



Long Creek Watershed Management District Board of Director's Meeting

Minutes from October 26, 2022 Meeting

Location: Remote participation due to COVID-19; members of the public may join the meeting by virtually by clicking this link [Microsoft Teams Meeting](#) or may participate in the meeting telephonically by calling (207) 352-4212 and entering conference ID: 511 712 188#.

1. **Call to Order:** Mr. Roncarati called the meeting to order at 9:04a.m.

Mr. Dillon returned to the meeting after stepping away from his computer.

2. **Roll Call:**

- a. Attendance: Angela Blanchette, Curtis Bohlen, Fred Dillon, Sean Donohue, Eric Dudley, Brian Goldberg, Craig Gorris, Will Haskell, Jason Kenney, Susan Henderson (joined at 9:10a.m.), Doug Roncarati
- b. Absent:
- c. Staff/Guests: Peter Carney (Long Creek Watershed Management District); Jim Katsiaficas, Esq. (Perkins Thompson); Chris Brewer (Cumberland County Soil & Water Conservation District); Nathan Edwards (Crow's Nest Property Management, Inc.)

Mr. Katsiaficas joined the meeting.

3. **Review of Board Meeting Minutes:**

- a. The Board reviewed the minutes from the September 13, 2022, meeting.
- b. **Mr. Roncarati made a motion to approve the September 13, 2022, Board meeting minutes. Mr. Dudley seconded the motion. The motion carried unanimously.**

4. **Treasurer's Report:**

- a. Mr. Bohlen noted that the fiscal year 2022 financial audit is nearly complete and that the report will reflect that the District continues to do a good job of managing its financial affairs.
- b. Mr. Brewer noted that the audit will recommend additional controls concerning the issuance of invoices for participating landowner assessments and receipt of payments for those invoices, which is currently done by the same person.
- c. Mr. Brewer advised that the auditors have sent the report to the principal auditor for review and we will have the final report soon.
- d. In reviewing the September Financial Report, Mr. Bohlen noted that non-routine maintenance expenses are becoming more and more common.
- e. Mr. Brewer noted that large expenditures in the first quarter of the fiscal year are related to routine BMP repairs and maintenance and some non-routine BMP maintenance.

Ms. Henderson joined the meeting.

5. Documentation of Internal Financial Control Structure, Debt Write-Off Standards and Procedure:

- a. Mr. Carney introduced the proposed revisions to the District's *Documentation of Internal Financial Control Structure* concerning writing off bad debt for accounting purposes.
- b. Mr. Carney advised that the current financial controls address the procedure for writing off bad debt, but do not provide guidance on when bad debt may be written off.
- c. Mr. Carney noted that that the revisions, if adopted, would provide the Board with guidance on when to write off bad debt.
- d. Mr. Roncarati suggested that the word "to" be deleted in the following phrase "the balances to be written off as bad debt."
- e. **Mr. Haskell made a motion to Motion to approve revisions to *Documentation of Internal Financial Control Structure* as set forth in Attachment C, with the amendment offered by Mr. Roncarati. Mr. Roncarati seconded the motion. The motion carried unanimously.**

6. South Branch BMP Retrofits Project, Status Update:

- a. Mr. Carney advised that the representative a Philbrook Avenue Associates LLC assigned to the project indicated that the easement to the District for construction of the project was approved by their counsel.
- b. The representative further advised that the next step is for Philbrook Avenue Associates LLC to receive lender approval for the easement due to the terms of the loan on the property.

7. New Development and Redevelopment Projects, Discussion:

- a. Mr. Carney noted there are several new development and redevelopment projects proposed in the Long Creek Watershed upon which the District has been asked to provide input with respect to impacts on Long Creek.
- b. Mr. Carney directed the Board's attention to the plan in today's Board packet for 860 Spring Street in Westbrook which reflects a design for expanding the existing building on the site.
- c. The 860 Spring Street property is a "participating landowner" property under the Long Creek General Permit and the District already has an easement over this property for an existing stormwater BMP.
- d. The building expansion would result in approximately one-half of an acre of new impervious surface, the runoff from which as currently proposed would tie into the existing stormwater collection system upstream of the District's existing BMP on the site. As a result of the increased impervious area, the effectiveness of the existing BMP would be diminished if the project was constructed as proposed.
- e. Mr. Carney advised that he met with the property owner and their engineer to discuss the possibility of installing additional subsurface storage as part of the project to account for the additional impervious surface that will be created by the building expansion.
- f. As a result of the meeting, Mr. Carney agreed to bring to the Board a proposal, in concept, for the District to take responsibility for the construction cost of the additional subsurface storage as well as future inspection and maintenance of the new BMP.
- g. Mr. Carney noted that the City of Westbrook and the Maine Department of Environmental Protection are not requiring additional stormwater controls under their permitting processes. Both the City and Maine Department of Environmental Protection advised that the commercial subdivision was approved with anticipated future development windows of

