

Lake Auburn Watershed Protection Commission

www.lakeauburnwater.org

Wednesday, June 14, 2023 at 3:30pm – 5:30pm AVCOG, 125 Manley Road, Auburn,
Maine

AGENDA

1. Minutes
 - a. 04/12/2023 – Regular Meeting
2. Consent Agenda
 - a. Financial Report
3. CDM Smith presentation on work on watershed line in Gracelawn Pit
4. Water Quality & Watershed Report
5. Public Comment
6. Staff Report
 - a. Mike Broadbent – As deemed necessary by Mr. Broadbent
 - b. Erica Kidd – As deemed necessary by Mrs. Kidd
7. Old Business
 - a. Reports from Ad Hoc Committees: By-laws (Mary Ann and Rick) and Trails (Dan and Alan)
 - b. Rules of Order- Mary Ann
 - c. Watershed Management Plan Update - Erica
 - d. Clerks discussion- Mike and Kevin update
8. New Business
 - a. City of Lewiston letter to LAWPC re: LD 2003, dated 4/10/23
 - b. Auburn Water District letter to LAWPC re: ad-hoc committee, dated 5/18/23
 - c. Executive Session regarding negotiations of potential land transactions in accordance with 1 M.R.S.A. 405 (6) (C)
9. Adjournment

FUTURE REGULAR MEETING SCHEDULE:

September 13, 2023

November 8, 2023

Lake Auburn Watershed Protection Commission

Regular Meeting

Wednesday, April 12, 2023

Location: Androscoggin Valley Council of Governments (AVCOG), Auburn, Maine

Time: Meeting began at 3:30 PM

Recording: The meeting was video recorded. A link to the video is on the Commission website.

Commissioners Present: Alan Holbrook, Mary Ann Brenchick, Amy Landry, Glen Holmes, Heather Hunter, Dan Bilodeau, Rick LaChapelle and Camille Parrish

Others Present: Michael Broadbent Commission Secretary, Erica Kidd Watershed Manager, Carolyn Houtz Education and Outreach Coordinator.

Agenda Item 1. Minutes

Vote 1 On a motion by Commissioner LaChapelle and seconded by Commissioner Landry to approve the minutes of the February 8, 2023 regular meeting of the Commission.

Commissioner Holmes had a few comments. He wants to make sure that if there is discussion in open session that the discussions be included in the meeting minutes. He also asked for consistency with titles when system representatives speak at the Commission meetings.

Passed 8-0

Vote 2 On a motion by Commissioner Hunter and seconded by Commissioner Holmes to approve the minutes of the March 29, 2023 special meeting of the Commission.

Passed 6-0-2 Commissioners Bilodeau and LaChapelle abstained because they were not present at the special meeting.

Agenda Item 2. Consent Agenda

Vote 3 On a motion by Commissioner Holmes and seconded by Commissioner Bilodeau to remove the Water Quality Report from the Consent Agenda.

Passed 8-0

Vote 4 On a motion by Commissioner Hunter and seconded by Commissioner Parrish to approve the remaining items in the Consent Agenda.

Passed 8-0

Commissioner Holmes asked that, within the Water Quality Report, the different graphs include limits so that Commissioners better understand how the current levels relate to limits.

Commissioner Holmes also pointed out that one of the graphs did not include a title. This appeared to be a formatting issue but the point was noted.

Vote 5 On a motion by Commissioner Holmes and seconded by Commissioner LaChapelle to approve the Water Quality Report.

Passed 8-0

Agenda Item 4. Public Comment

Lucien Mathieu of 65 Beech Hill Rd in Auburn was present with his wife. They did not have any specific comments other than they are interested in what is going on in the community.

Agenda Item 3. Executive Session

Vote 6 On a motion by Commissioner Holmes and seconded by Commissioner Hunter to go into executive session in accordance with 1 MRSA 405 (6) (C) to discuss land restrictions.

Passed 8-0

The executive session ended at 4:35pm

Agenda Item 5. Staff Report

5.A Commission Secretary, Mike Broadbent, had nothing new to report to the Commissioners.

5.B Watershed Manager, Erica Kidd, reported that the WRS proposal to study the possibilities and benefits of applying alum to the Lake Auburn Tributaries has begun. This study will take several months and she will provide updates as progress is made. Erica is working to renew the Alum discharge permits to Lake Auburn that we currently have. These permits have to be renewed every couple of years.

Erica discussed a new CDM Smith Proposal that she would like the Commissioners to consider. In 2022, CDM Smith was asked to review all available data and determine if a section of the watershed boundary near Gracelawn Road could be moved based on the lack of impact on Lake Auburn. This new proposal is to further define the watershed boundary using 3d-modeling, to answer questions proposed by the Maine Drinking Water Program and to look at another section of private property that was not previously considered by consultants. The proposal was for \$19,800 and they estimated that it could be completed by the end of May, 2023.

Vote 7 On a motion by Commissioner Holmes and seconded by Commissioner Bilodeau to authorize staff to consult with CDM Smith and proceed with a study from the sinking fund with a not to exceed cost of \$19,800.

Passed 8-0

Erica also reported that GIG Aggregates has applied for a traffic movement permit because of a proposed development of 1,100 units in the Gracelawn pit area. Commission Secretary, Mike Broadbent, did file the appropriate notice that we would like to be copied on the correspondence regarding the study and have the opportunity to participate in the meetings.

Agenda Item 6. Old Business

A. By-Law Ad Hoc Committee, Trails Committee

Commissioner Brenchick distributed draft Rules of Order for the Commission. It was suggested that the two City Clerks review the draft and the Commissioners discussed majority and quorum qualifications. The Commissioners were asked to review and provide comments prior to the next meeting in June.

Commissioner Bilodeau reported that he and Commissioner Holbrook met with Jonathan Labonte of the City of Auburn to discuss the Southern Link Trail. The next step will be to schedule a trail walk with a goal of opening up a winter trail this year. He also mentioned that there could be matching Grants to get a winter trail established. Watershed Manager, Erica Kidd, raised the concern that the AWD By-Laws for the protection of Lake Auburn restrict access to the area where the trail is proposed.

B. Minot, Hebron and Buckfield 3-year term for representation.

Commissioner Parrish reported that she received authorization that Commissioner Holmes was recommended for another 3-year term and that the three communities are working to make this a 3-year nomination.

D. Watershed Management Plan Update

Watershed Manager, Erica Kidd, shared with all of the Commissioners a draft copy of the Management Report and it will be on the agenda for the June meeting to discuss.

Agenda Item 7. New Business

B. Clerk's discussion

Mike Broadbent, Auburn Water Superintendent, reported that the Trustees discussed the possibility of the AWD Superintendent serving as Clerk but the discussion was tabled. The Trustees expressed interest in reviewing the Commission By-laws prior to approving the services of the Superintendent.

C. Consent Agenda Change

Commissioner Parrish asked if moving forward the water quality report could be removed from the consent agenda.

D. Role of Superintendent in Real Estate discussions

This item was deferred until June.

Vote 8 On a motion by Commissioner Holmes and seconded by Commissioner LaChapelle to go into executive session regarding negotiations of potential land transactions in accordance with 1 M.R.S.A 405 (6) (C).

Passed 7-0

Vote 9 On a motion by Commissioner Holmes and seconded by Commissioner LaChapelle to adjourn the meeting.

