

**OGUNQUIT CONSERVATION COMMISSION  
MEETING MINUTES  
DECEMBER 19, 2013**

**A) ROLL CALL 6:00 PM**

Mr. Horn called the Roll with the following results:

Members Present:     Mike Horn, Chairman  
                              Doug Mayer, Vice Chairman  
                              Madeline Brown, Secretary  
                              Bill Baker  
                              Kristen Rinaldi  
                              Bob Joyner  
                              Brad Sterl, Non-voting Member

Members Excused:     Glenn Deletetsky

Also Present:            Scott Heyland, Code Enforcement Officer

Mr. Horn welcomed Mr. Heyland and asked him to summarize his objectives and the ways he can help the Commission and they can help him.

Mr. Heyland stated that his goal will be to support the Conservation Commission particularly in the areas of enforcement of vegetation removal in the Shoreland Zone, as well as the implementation of the new Flood Plain regulations.

Mr. Baker asked about the changes in the flood plain maps.

Mr. Heyland responded that one example is that up at the Footbridge Beach there are areas which were not considered to be in the flood plain which will now be designated as being in the A Zone Flood Plain area. This will seriously impact property owners' insurance costs and requirements. He noted that Anges King's Office contacted him to let him know that there is an appeal process in place and that there are resources for towns which dispute flood plain designations.

Mr. Joyner stated that he is on the Sewer District Commission and that they have been unable to find anything that they can use as the basis for an appeal. He asked Mr. Heyland to think about anything that might help them.

**B) MINUTES 10/17/13 & 11/21/13**

**Mr. Mayer Moved to Approve the Minutes of the October 17, 2013 and November 21, 2013 Meetings as Submitted.**

**MAYER/BAKER 6:0 UNANIMOUS**

**C) UNFINISHED BUSINESS**

**1. Current Activities Select Board Update**

Mr. Horn noted that there was very little to discuss at this time.

## **2. DEP \$100,000 Watershed Grant Approved - Action**

Mr. Horn noted that the Commission received congratulations from the Select Board. On January 6, 2014 the Town Manager will meet with FB Environmental to develop a plan of action. He reminded everyone that anything that is done with regard to environmental issues needs to be recorded. He asked each Commission member to document any official discussions they have with any Town Employee or outside advisor so that it may be applied to the “in-kind” portion of the Town’s matching funding.

Mr. Mayer suggested an item be added to the regular agenda to document these contacts or activities, so that they may be made a part of the official record in the meeting minutes.

Ms. Brown suggested they ask Emily from FB about the format she needs for documentation of in-kind contribution activities. Ms. Brown agreed to contact Emily.

Mr. Horn reminded everyone that the Town has to contribute \$100,000 matching funds, however \$10,000 should be in cash and the rest can be “in-kind services or activities”. This includes activities, Public Works maintenance or work on stormwater runoff, and discussions, etc.

## **3. Watershed - New DNA Testing / Marchant - Mayer**

Mr. Mayer spoke with Mr. Marchant who would like to do the work as soon as possible. Mr. Mayer’s concern is that the tests might be temperature sensitive. He also noted that the monies and time spent on these tests can be considered “in-kind” contributions for the DEP Grant. Mr. Mayer will work alongside Mr. Marchant when the testing is done.

Ms. Brown asked if this test will distinguish between animal and human.

Mr. Mayer responded that it can distinguish between species.

Ms. Brown asked why they should do Healthy Beaches testing if they have the DNA Tests.

Mr. Mayer responded that the cost for Healthy Beaches is much less, and the DNA Test is an expensive tool which should be used when hot spots are found or when contamination sources are questionable.

## **D) NEW BUSINESS**

### **1. Healthy Beaches / Beach Manager Appointment 2014**

Mr. Horn stated that the Town is still trying to work out the details for the Beach Manager position.

### **2. Dune Fence Replacement - Deer Fence Test Areas Installed**

Mr. Horn stated that the posts are up on the dune face and that they weathered the recent storm very well. The thinner test fencing which was in place was partially lost where an attachment ripped from the top of the post. The heavier fencing stayed in place. He noted that there was seaweed up in the Norseman shop area, there was also a great deal of seaweed left hanging off of the fencing.

