CONSERVATION COMMISSION

PACKET OF MATERIALS

MEETING JANUARY 11, 2016

___X___ Cover page with date

___X___ Agenda

___X___ Minutes for approval

___X___ Supporting Documents

Agenda
Conservation Commission
Monday January 11, 2016
Conference Room – Municipal Building
93 Cottage Street
7:00 P.M.

I. CALL TO ORDER

II. EXCUSED ABSENCES

III. APPROVAL OF MINUTES

a. December 14, 2015

IV. ADOPTION OF THE AGENDA

V. UPDATES

VI. ONGOING BUSINESS

a. Open Space Work Plan – Continue revision work.

b. Waste Management update (Request to Council).

c. Pay as You Throw discussion.

d. Stony Brook drainage discussion.

VII. ITEMS FOR THE NEXT AGENDA

VIII. ADJOURNMENT

The Conservation Commission strives to hold meetings that are accessible to all. Please contact the Bar Harbor Planning Department by calling 288-3329 or by e-mail to planningdirector@barharbormaine.gov if you have any questions about this process or to let us know what you may require to facilitate your participation.

Minutes
Bar Harbor Conservation Commission
December 14, 2015
Conference Room – Municipal Building
93 Cottage Street
7:00 P.M.

I. CALL TO ORDER

The meeting was called to order at 7:03 PM. Members present: Jesse Wheeler, Vice Chair, Elissa Chesler, Member, Mike Handwerk, Member and Jeff Miller, Member.

Also present: Bob Osborne, Planning Director.

II. EXCUSED ABSENCES

Erickson Smith.

III. APPROVAL OF MINUTES

It was noted that the November meeting did not have a quorum.

October 19, 2015 Minutes – Mr. Miller made a motion to approve the minutes as presented. Mr. Handwerk seconded the motion. The Commission voted four in favor and none against the motion.

IV. ADOPTION OF AGENDA

Mr. Miller moved to adopt the agenda as presented. Ms. Chesler seconded the motion. The Commission voted four in favor and none against the motion.

V. UPDATES

The Commission recapped the Council's recent presentation by MRC. The MRC's Director, Greg Lounder and Chair, Chip Reeves discussed the existing situation with PERC, the potential future with Fiberight and answered questions from the Council.

VII. ONGOING BUSINESS

a. Open Space Work Plan

The Commission talked about a strategy to work together on revisions to the language of the plan. The thought was to work together as a group with a computer and to develop language that is mutually acceptable. Additionally the thought was to have meetings at perhaps the 4:00 pm hour in order to get the best out of the group. The plan is to have that meeting on January 25, 2016 at 4;00 pm and have a projector present.

b. Waste Management.

Jesse Wheeler indicated that he had not yet written the letter to the Council regarding the Commission's interest in the Transfer Station plan development.

c. Pay as You Throw discussion.

The Commission briefly discussed that this item is on an upcoming Town Council agenda and that they are interested in attending the meeting to learn where we are in the process. Jesse recommended the item be tabled until the Council has had that meeting.

VIII. ITEMS FOR THE NEXT AGENDA

a. Open Space Work Plan

IX. ADJOURNMENT

Ms. Chesler moved the meeting be adjourned. Mr. Miller seconded the motion to adjourn which was approved unanimously at 9:00 pm.

Erickson Smith Secretary **Date**
Bar Harbor Conservation Commission

Item VI d.

Robert Osborne

From: Angie Chamberlain <achamberlain@barharbormaine.gov>
Sent: Friday, January 08, 2016 8:59 AM
To: 'Marc Jaffrey'
Cc: John.Cullen@maine.gov; rosborne@barharbormaine.gov
Subject: RE: Stony brook out of Lakewood pond in relation to building on the Hurd lot

Marc:

Thank you for this information. While this map is helpful, it does not change the definitions within our ordinance or the fact that I must refer to the most recent edition of the USGS map as a means of making a determination whether or not this is a stream. The latest USGS map does not reflect the rediverting of the stream channel that was done by the prior owner of your property. Additionally, you state that the stream goes through the Hurd property and according to the map developed by Mr. Conary, it appears that only one small section is on the Hurd property. It actually appears to go through the property behind the Hurd property.

You also would like to see a 100' setback imposed on the development of this site. The only time a 100' setback is applied is in the areas surrounding a great pond or rivers that flow to a great pond and this is neither. Additionally, I have no authority to impose restrictions which are not within the requirements of the Land Use Ordinance. I have to follow the standards and requirements contained within our ordinance. If this is not a stream by definition, I have no authority to require a setback standard.

Finally, you asked if this issue could be brought to the Planning Board and I would suggest that this issue is not within the Board's purview. This project does not require site plan approval so the Board would not make any determinations on the development. The proper authority would be the Board of Appeals if a permit is issued and you think it was erroneously issued. You would have 30 days from the date of the issuance of that permit to make an appeal to the Board of Appeals to overturn my decision.

If you have any more questions, please feel free to contact me. Additionally, if you have not done so at this time, I would strongly urge you to contact your neighbor to discuss this issue. Your history with the storm water flows of this area may be of interest to the owner and could help him in his development of the site.