Passed 7-0

A true record, attest;



Michael Broadbent
LAWPC Secretary

Lake Auburn Watershed Commission Statement of Revenues & Expenditures As of 5/31/23
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	Original Operating Budget	Final Operating Budget	Operating Account	Balance	Sinking Fund	YTD Combined	12/31/22 Combined
Revenues:							
Contributions - AWD	60,000.00	60,000.00	21,666.64	38,333.36	6,666.68	28,333.32	78,250.00
Contributions - LWD	60,000.00	60,000.00	7,809.75	52,190.25	2,603.25	10,413.00	78,250.00
Timber Harvesting	2,000.00	14,000.00	-	14,000.00	-	-	29,312.96
Gain on Sale of Assets	-	-	-	-	-	-	-
Water Withdrawal Revenue	-	-	-	-	-	-	386.70
Intergovernmental	2,000.00	2,000.00	-	2,000.00	-	-	2,250.00
Interest	35.00	35.00	10.29	24.71	265.00	275.29	2,312.40
Total Revenues	124,035.00	136,035.00	29,486.68	106,548.32	9,534.93	39,021.61	190,762.06
Expenditures:							
Auburn Water Department	6,000.00	6,000.00	6,158.88	(158.88)	-	6,158.88	5,945.74
Lewiston Water Division	6,000.00	6,000.00	8,929.76	(2,929.76)	-	8,929.76	23,636.17
Executive Administration	750.00	750.00	-	750.00	-	-	511.54
Forestry	4,500.00	4,500.00	800.00	3,700.00	-	800.00	7,125.19
Outside Services	3,325.00	3,325.00	1,717.50	1,607.50	-	1,717.50	1,850.00
Sanitary Facilities	3,760.00	3,760.00	-	3,760.00	-	-	2,745.00
Source Protection	63,250.00	63,250.00	12,767.89	50,482.11	6,320.00	19,087.89	114,663.40
Repairs to Property & Equipment	6,000.00	6,000.00	594.40	5,405.60	-	594.40	4,077.26
Public Education	1,775.00	1,775.00	543.54	1,231.46	-	543.54	-
Public Ed. - Labor	27,620.00	27,620.00	6,013.32	21,606.68	-	6,013.32	24,284.33
Public Ed. - Supplies	800.00	800.00	1,337.92	(537.92)	-	1,337.92	899.38
Public Ed. - Events	2,000.00	2,000.00	-	2,000.00	-	-	570.81
Public Ed. - Outside Services	500.00	500.00	1,114.99	(614.99)	-	1,114.99	1,184.00
Public Ed. - Public Relations	1,500.00	1,500.00	-	1,500.00	-	-	1,852.88
Public Ed. - Miscellaneous	1,500.00	1,500.00	50.00	1,450.00	-	50.00	392.68
Liability & D&O Insurance	11,650.00	11,650.00	264.20	11,385.80	-	264.20	10,958.05
Legal	4,000.00	4,000.00	-	4,000.00	-	-	9,427.50
Audit/Financial Services	6,695.00	6,695.00	4,950.00	1,745.00	-	4,950.00	7,191.25
Property Taxes	4,625.00	4,625.00	1,871.32	2,753.68	-	1,871.32	3,994.73
Operational Supplies	1,000.00	1,000.00	33.44	966.56	-	33.44	755.39
Depreciation/Amortization Expense	-	-	-	-	-	-	3,796.94
Capital	45,000.00	45,000.00	5,000.00	40,000.00	-	5,000.00	-
Miscellaneous	950.00	950.00	649.87	300.13	-	649.87	1,460.36
Total Expenditures	203,200.00	203,200.00	52,797.03	150,402.97	6,320.00	59,117.03	227,322.60
Excess Revenues Over Expenditures	(79,165.00)	(67,165.00)	(23,310.35)	-	3,214.93	(20,095.42)	(36,560.54)
Retained Earnings/Fund Balance, 1/1	-	-	2,225,576.54	-	3,400,210.66	5,625,787.19	5,662,347.73
Retained Earnings/Fund Balance, 12/31	-	-	<u>2,202,266.19</u>	-	<u>3,403,425.59</u>	<u>5,605,691.77</u>	<u>5,625,787.19</u>

Water Quality Report

1. Average turbidity: **Note that a significant rain event occurred on 5/1/23 that caused a section of Lake Shore Drive to washout and the overtopping of the culvert that drains Townsend Brook to the lake on that road. After this event, an increase in turbidity was observed.*
 - a. April was 0.75 NTU in 2023, and 0.70 NTU in 2022.
 - b. May was 0.92 NTU in 2023, and 0.64 NTU in 2022.
2. Please see attached turbidity and temperature graphs for reference.
3. April-May fecal datasheets are attached.
4. Ice-on called 2/1/23. This is the latest ice-on date on record. Ice-off was 4/12/23. Lake was frozen for 7 weeks.
5. Phosphorus data tables are attached.