- three acres per parcel and additional stormwater controls will not be required until the three-acre threshold is exceeded on an individual lot.
- h. Mr. Carney suggested that the District construct the additional storage BMP as the landowner is not required to do so and the effectiveness of the existing downstream BMP needs to be protected.
 - i. Mr. Carney noted that a very rough estimate of the cost of the additional storage BMP is \$65,000.
 - j. Mr. Bohlen suggested that any additional storage in the upper watershed would benefit Long Creek.
 - k. Mr. Goldberg suggested that this project might be better suited to an application from the landowner under the District's grant program for privately-constructed BMPs.
 - l. Mr. Carney responded that the landowner may not have an incentive to apply for a grant as neither the City nor the Maine Department of Environmental Protection is requiring additional stormwater controls and, at most, the District's grant program would cover only 75% of the project cost.
 - m. Mr. Dillon inquired with Mr. Dudley as to why the City is not requiring additional stormwater controls.
 - n. Mr. Dudley confirmed that the City is not requiring additional stormwater controls of the landowner for the reason mentioned by Mr. Carney.
 - o. Mr. Carney suggested that he follow up with the Maine Department of Environmental Protection on why additional stormwater controls are not being required, further discuss costs sharing possibilities with the landowner, and see if a more accurate cost estimate can be developed for the subsurface storage BMP, for further discussion at the next Board meeting.
 - p. Mr. Carney asked the Board to next turn its attention to the plan in today's Board packet for a 200+ unit apartment complex at 984 Spring Street in Westbrook.
 - q. Mr. Carney advised the site is presently a small mobile-home park and has not been required to obtain a post-construction stormwater discharge permit, presumably because the impervious surface on the parcel is less than one acre.
 - r. Mr. Carney noted the site area is approximately ten acres and the proposed project will result in approximately seven acres of impervious surface.
 - s. Mr. Carney advised that the engineer for the project owner and a representative of the Maine Department of Environmental Protection had requested the District's input on the proposal.
 - t. During a meeting with the project owner's engineer, it was indicated that an Individual Permit would be pursued to meet the post-construction stormwater discharge permit requirement in the Long Creek Watershed. As a result, the project owner anticipated paying a compensation fee to meet the "urban impaired stream" standard of the Maine Department of Environmental Protection's stormwater management rules.
 - u. Mr. Carney's discussions with the project owner's representative primarily focused on chlorides, from the application of road salt, that may run off from the project site into the adjacent main stem of Long Creek. These discussions included strategies to reduce chlorides

- that ranged from implementing reduced-salt winter management plans to heated sidewalks to covered parking areas or parking garages.
- v. Mr. Carney suggested that it might be possible to use the compensation fee funds to implement a reduced chlorides winter management plan on the site, similar to the plans currently being implemented by several landowners in the watershed.
 - w. Following discussions with Maine Department of Environmental Protection staff, it was suggested that the District submit formal comments on the project for consideration during the permitting process.
 - x. Mr. Carney said he is seeking guidance from the Board today on public comments to be submitted to the City and Maine Department of Environmental Protection given that the comments may raise significant policy implications.
 - y. Ms. Henderson said that we need to come to some middle ground between environmental considerations and the need for affordable housing.
 - z. Mr. Dudley advised that the City of Westbrook is in the process of building a vertical parking garage and that a construction cost estimate of \$50,000 per space should be expected to construct vertical parking, which would make housing less affordable than it already is.
 - aa. Mr. Dudley suggested that other measures be considered such as limiting snow that is being brought in from other areas to a private snow dump in the Long Creek Watershed and providing for mass transportation at the project site.
 - bb. Mr. Dudley said he does not believe that the District should pursue a parking garage on this site.
 - cc. Mr. Roncarati noted that in addition to the chloride issue the District should comment on the proposed dog park and the community garden, which are located adjacent to wetlands.
 - dd. With respect to the chloride issue, Mr. Roncarati suggested that the District needs to defer to state and local community permitting processes for specific requirements. The State needs to establish conditions in its permits that are designed to meet State-mandated water quality requirements.
 - ee. Mr. Donohue expressed a preference for any compensation fee funds going to chloride reduction practices on the site rather than to any general fund.
 - ff. Mr. Katsiaficas noted that the narrative standard in Chapter 500 that allows the Maine Department of Environmental Protection to require additional stormwater measures to address stressors contributing to the impairment of an impaired stream was adopted at the suggestion of the District to address pollutants such as chloride.
 - gg. Mr. Dillon asked if the project owner would consider options other than horizontal parking.
 - hh. Mr. Carney said that it is difficult to suggest substantial design changes at the permitting stage because so much has been invested in the project design by the time that permit applications are submitted.
 - ii. Ms. Blanchette suggested that while applicants may consider plans to be near final at the time permitting applications are submitted meaningful opportunities to change plans should not be precluded.
 - jj. At the conclusion of the conversation, a consensus developed among the Board that the District's role in permitting processes for projects that affect the watershed should be to

point out issues and provide background information, however, it is the role of the permitting authorities to establish specific requirements.

kk. Mr. Carney summarized that he will prepare public comments on the project consistent with the Board's consensus.

8. Public Comment(s):

- a. Mr. Edwards offered comments as a member of the public representing several landlords and landowners in the watershed.
- b. Mr. Edwards suggested that the District should advocate when there is a discrepancy occurring between landowner activities and the goals of the restoration project.
- c. Mr. Edwards further suggested that the Board should make sure that the District's investment of work and money in the watershed is not impaired by individual landowner projects.

9. Next Meeting: Mr. Carney agreed to send a poll to the Board to determine the date of the next meeting.

10. Adjourn: The meeting adjourned at 11:03a.m.

Board attendance and voting record:

Board Member	Attendance	Approve September 13, 2022, Minutes	Documentation of Internal Financial Control Structure, Debt Write-Off Standards and Procedure
Blanchette	Y	Y	Y
Bohlen	Y	Y	Y
Dillon	Y	Y	Y
Donahue	Y	Y	Y
Dudley	Y	Y	Y
Goldberg	Y	Y	Y
Gorris	Y	Y	Y
Haskell	Y	Y	Y
Henderson	Y	—	Y
Kenney	Y	Y	Y
Roncarati	Y	Y	Y