Thanks.
Angie

From: Marc Jaffrey [mailto:wildirisfarm@skybeam.com]
Sent: Thursday, January 07, 2016 5:00 PM
To: John.Cullen@maine.gov; achamberlain@barharbormaine.gov
Cc: 'Wildirisranch@myfairpoint.net'; Bruce_Connery@nps.gov
Subject: re: Stony brook out of Lakewood pond in relation to building on the Hurd lot

John and Angie,

I have enclosed a survey that was done by Bruce Connery of the park recently. It shows where the brook used to go thru our property and where it now goes thru the Hurd property. Since 100 percent of the daily creek/brook is going thru the Hurd property and it only goes thru the old Path/location as shown at a rate of less than 20% during high storm days only I feel this justifies a 100 foot setback on the Hurd site since the brook is now relocated there. Per the regulations a 100 foot setback should be required for building near a creek/stream. This Stream is now going through the Hurd property even if it is not on an official map. This was brought to the towns attention about two years ago through the

conservation commission. Per the meeting on site with Bruce Connery, who did the enclosed survey, it was noted that the creek branches into two main areas on the Hurd property and can in fact cover an area over 60 feet wide during storm days. This has also washed out the Hurd existing driveway once and Farm View Road several times. It was also noted during this survey, when elevations were shot that the town had the culvert across the crooked road installed approximately 18" too high and the downstream side of the culvert was 8" higher than the upstream side thus causing about a 26" difference from the original culvert that was taken out and replaced sometime after 2005. Chip Reeves was notified of this concern after this meeting as well. Is it possible to discuss this at the next planning and zoning committee meeting with the planning commissioners? It is not our intention to keep the Hurd's from building we just do not want the house to get flooded or cause more stream back up issues causing even more water issues than there already are due to the issues mentioned previously. Thank you both for your time and prompt consideration in this matter.

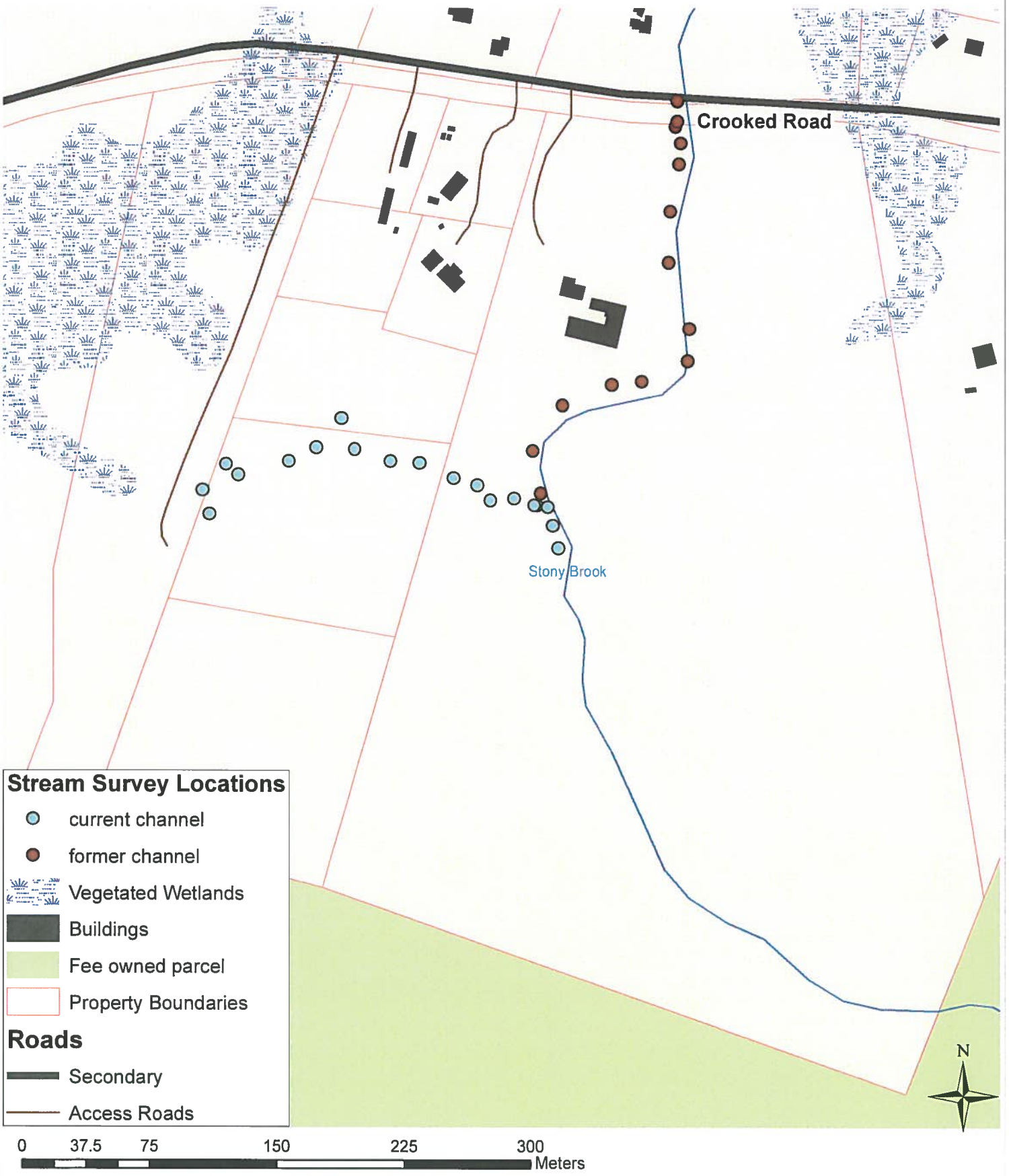
Sincerely,

Marc Jaffrey
Farm Manager
Wild Iris Farm
Boarding - Carriage Rides - Feed & Grain Store
2 Lakewood Farm Road
Bar Harbor, Maine 04609
207-288-5234 office
207-801-2231 farm
Cell 970-379-3039
www.wildirishorsefarm.com
marc@wildirishorsefarm.com

Acadia National Park
Maine

National Park Service
U.S. Department of the Interior

Stony Brook Stream Diversion Survey



Produced by Acadia NP Wildlife Program

June 2014