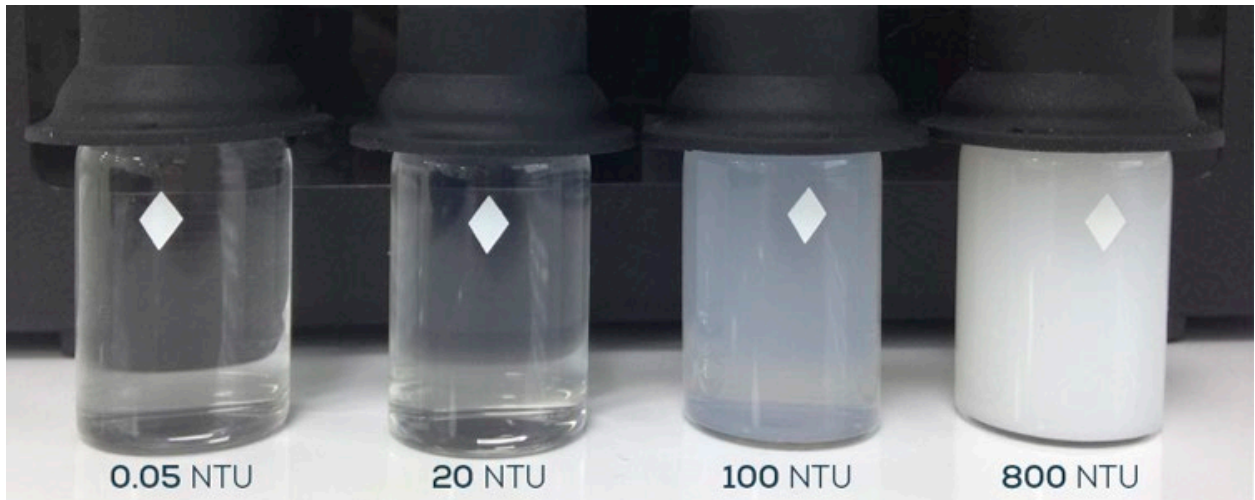
Watershed Report

1. 5/1/23 rain event: approximately 5" rain in 24 hours in Auburn. A section of Lake Shore Drive was flooded and the culvert that drains Townsend Brook to the lake on this road was underwater. This event caused significant sediment and nutrient loading to the lake. It also eroded the banking of the lake along the road, and caused sections of pavement to crumble.
2. The MaineDOT has initiated a project to replace the culvert on Lake Shore Drive that failed on 12/23/22 and 5/1/23. Erica is working with MDOT on a possible Municipal Partnership Initiative project that would have AWD/LWD and MDOT partnering to get this culvert replaced faster than MDOT's current replacement schedule.
3. Reimbursement grant funds from the Drinking Water Program for the watershed management plan update have been received. Grant funds totaled \$42,500, and the total project cost was \$75,000. Erica will be applying for grants for the CDM Smith and Ken Wagner projects this year.
4. The draft watershed management plan update has been shared with the AWD board of trustees and the City of Auburn planning staff.
5. Horse farm approved at 833 Summer Street. Process can be to bring to LAWPC and AWD next time. Erica worked with the City of Auburn and the landowner worked with the Natural Resources Conservation Service/Androscoggin Valley Soil and Water Conservation District on a management plan.
6. Alan was contacted by a Turner resident on Little Wilson Pond who was concerned about a detention basin located uphill on Wilson Bluff draining to the pond. Erica is in the process of following up on the management of this detention basin.
7. Erica will be meeting with Tighe and Bond on 6/16 to start the Blanchard Pond work.
8. Staff decided to post the Education and Outreach Coordinator job as a full-time, seasonal position for this summer, and it will include watershed inspections. Interviews scheduled for week of 6/5.
9. A final field day with the Androscoggin Valley Education Collaborative was held on 6/2. The high schools students installed a Little Free Library at the Tot Lot trailhead, cleared the trail, and planted native shrubs.
10. LD 1473 was presented to the legislature to exclude the watershed of unfiltered drinking water supplies from the development allowed by LD 2003. LD 1473 was amended by committee to specifically pertain to the water source for Lewiston and Auburn. The committee reported out Ought to Pass as Amended on 6/5/23.

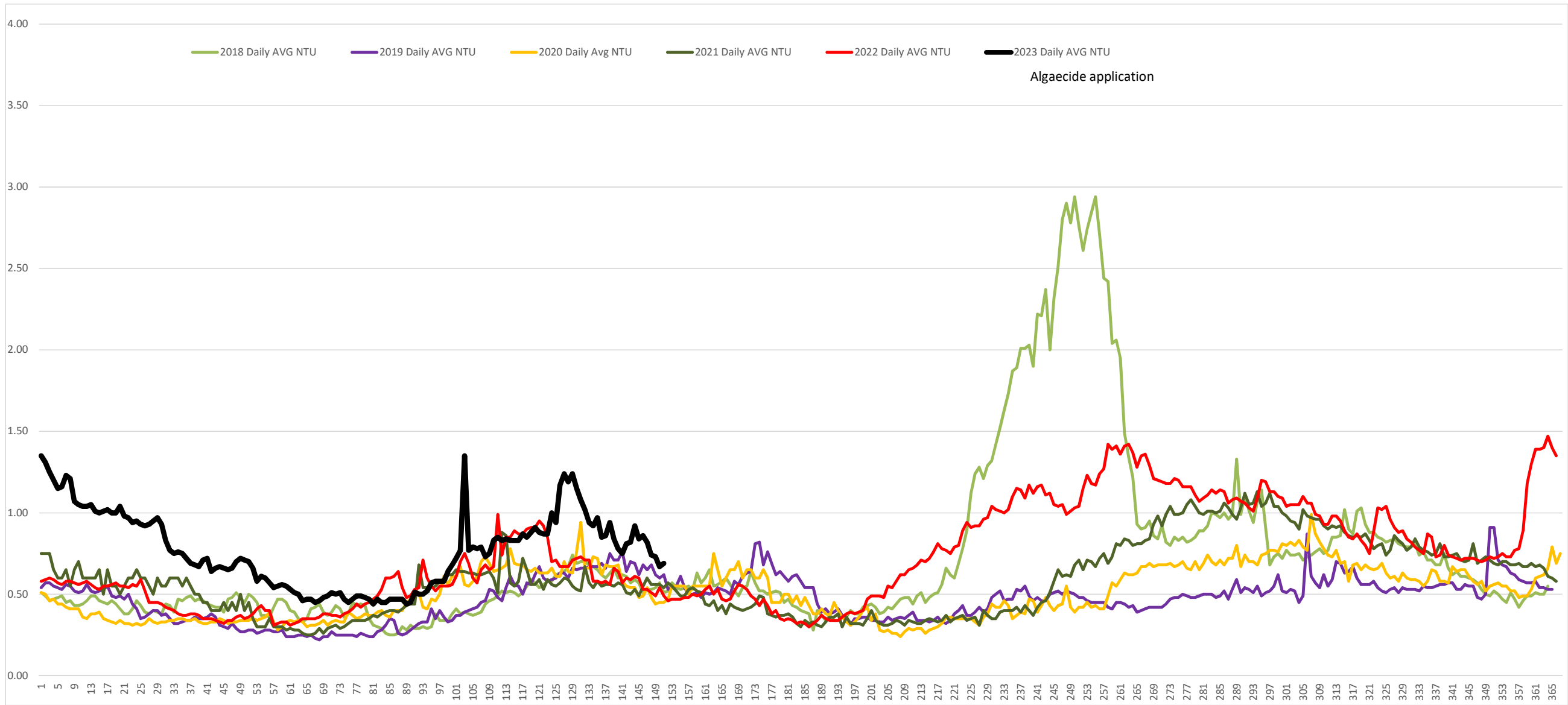
Information for turbidity:

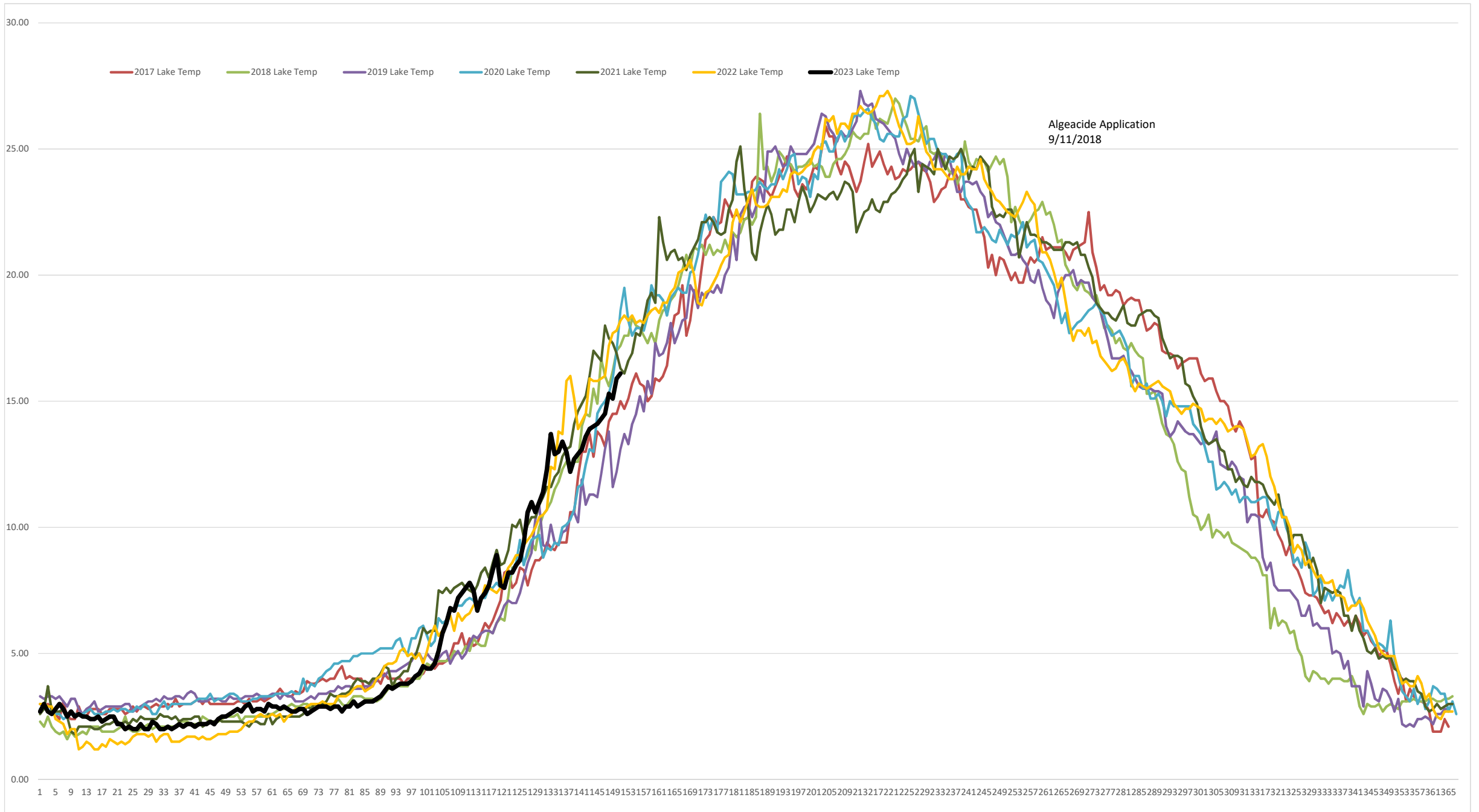
- Unfiltered drinking water supplies cannot pump raw water into a treatment plant that is greater than 5 NTU.
- NTU stands for Nephelometric Turbidity unit. The unit is used to measure the turbidity of a fluid or the presence of suspended particles in water. The higher the concentration of suspended solids in the water is, the dirtier it looks and the higher the turbidity is.

