 TOWN OF EAGLE LAKE

**BOARD OF SELECTMEN /**

**PLANNING BOARD MEETING**

**WELLHEAD PROTETION ORDINANCE**

**April 4, 2023**

1. The meeting was called to order by Board Member Brian Devoeat 5:30 p.m.

Board of Selectmen members present included: Brian Devoe and Raymond Saucier.

Planning Board members present: John Martin and Tom Roy

Others in attendance were: Town Manager John Sutherland and Eagle Lake residents Lois

Roy, Apryl Gagnon and Phil LeBoeuf.

2. REVIEW AND DISCUSS THE PROPOSED WELLHEAD PROTECTION ORDINANCE

WITH MEMBERS OF THE PLANNING BOARD

Planning Board Chair John Martin stated that the purpose of this meeting is to discuss the

Wellhead Protection Ordinance. John added that the ordinance should have been enacted prior

to the construction of wells that provide the municipal water supply. The fact that we have no

ordinance concerns the members of the Drinking Water Program. The federal government has

invested two million dollars into our municipal water system. Most of the items in the

Wellhead Protection Ordinance already exist in Shoreland Zoning. John added that we also

must be aware that any pollution in the lake can enter into the municipal wells. John stated

that there are limited concerns from the wells to the lake. It is the area above the wells that

that are causing concerns.

John stated that the primary property owners around the wells are the Eagle Lake Water and

Sewer District and Phil LeBoeuf. Any work in the protected area would require a permit like

working in the Shoreland Zone. Eagle Lake Code Enforcement Officer Michael Rochester

will be handing the permit applications. John explained that a chart in the ordinance will help

explain what is allowed and what is not allowed in the protected area. Eagle Lake resident

Phil LeBoeuf stated that the ordinance states that if the Town of Eagle Lake needs legal

advice on a permit then the full cost is obligated to the applicant. John replied that it is

similar to the requirements of the Shoreland Zone and we have not had a legal issue in the

Shoreland Zone. John added that if we do not adopt an ordinance then the DEP can step in.

Issues are easier to deal with at the local level.

Eagle Lake resident Louis Roy asked what if I want to put up a hoop house or a greenhouse

on my property. John replied that he will need to get a permit prior to building. John added

that the concern is what chemical and fertilizers that would be used. Louis stated that he felt

that the ordinance is too restrictive and that a length of 31 pages is ridiculous. John replied

that the permit will inform the Planning Board on what the property owner is planning to do.

If you have any further questions, a resident could follow up with the DEP. Louis stated that

the ordinance will limit how much of his property he could pave if he desired. Phil LeBoeuf

stated that according to the chart paving is restricted in the protection area. Louis added that

the chart states that a resident in the restricted area cannot wash his car. Eagle Lake

Selectman Brian Devoe replied that it was changed to state No Commercial Car Washes in

the protected zone. He added that the package was put together by Maine Rural Water and

the Pesticide Board. It is not written in stone. Brian said that when push comes to shove,

we will have to work with the property owners who will be affected by the ordinance.

Brian added that a future meeting with members of the Board of Selectmen, Planning

Board and local property owners who will be affected by the ordinance to come up with

an updated ordinance that everyone will be happy with. John Martin added that he will

contact DEP to see what the minimal standards are for a protection area. John stated that

the DEP can say that this is what you will do. John added that the DEP took the Eagle Lake

Water District out of the river because they did not want to go after every property owner

whose property bordered the river. Phil LeBoeuf stated that since 2009 the water from the

wells is tested every week and it has always passed. John agreed and added Maine Rural

Water wants to keep it that way. Phil replied that the application is burdensome and the list

of requirements is long. John said that he will talk to Maine Rural Water and see what other

towns have done. They wanted the Town of Eagle Lake to adopt a similar ordinance but it

did not get done. He added that the purpose of the meeting is that we have to do

something. We cannot have people applying pesticides to this area. Certain greener

chemicals can be approved. Eagle Lake resident Louis Roy asked what was more harmful,

pesticides or goose droppings. Phil stated that he would like to start with the bare minimum

and go from there. John Martin replied that he will reach out to DEP and get their response.

Eagle Lake Selectman Raymond Saucier asked if we will be able to stop the railroad from

spraying along the tracks that are in the protection zone. John replied that he would like

them to stop spraying from Eagle Lake to Winterville. Phil added that there are tanker

loads of chemicals travelling over the tracks that are in the protection area. John replied

that local trains travel slower than they do out west. They typically travel around 15 miles

per hour. Sometimes we have no choice, they have to use the tracks to move chemicals.

Raymond Saucier asked if we can inquire about fertilizers. John replied that there are some

that can be used. Brian added that for spraying in the Shoreland Zone, the property owner

needs to notify the Town what they are spraying and when it will be sprayed. Louis Roy

added I cannot use any water from the wellhead and I live nearby. Brian Devoe said that

the service was offered to residents that lived on Furlong Road but they refused.

Phil asked about the procedure for the Town of Eagle Lake to take over the maintenance of

Furlong Road. Brian replied that the residents need to sign a petition and take it to town

manager John Sutherland. John will forward it to the Board of Selectmen. The Board will

schedule a public hearing on the topic and place the issue on a municipal warrant for town

meeting consideration.

John Martin urged the need to get back on topic. He stated that going forward we will need

to get information from the other communities and the DEP, get copies made of the

information gathered, get a hold of land owners to discuss their concerns and get the

information to town manager John Sutherland. The Town Manager can then forward the

collected information to the Board of Selectmen, the Planning Board and the affected land

owners. This needs to be done before we have the public hearings. John added that we can

not drag the process out for too long. The DEP is watching. John reminded the crowd that

the DEP has taken over managing the Shoreland Zone in other towns that failed to maintain

their Shoreland Zone Ordinance. Town Manager John Sutherland stated that our goal

should be to create a document that protects the wells and that will be approved by the

residents at town meeting. Brian Devoe added it took two years to find the wells. We need

to protect the town’s drinking water. Phil LeBoeuf agreed with protecting the town’s

drinking water but added that he would prefer an ordinance with the bare minimums. John

Martin stated that we need to get landowners on the same page. We can’t drag the process

out for years. Eagle Lake Selectman Raymond Saucier asked how many landowners would

be affected. Eagle Lake Selectman Brian Devoe replied that the circle goes up to Phil

LeBoeuf’s hotel, to the middle of Reed Devoe’s house and includes the apartments on

Summer Street. Brian added that the primary recharge could take up to one month to reach

the direct recharge area. Pesticides could show up and it would be difficult to determine

where it came from. Phil LeBoeuf stated that we have gone 14 years with no issues. Brian

replied that we are here today to protect the system that supplied our municipal drinking

water. John Martin replied that everyone needs to be comfortable with the proposed

ordinance but the ordinance must be able to protect the water system. Eagle Lake Brian

Devoe added as soon as we can get additional information we will send it out to property

owners. John Martin finished by stating Just remember, we have to do it. But what we have

is a draft that is over twenty years old.

The Board of Selectmen and Planning Board concluded the meeting.

3. OTHER BUSINESS

There was no other business to discuss.

4 ADJOURN

The Board moved to adjourn at 6:05 p.m.