carney will contact Marriott at Sable Oaks to check available dates.

10. Other:

- a. Mr. Carney brought to Board's attention that he received a call from Rebekah Weber, the Lakekeeper for Lake Champlain, who works for the Conservation Law Foundation ("CLF").
- b. The City of St. Albans, Vermont will be subject to stormwater permitting requirements for impervious cover. CLF may be interested in advocating for a municipal or watershed approach to permitting and implementation similar to what LCWMD is doing in Maine.
- c. Ms. Weber asked if a contingent from LCWMD was willing to come to Vermont to meet with representatives from Vermont ANR, the City of St. Albans, and impacted landowners to talk about what has worked, and what has not, for LCWMD.
- d. Mr. Bohlen said he could attend using his USEPA funding. It would be a lot of money to LCWMD to send people.
- e. Mr. Carney noted CLF would pay out of pocket costs.
- f. Mr. Carney said he would work with those interested in the Vermont meeting to see if we could put something together.

11. Public Comment(s): None.

12. Next Meeting: The next meeting will be held on April 25, 2018 at 9:00a.m. at ON Semiconductor, 333 Western Avenue in South Portland, Maine.*

*Note: the meeting was subsequently rescheduled April 24, 2018.

13. Adjourn: The meeting adjourned at 11:06a.m.