The following picture is for reference:



- On average, the turbidity of raw water in Lake Auburn is around 0.5 NTU.
- The water treatment plant will alarm when raw water turbidity is measured at 3.8 NTU, and will stop pumping raw water at 4.2 NTU.





Information for fecal datasheets:

- Unfiltered drinking water supplies are required to sample for fecal bacteria
- CFU stands for colony forming unit
- Raw water from the intake is sampled for fecal bacteria every day
- A fecal bacteria reading of over 20 CFU is considered an event
- No more than 10% of the samples taken in a rolling 6 month period can be over 20 CFU without getting a violation
- Total coliform and E. coli are not required to be tested, these are tested for our own reference
- Fecal coliform confirmation column: when P/P is listed, that means Positive test with a confirmed Positive second test. This only has to be done for the first 10 positive tests of the month.

Apr-
23

INLINE

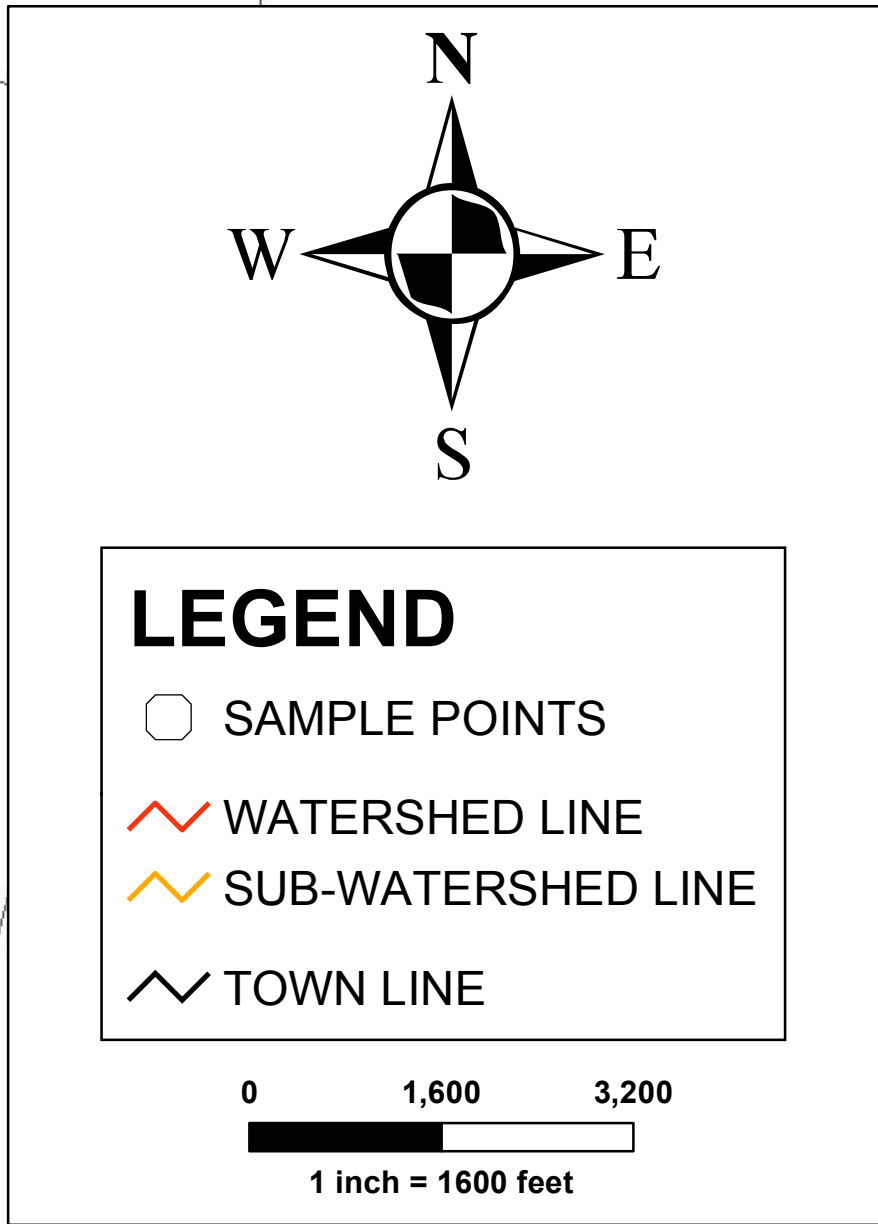
Collected			Temp *C	Turbidity		Ph 230 A	Amount Sample	FECAL	QUANTITRAY		Fecal Confirmation
DATE	TIME	BY		1720E	TU5200			BACTERIA CFU	TOTAL	E.COLI	
4/1	06:00	DAF	3.7	0.50	0.55	7.14	100	0			
4/2	05:50	DAF	3.6	0.45	0.50	7.08	100	0			
4/3	02:40	DAF	3.7	0.45	0.50	7.08	100	0	10.8	<1	
4/4	03:05	DAF	3.8	0.45	0.50	7.09	100	0			
4/5	03:05	DAF	3.8	0.55	0.55	7.05	100	0			
4/6	03:05	DAF	3.8	0.55	0.60	7.04	100	0			
4/7	03:00	DAF	3.9	0.55	0.60	7.05	100	0			
4/8	06:15	DAF	4.1	0.55	0.60	7.04	100	0			
4/9	05:50	DAF	4.2	0.55	0.60	7.05	100	0			
4/10	02:20	DAF	4.5	0.60	0.60	7.13	100	0	8.6	<1	
4/11	02:50	DAF	4.4	0.65	0.60	7.11	100	0			
4/12	03:00	DAF	4.4	0.65	0.65	7.14	100	0			
4/13	03:10	DAF	4.6	1.95	1.90	7.10	100	0			
4/14	02:50	DAF	5.1	0.75	0.70	7.08	100	0			
4/15	08:30	LRB	5.8	0.75	0.75	7.10	100	0			
4/16	08:55	LRB	6.2	0.80	0.80	7.05	100	0			
4/17	07:55	LRB	6.8	0.70	0.70	7.13	100	0	6.3	<1	
4/18	02:55	DAF	6.7	0.75	0.75	7.08	100	0			
4/19	02:55	DAF	7.2	0.75	0.75	7.14	100	0			
4/20	03:05	DAF	7.4	0.80	0.85	7.15	100	0			
4/21	03:05	DAF	7.6	0.80	0.80	7.13	100	0			
4/22	05:30	DAF	7.8	0.80	0.80	7.11	100	0			
4/23	05:35	DAF	7.5	0.80	0.80	7.14	100	0			
4/24	03:05	DAF	6.7	0.80	0.80	6.95	100	0	7.4	<1	
4/25	03:10	DAF	7.2	0.80	0.80	7.01	100	0			
4/26	03:15	DAF	7.4	0.80	0.80	7.08	100	0			
4/27	04:00	DAF	7.7	0.80	0.80	7.05	100	1			P,P
4/28	07:55	LRB	8.3	0.75	0.70	7.04	100	0			
4/29	10:10	LRB	8.9	0.80	0.70	7.24	100	0			
4/30	10:00	LRB	7.7	0.85	0.75	7.22	100	0			