## **E) REPORTS**

### **1. New Dunaway Town Map - Burns**

Mr. Horn made a note to thank Mr. Burns for the new Town Map.

Mr. Mayer reminded everyone that the new Flood Plain Maps are on the GIS Maps.

Mr. Heyland added that he is working on obtaining financing to have the Shoreland Overlay Maps added to the GIS as well.

### **2. “Beach Erosion” Selectman Winn’s Ad-hoc Committee - Mayer**

Mr. Mayer reiterated that the Conservation Commission has repeatedly stated that it will stay separate from the Beach Erosion Committee. He asked if this item should remain on the Conservation Commission’s Agenda if they are going to remain separate.

Mr. Horn agreed and added that even though the Conservation Commission has decided not to be an advisor to the Beach Erosion Committee, CONCOM should still keep itself informed as to that committee’s activities. He agreed that if Mr. Mayer is uncomfortable with briefing the Conservation Commission regarding the Beach Erosion Committee’s specific plans he does not have to do so.

Mr. Mayer responded that he only wants to avoid any perception that, while the Conservation Commission has distanced itself from the Beach Erosion Committee, it is still trying to maintain oversight. He also does not want the inner discussions of the Beach Erosion Committee to be disseminated to the public before that Committee is ready to do so. He asked that this item be removed from the regular agenda, however he agreed to give the Commission general updates upon request.

Mr. Horn agreed to remove this item from future agendas.

Mr. Mayer then gave a brief generalized overview of the Beach Erosion Committee’s intentions.

## **F) OTHER**

### **1. Discussion - Update of Leavitt Stream and Shoreland RPD Maps**

Mr. Heyland suggested that there are areas of the Leavitt Stream which should be protected which are currently not. Any changes will have to be presented to the voters.

Ms. Rinaldi agreed to work on defining and summarizing the Leavitt Stream’s status and ways in which those sections which are currently not included might be re-included under the protection umbrella.

Mr. Mayer noted that it goes back to the definition of “stream” and “normal high water line”. He stated that the Town has to meet or exceed State standards. Regarding the definition of “stream”, Mr. Mayer noted that the definition calls for a stream to be a blue line that meets at the confluence of two perennial streams on the USGS Topo Maps, which the Leavitt Stream does not. However

the Natural Resources Protection Act defines a stream as; a river, stream, or brook means a channel between two defined banks. A channel is created by the action of surface water that has two or more of the following characteristics: depicted as a solid or broken blue line on most recent editions of the USGS Maps, is known to contain flowing water continuously for a period of at least six months in an average year, has a channel bed that is primarily composed of mineral material such as sand, gravel, or bedrock, and it also contains aquatic animals, insects, or vegetation. All of the Streams currently under consideration qualify under the Resource Protection Act but may not qualify under Mandatory Shoreland Regulations.

The problem with the original ordinance language was that it excluded those areas of the stream which flow through town areas which are already developed.

Mr. Baker pointed out that the Resource Protection Act is a Federal Act which overrules State regulations.

Mr. Horn asked Mr. Baker and Mr. Mayer to come up with a plan of action as to how to legally add the rest of the Leavitt Stream which is currently not included as protected.

## **2. Fund Raising Discussion**

Mr. Horn asked about the suggestion that the Commission nominate an Environmentalist of the Year. He suggested Alyson Cavaretta.

The Commission unanimously agreed with Mr. Horn's suggestion.

**Ms. Rinaldi made a Motion to Nominate Alyson Cavaretta as the "2014 Conservation Commission Environmentalist of the Year".**

**RINALDI, BAKER 6:0 UNANIMOUS**

Mr. Mayer asked if there was any way to set up a database regarding compliance with septic system pumping. He noted that they need to accurately determine which properties are on septic systems.

It was suggested that property owners on septic who have not had their systems pumped should receive a letter reminding them that they need to do so.

## **G) ADJOURNMENT**

**Ms. Rinaldi Moved to Adjourn at 7:30 p.m.**

**RINALDI/BAKER 6:0 UNANIMOUS**

Respectfully Submitted

*Maryann Stacy*

Maryann Stacy  
Recording Secretary

*Approved on March 20, 2014*