May-23

INLINE

Collected			Temp	Turbidity		Ph	Amount Sample	FECAL	QUANTITRAY		Fecal
DATE	TIME	BY	*C	1720E	TU5200	230 A		BACTERIA CFU	TOTAL	E.COLI	Confirmation
5/1	02:50	DAF	7.6	0.80	0.80	7.03	100	0	7.2	1	
5/2	03:05	DAF	8.2	0.85	0.80	7.13	100	0			
5/3	03:10	DAF	8.2	0.80	0.80	7.08	100	0			
5/4	03:05	DAF	8.5	1.00	0.95	7.10	100	1			P,P
5/5	03:15	DAF	8.7	0.95	1.00	7.09	100	0			
5/6	06:15	DAF	9.4	1.20	1.25	7.14	100	0			
5/7	06:15	DAF	10.6	1.20	1.25	7.18	100	0			
5/8	03:00	DAF	11.0	1.20	1.25	7.17	100	0	20.1	<1	
5/9	02:55	DAF	10.6	1.30	1.20	7.18	100	0			
5/10	03:10	DAF	11.0	1.25	1.25	7.19	100	1			P,P
5/11	03:15	DAF	11.4	1.15	1.15	7.21	100	0			
5/12	03:20	DAF	12.3	1.05	1.10	7.26	100	0			
5/13	08:20	LRB	13.7	1.00	1.05	7.25	100	0			
5/14	08:25	LRB	12.9	0.95	1.00	7.26	100	0			
5/15	03:15	DAF	13.0	1.15	1.10	7.20	100	0	51.2	<1	
5/16	03:05	DAF	13.4	1.00	1.00	7.20	100	0			
5/17	02:20	DAF	13.1	0.95	0.95	7.22	100	0			
5/18	03:00	DAF	12.2	1.25	1.15	7.22	100	0			
5/19	03:10	DAF	12.7	1.00	1.05	7.26	100	0			
5/20	06:30	DAF	12.9	0.95	0.95	7.19	100	0			
5/21	06:05	DAF	13.1	0.90	0.90	7.17	100	0			
5/22	03:00	DAF	13.6	0.85	0.90	7.09	100	0	12.4	<1	
5/23	02:50	DAF	13.9	0.90	0.95	7.14	100	0			
5/24	03:00	DAF	14.0	1.00	0.95	7.13	100	0			
5/25	03:10	DAF	14.1	0.85	0.90	7.08	100	0			
5/26	03:10	DAF	14.3	0.90	0.90	7.11	100	2			P,P/P,P
5/27	06:40	LRB	14.5	0.85	0.90	7.29	100	0			
5/28	06:40	LRB	15.3	0.80	0.85	7.26	100	0			
5/29	06:30	DAF	15.1	0.80	0.80	7.10	100	0	11.2	1	
5/30	03:00	DAF	15.9	0.70	0.80	7.09	100	0			
5/31	03:05	DAF	16.1	0.80	0.80	7.14	100	0			

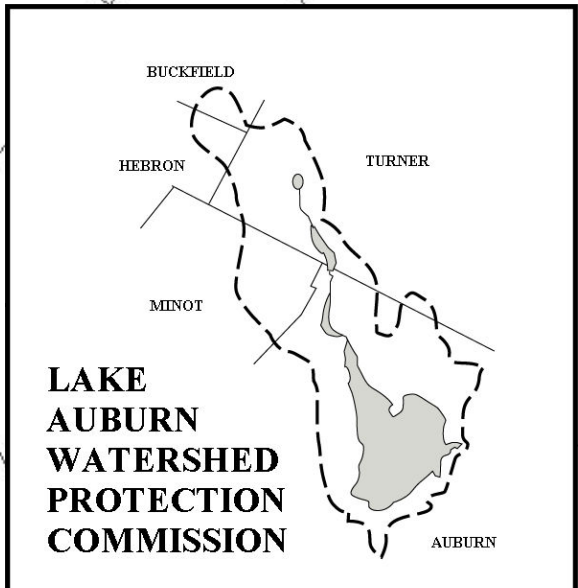
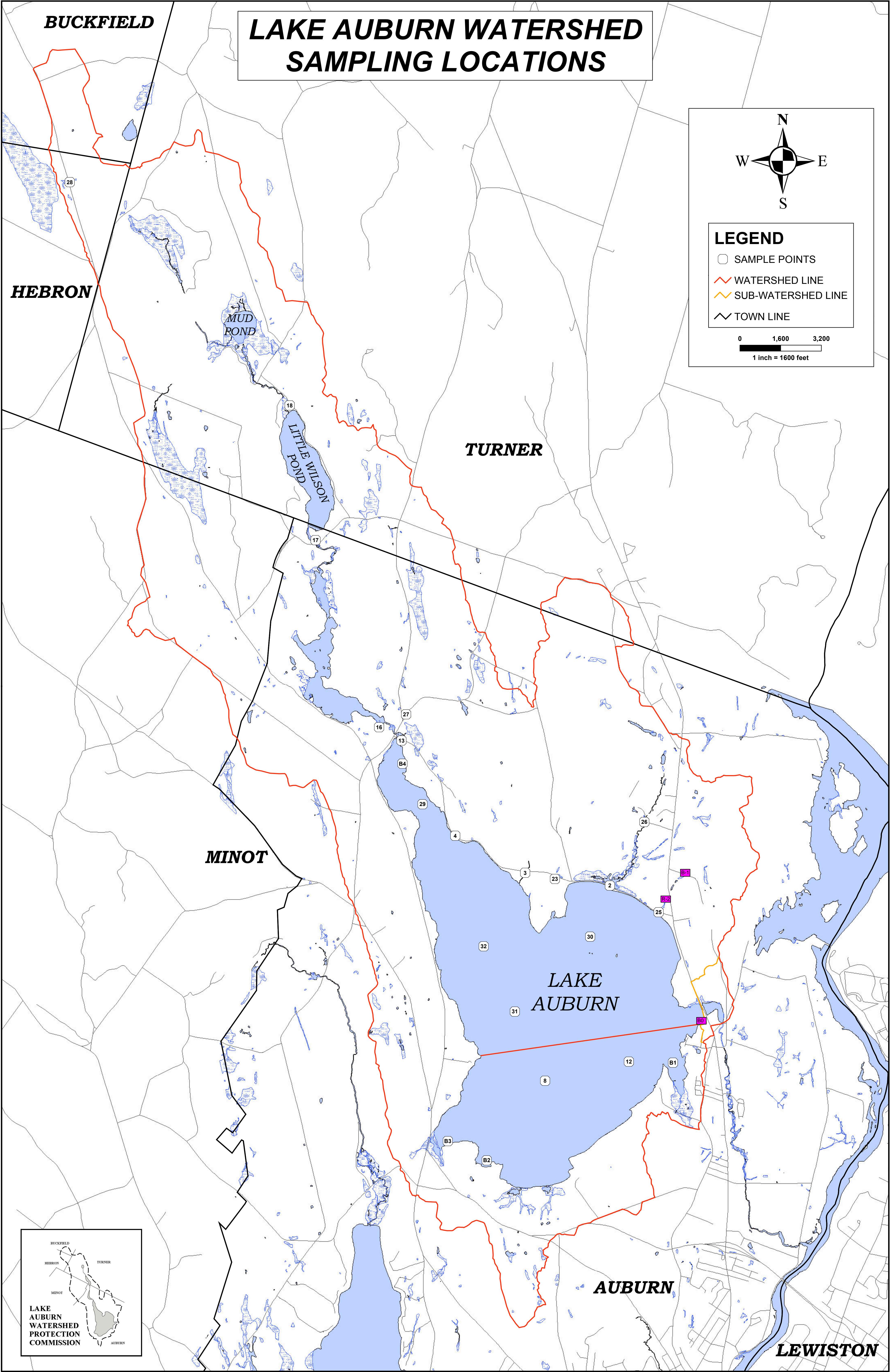
LAKE AUBURN WATERSHED SAMPLING LOCATIONS



LEGEND

- SAMPLE POINTS
- WATERSHED LINE
- SUB-WATERSHED LINE
- TOWN LINE

0 1,600 3,200
1 inch = 1600 feet



In-lake phosphorus samples

Year	Day	Date	Time	Location Site #	CORE	Depth M	Total P ug/L	Ortho P mg/L
2023	124	5/4/2023	750	12-4M	CORE	4	12	<1
2023	124	5/4/2023	755	12-4M			9	1
2023	124	5/4/2023	825	30-9M	CORE	9	12	1
2023	124	5/4/2023	830	30-9M			9	1
2023	124	5/4/2023	840	29-9M	CORE	9	12	1
2023	124	5/4/2023	845	29-9M			10	<1
2023	124	5/4/2023	850	32-10M	CORE	10	11	1
2023	124	5/4/2023	855	32-17M			9	<1
2023	124	5/4/2023	900	31-10M	CORE	10	13	1
2023	124	5/4/2023	905	31-27M			9	1
2023	124	5/4/2023	915	8-10M	CORE	10	9	1
2023	124	5/4/2023	920	8-33M			8	1

There are 6 sampling stations in Lake Auburn (see map for reference). They are listed in the Location Site # column. Water is collected at each site using two different methods to test for phosphorus. One method is a Core sample (noted in the table), the other is a grab sample. A Core sample collects water from the surface down to the depth noted in the table. A grab sample collects water from the bottom depth at each sampling station, noted in meters in the Location Site #. Total phosphorus is shown as Total P and is measured in micrograms per liter (ug/L). This is a measure of all forms of phosphorus present in the water. Orthophosphorus is shown as Ortho P and is also measured in micrograms per liter. Ortho P is a measure of “available” phosphorus, particularly which can be used by algae to grow.

The Total P numbers listed are within the normal range for what we have seen in the lake in years past. When Total P numbers get above 15 ug/L that is starting to get elevated. Ortho P typically will range from <1 to 4 ug/L, with 4 ug/L being high.

Phosphorus samples are collected by staff and then sent the State lab for analysis. Turnaround times for results can be over a month. These are all results we have received so far.

Tributary phosphorus samples

Year	Day	Date	Time	Location Site #	Total P ug/L	Ortho P mg/L
2023	103	4/13/2023	715	25	16	2
2023	103	4/13/2023	720	2	10	1
2023	103	4/13/2023	725	23	12	2
2023	103	4/13/2023	730	3	4	1
2023	103	4/13/2023	740	4	7	2
2023	103	4/13/2023	750	13	7	<1
2023	103	4/13/2023	800	16	6	<1
2023	103	4/13/2023	810	27	7	1
2023	103	4/13/2023	820	18	8	1
2023	103	4/13/2023	830	17	8	1
2023	103	4/13/2023	845	26	11	3
2023	103	4/13/2023	850	B-1	52	2
2023	103	4/13/2023	900	R-2	14	1
2023	116	4/26/2023	705	25	47	3
2023	116	4/26/2023	710	2	15	1
2023	116	4/26/2023	715	23	15	3
2023	116	4/26/2023	720	3	6	2
2023	116	4/26/2023	725	4	9	2
2023	116	4/26/2023	730	13	9	1
2023	116	4/26/2023	740	5A	14	7
2023	116	4/26/2023	750	16	8	1
2023	116	4/26/2023	755	27	8	1
2023	116	4/26/2023	805	18	11	1
2023	116	4/26/2023	815	17	9	1
2023	116	4/26/2023	825	TBR	10	2
2023	116	4/26/2023	835	26	13	3
2023	116	4/26/2023	840	B-1	100	1
2023	116	4/26/2023	845	R-2	32	2
2023	121	5/1/2023	1030	25	78	6
2023	121	5/1/2023	1050	2	58	6
2023	121	5/1/2023	1220	4	20	4
2023	121	5/1/2023	1210	13	20	1
2023	121	5/1/2023	1150	5A	220	160
2023	122	5/2/2023	745	25	35	4
2023	122	5/2/2023	750	2	35	4
2023	122	5/2/2023	800	23	21	4
2023	122	5/2/2023	805	3	11	2
2023	122	5/2/2023	810	4	9	2
2023	122	5/2/2023	815	13	14	1
2023	122	5/2/2023	830	16	14	1
2023	122	5/2/2023	840	27	15	3
2023	122	5/2/2023	855	18	16	1
2023	122	5/2/2023	905	17	12	1
2023	122	5/2/2023	930	26	24	4
2023	122	5/2/2023	920	B-1	100	36
2023	122	5/2/2023	940	R-2	38	3

There are 15 routinely sampled tributary locations in the Lake Auburn watershed (see map for reference). They are listed in the Location Site # column. Sampling at each site depends on if there is water flowing in the tributary, so some weeks certain sites may be omitted, or others may be added. Water is collected at each site using a grab sample to test for total phosphorus and orthophosphorus.

Total phosphorus can vary greatly in tributary samples, often due to wet or dry periods of weather. The highlighted cells are elevated levels of total and orthophosphorus.

Please note: 5/1/23 was a major rain event that flooded Lake Shore Drive.

Sites B-1 and R-2 are part of the Blanchard Pond tributary system. Site 2 is the outlet of this system to the lake. Site 25 is the outlet of Townsend Brook to the lake. Site 5A is a stream that goes under Whitman Spring Road.

Phosphorus samples are collected by staff and then sent the State lab for analysis. Turnaround times for results can be over a month. These are all results we have received so far.

DATE	Secchi (m)
5/4/2023	4.4
5/9/2023	4.3
5/23/2023	5.1
6/1/2023	7.5

Secchi disk readings are a measure of water transparency. The readings tell you how clear the water, and are measured by how far down in the water you can see a black and white disk. The measurement is taken in meters. Early in the year after ice-out, it's typical for the readings to be below 10 meters. The further we get into summer, it's typical to see readings of 10 meters or above. All readings reported here are from the deep hole sampling station.

LAKE AUBURN WATERSHED PROTECTION COMMISSION
RULES OF ORDER
June 2023

Parliamentary Procedure:

LAWPC RULES OF ORDER shall be regarded by the LAWPC as the proper authority for parliamentary procedure in the conduct of its meetings. These rules represent a relaxed version of the Robert's Rules of Order.

A Motion and Second is required prior to discussion of any agenda item.

Members holding the floor shall be allowed to speak uninterrupted unless or until appropriate provisions of Roberts Rules are brought to bear.

A friendly amendment to the motion on the floor can be made by any Commission member by raising their hand and being recognized by the Chair. An amendment passes by majority vote.

A motion to postpone indefinitely or until a certain time can be made by any Commission member by raising their hand and being recognized by the Chair. A postponement passes by majority vote of five members. This method is preferred over tabling a motion for clarity and simplicity.

Executive Session:

The Chair or any member of the Commission can call an executive session for the following circumstances:

1. Executive Session regarding personnel in accordance with 1 M.R.S.A. § 405 (6)(A)
2. Executive Session regarding acquisition of real estate property in accordance with 1 M.R.S.A. § 405(6)(C).
3. Executive Session regarding legal rights and duties in accordance with 1 M.R.S.A. § 405(6)(E).

Notes may not be taken during executive session to ensure confidentiality is upheld.

Majority Vote:

All votes shall be by show of hands and all motions must be passed by a majority of the members (five) in order to constitute action on any matter.

Quorum:

A quorum is represented when five of the nine Commission members are present at a regular or special meeting.

Legal Advisor:

The Commission can hire a legal advisor at their discretion. The Commission may call upon the legal council at its discretion for clarification on any issue under its purview.

Any member of the Commission may request a legal opinion on a topic. The Chair and Vice Chair will decide if it is within the budget and will reach out to legal counsel for the opinion.

Meeting Minutes:

Any member of the LAWPC has the right to include comments, justification or further detail on any agenda item in the Minutes for the permanent record. Such annotations are encouraged.

Request for a Special Meeting:

Any member of the Commission can request a Special Meeting, but the Chair and Vice Chair will decide if one is necessary or the topic can be included in a regularly scheduled meeting.

Request for Topic for a Meeting:

Any member of the Commission can request a topic to be included in an upcoming meeting of the Commission. The Chair and Vice Chair will decide when the topic is included in a regularly scheduled meeting or a special meeting.

Authorization for Contract Awards, Amendments, and Change Orders:

The Commission authorizes the **Clerks**, after consulting the Finance Director, to approve contracts, contract amendments or change orders for the purchase of goods and services under the following conditions:

A. Contracts

1. The **Clerks** are authorized to process any contracts after confirming with the Treasurer and approval by the Commission.
2. When the amount of the contract recommended exceeds \$100,000, no less than two (2) competitive bids must be submitted for review by the LAWPC Commission unless a Waiver of Competition has been authorized by the Commission or an emergency has been declared as provide for in the Purchasing Policy.

B. Amendments or Change Orders

1. When the amendment or change order is necessary to ensure that the contract for goods or services is not delayed and that adequate funding is in place and no extenuating circumstances exist.
2. The amount of the amendment or change order is no more than ten (10%) percent of the contract price, with upset limit of \$25,000 for any single amendment/change order.
3. All amendments/change orders approved shall be forwarded to the Commission, for their ratification, at the next regular meeting.
4. Should the amendment or change order amount exceed the Section 2 level of authorization, a special meeting of the LAWPC shall be called by the Chair or the ranking member of the Commission if the Chair is not available.

Suspension of the Rules:

Any of the foregoing rules may be suspended, amended, or repealed by a majority vote of the Commission.

Roles and Responsibilities:

The Chair, Vice Chair and Secretary shall be appointed annually by majority vote of the Commission.

Chairperson

General duties include:

1. Setting the meeting agenda with the Vice Chair
2. Call a special meeting with the Vice Chair
3. Lead the meeting

Vice Chairperson

General duties include:

1. Setting the agenda with the Chair
2. Call a special meeting with the Chair
3. Lead the meeting in the Chair's absence

Secretary

General duties include:

1. Preview the minutes of the meeting before distribution to the committee
2. Co-lead the meeting in the Vice Chair's absence

The Treasurer will be approved by the Commission and shall remain in office until the Commission votes to make a change.

Treasurer

General duties include:

1. Maintain all budget documents
2. Pay invoices and bills
3. Create and maintain the annual budget
4. Provide financial support to the Commission

The Co-Clerks shall be by position: For Auburn Water District, the Superintendent, and Lewiston Water Division, the Deputy Director of Utilities. The Environmental Manager shall provide assistance as detailed below.

Co-Clerks

General duties include:

1. Report out to the Commission at each meeting on operational topics
2. Take the minutes of the meeting
3. Video record the meeting and post to the LAWPC website
4. Negotiate land acquisitions and bring it to Executive Session
5. Provide technical support to the Commission

Environmental Manager

General duties include:

1. Report out to the Commission at each meeting on environmental topics
2. Distribute the meeting agenda to the Commission
3. Post the meeting agenda and minutes on the LAWPC website
4. Provide administrative support to the Commission

MICHAEL E. CAREY | Partner
mcarey@brannlaw.com

April 10, 2023

Lake Auburn Watershed Protection Commission
c/o Camille Parish, Chair
268 Court Street
Auburn, Maine 04212
ekidd@awsd.org

**Re: New Development in the Lake Auburn Watershed after L.D. 2003, a New
Maine Law**

Members of the Lake Auburn Watershed Protection Commission,

The City of Lewiston writes to address a serious issue that could significantly increase development throughout the Lake Auburn Watershed, specifically, the passage of a new state law which significantly constrains municipal regulation of housing — one which has not been expressly considered in the environmental reports prepared to date.

The Lake Auburn Watershed Protection Commission recently recommended that the Trustees of the Auburn Water District develop rules and policies within the Watershed of Lake Auburn to implement 13 specific recommendations, based on the LAWPC's review of two recent reports by FB Environmental¹ and two peer reviews. Problematically, none of the reports discuss LD 2003, a new state law that will critically affect land use in the Lake Auburn Watershed. FB Environmental has specifically noted the effect of nutrient loading on Lake Auburn water quality but, to date, has not considered or at least discussed the impact of LD 2003.

Analysis of FB Environmental Associates

In its October 2021 report, FB Environmental Associates found that Lake Auburn “cannot handle much more additional nutrient load [e.g., phosphorous] without diminishing water quality and its associated benefits, . . . [and that] any additional development in Auburn has an

¹ FB Environmental authored three additional memoranda in December 2022, which are enclosed.

April 10, 2023

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outsized negative impact since its drainage area goes directly to the lake.”² It found that “a key constraint to development is the onsite septic system requirements in the Lake Auburn Watershed Overlay District Ordinance, which have been interpreted as a de facto prohibition of the installation of septic systems on sites with certain geologic and soil conditions.”³ “When combined with other zoning lot sizes and allowable use restrictions, the regulations have the effect of limiting new residential development in much of the watershed.”⁴ However, FB Environmental recommended removing the “key constraint to development” by revising the Auburn septic design standard in such a way that will allow previously non-buildable sites to become buildable.

FB Environmental acknowledged the “contradiction between 1) the recommended ordinance revision . . . that the septic design standard should be revised in such a way that will allow previously non-buildable sites to become buildable and 2) the conclusion from the environmental analysis that Lake Auburn will arrive at a tipping point of declining water quality by 2100 even in the absence of any pro-development changes (i.e., the “Business As Usual” scenario).”⁵ Finally, FB Environmental recommended that Auburn counteract the additional development by changing other ordinances.⁶

Since then, FB Environmental issued a Technical Memorandum to review ordinances proposed by the City of Auburn in May 2022.⁷ On October 17, 2022, Comprehensive Environmental Incorporated (CEI) published a peer review of the estimated phosphorus loads to the lake under various buildout scenarios that FB Environmental considered. CEI agreed with FB Environmental that no net environmental, economic, or social benefit supports the expansion of development in the Lake Auburn Watershed, and that more development cannot be allowed in the Auburn portion of the Watershed.⁸ Among other things, CEI recommended maintaining

² FB Environmental Associates *et al.*, *A Regulatory, Environmental, and Economic Analysis of Water Supply Protection in Auburn, Maine*, 59 (revised October 2021).

³ *Id.* at 7.

⁴ *Id.*

⁵ *Id.* at 59 - 60.

⁶ *Id.* at 58.

⁷ FB Environmental Associates, *Technical Memorandum on Modeling 2022 Proposed Ordinance Change* (August 1, 2022).

⁸ Comprehensive Environmental Inc., *Peer Review of FB Environmental Associates A Regulatory, Environmental, and Economic Analysis of Water Supply Protection in Auburn, Maine dated October 2021 and*

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the current septic system ordinance and made three additional recommendations.⁹ On December 20, 2022, FB Environmental responded to the CEI peer review.¹⁰ FB Environmental continued to support its October 2021 recommendation to update the septic ordinance.¹¹ However, FB Environmental did recommend three additional ordinances to protect Lake Auburn water quality that it had not recommended in October 2021.

L.D. 2003

After FB Environmental completed its October 2021 report, the State Legislature passed LD 2003 to increase availability and affordability of all types of housing in all parts of the State.¹² LD 2003 contains two new sections of state law that prevent municipalities from constraining housing development. The most critical new provision requires that a municipality “shall allow” an accessory dwelling unit on any lot with a single-family dwelling unit.¹³ By its terms, the new accessory dwelling unit statute applies to lots located in watersheds of water sources that have a waiver from the filtration requirements, and states that an accessory dwelling unit shall be exempted from any density requirements or calculations related to the area in which the accessory dwelling unit is constructed.¹⁴ The second new provision requires up to three dwelling units on a lot that is zoned for housing, though under this statute the municipality has some ability to establish density standards for dwelling units.¹⁵

Risk to the Waivers from Filtration Requirements

According to FB Environmental, the existing onsite septic system requirements constrain development in the Lake Auburn Watershed Overlay District. In October 2021, FB Environmental suggested that Auburn remove that constraint and adopt new ordinances to limit future development. After FB Environmental made this recommendation, however, the

the supplemental Lake Auburn Model Technical Memorandum dated August 1, 2022 at 1 (October 17, 2022) [the CEI 2022 Report].

⁹ *Id.* at 2-3.

¹⁰ FB Environmental Associates, *Response to CEI Peer Review of October 2021 Lake Auburn Study by FB Environmental Associates, Horsley Witten Group, and the University of Maine*, (December 20, 2022).

¹¹ *Id.* at 4.

¹² P.L. 2021, ch. 672, (L.D. 2003).

¹³ 30-A M.R.S. § 4364-B.

¹⁴ *Id.*

¹⁵ *Id.* § 4364-A.

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Legislature removed a municipality's ability to limit development in areas where housing is allowed. The effect is that Auburn may not have the power to limit future development as FB Environmental suggests.

The portion of the Watershed located in the City of Auburn currently contains 419 dwellings.¹⁶ The changes proposed by FB Environmental could result in the construction of an additional 85 to 390 dwellings, depending on which FB Environmental report is followed.¹⁷ These increases do not include any account of the effects of LD 2003. Critically, if the City of Auburn were to adopt the changes to the septic design standards proposed by FB Environmental, there could be an additional 500 to 800 accessory dwelling units in the Watershed plus additional dwelling units pursuant to 30-A M.R.S. § 4364-A.

The Lake Auburn Watershed Protection Commission should initiate a CEI review of the effects of LD 2003 on future development in the Lake Auburn Watershed, if the City of Auburn were to adopt the changes to the septic design standards proposed by FB Environmental.

Very truly yours,
BRANN & ISAACSON



Michael Carey

Enclosures are available at:

<https://brannlaw.sharefile.com/d-s64df85b73873493fa490c41ce2d30846>

¹⁶ CEI 2022 Report at 13 (Table 1) to 15 (Table 3).

¹⁷ *Id.*

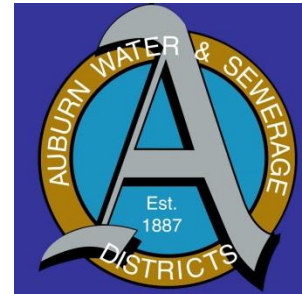
Index of Relevant Documents (Partial)

The following documents are available at:

<https://brannlaw.sharefile.com/d-s64df85b73873493fa490c41ce2d30846>

1. Comprehensive Environmental Incorporated, *Lake Auburn Watershed Septic System Analysis*, October 29, 2009.
2. FB Environmental Associates, et. al., “A Regulatory, Environmental, and Economic Analysis of Water Supply Protection in Auburn, Maine,” updated October 2021.
3. FB Environmental Associates, *Technical Memorandum on Modeling 2022 Proposed Ordinance Change*, August 1, 2022.
4. Comprehensive Environmental Inc., *Peer Review of FB Environmental Associates A Regulatory, Environmental, and Economic Analysis of Water Supply Protection in Auburn, Maine dated October 2021 and the supplemental Lake Auburn Model Technical Memorandum dated August 1, 2022* at 1 (October 17, 2022).
5. Comprehensive Environmental Inc., *Peer Review of FB Environmental Associates – Background Information*, (October 17, 2022).
6. v Comprehensive Environmental Inc., *CEI Evaluations of AWD Questions 8/8/2022 Memo & City of Auburn Responses 8/18/22 email* (October 17, 2022).
7. FB Environmental Associates, *Revised Lake Auburn Watershed Delineation – Response to Peer Review*, December 14, 2022.
8. FB Environmental Associates, *Revised Lake Auburn Watershed Delineation – New Topographic Data Review*, December 14, 2022.
9. FB Environmental Associates, *Response to CEI Peer Review of October 2021 Lake Auburn Study by FB Environmental Associates, Horsley Witten Group, and the University of Maine*, December 20, 2022.
10. P.L. 2021, ch. 672, (L.D. 2003).

Auburn Water and Sewer Districts



MEMO

To: Camille Parrish LAWPC Chair, Rick LaChapelle LAWPC Vice Chair
From: Michael Broadbent AWSD Superintendent
CC: AWD Trustees, LAWPC Commissioners, Erica Kidd, Kevin Gagne, Eric Cousens
Date: May 18, 2023
Re: Lake Auburn Watershed Protection Commission Letter of Recommendation.

Camille/Rick,

The Auburn Water District would like to thank the Commission for all of its efforts to protect the waters of Lake Auburn.

The District is in receipt of the March 3, 2023 LAWPC letter of recommendations. At the trustee meeting of May 17, the AWD trustees voted to support the efforts of the City of Auburn to develop and implement the recommendations specific to Auburn. The Trustees would like to work with the Commission and our partners at the City of Auburn and the City of Lewiston to develop and implement the recommendations specific to the entire watershed.

Let's continue discussions through an ad-hoc committee with equal representation from all parties to develop policy that meets the objectives of the recommendations.

A handwritten signature in blue ink, which appears to read 'Michael Broadbent', is located at the bottom left of the page.