

To: Members and Staff of the Blue Hill Planning Board

Wilson King
Emily Cushman
Diana Page
Gavin Riggall
Marcia McKeague
Matthew Martin
Scott Blanchard
Bryce Emerson (code enforcement officer)

From: Supporters of Save the Blueberry Barrens

Date: September 9, 2024

Please accept and review this submission, which identifies and documents multiple reasons why we believe the proposed subdivision project on the Salt Pond blueberry barrens should not be approved.

Our group – Supporters of Save the Blueberry Barrens – consists of many local citizens, both fulltime and seasonal residents, who care about this issue. A number of us contributed to the content of this report. We have listed just a few of the contributors' names below.

Thank you for your consideration of this.

Tim Dawson, Blue Hill
Geoff Bailey, Blue Hill
Larry Lefkowitz, Blue Hill
Steele Hays, Blue Hill

Summary

This document will review a number of the Subdivision Review Criteria and speak to how the current proposal does not comply with them.

In addition, the Town of Blue Hill's 1999 Comprehensive Plan, which is now in effect, has a number of guidelines that are relevant to the proposed subdivision project on the Salt Pond blueberry barrens.

Our summary is:

The developer has pushed virtually all the most problematic parts of the proposed development onto future unsuspecting buyers and the Blue Hill Community.

Below are seven specific reasons this project application should be rejected. Each is listed under the applicable category of the Review Criteria.

Pollution

There have been no studies done on the potential herbicide contamination of this site from past blueberry cultivation or the implications for aquaculture, wildlife and human health from possible water contamination.

Sufficient Water

The groundwater analysis in the proposal is fatally flawed by not factoring in total impervious surfaces to the recharge rate.

Erosion

There is no proposed plan to mitigate already-occurring erosion or a sufficient storm-water plan to preclude future erosion which is likely to occur from the proposed development, especially through the wetland at Study Point 1.

Aesthetics, Cultural and Natural Values

The proposal takes a very narrow view of these important values, probably because it couldn't satisfy a more complete look at what these values truly mean. A broader understanding reveals the weakness of their proposal.

Conformity to Local Ordinances

Section 9 of the review criteria gives the Planning Board broad power to interpret not only the Subdivision Review Criteria but also the 1999 Comprehensive Plan—whether the application “conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan.” We believe that the application does not meet this standard.

Groundwater

A project of this size and potential for failing to have adequate clean water across all 9 lots cannot be accepted. Between questionable recharge rates, potential herbicide contamination, and nearby neighboring wells with salt water intrusion, this criteria has not been satisfied

Storm-water

When looked at as a whole, the developer's plan is unacceptable and does not protect the lots or the surrounding areas of the Salt Pond from potential damage both in the initial subdivision phase, but certainly in the later phase of development of the lots.

Review criteria #1

Pollution

The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider: A. The elevation of the land above sea level and its relation to the flood plains; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).] B. The nature of soils and subsoils and their ability to adequately support waste disposal; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).] C. The slope of the land and its effect on effluents; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).] D. The availability of streams for disposal of effluents; and [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).] E. The applicable state and local health and water resource rules and regulations; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).]

The Submittal does not deal with the water and sediment-borne pollutants such as the long historic use of pesticides and herbicides on this site. The pollutants are susceptible to movement across the surface in runoff from rainwater and sediments, especially during the disruptive site development. One herbicide in particular (Velpar) is implicated in affecting groundwater in aquifers across the state on and around blueberry fields. This also relates directly to Criteria 12 (Groundwater).

Several state and non-profit agencies are trying to monitor and understand Velpar's dangerous implications, including: Maine Board of Pesticides (MBPC); Maine Sea Run Salmon Commission (MSRSC); Dept. of Marine Resources (DMR); Maine Blueberry Commission (MBBC), and the Maine Organic Farmers and Growers Association (MOFGA).

The 1999 Comprehensive Plan concludes; "The primary non-point sources of pollution in Blue Hill are runoff from roads and streets, camps, and agriculture." And the Plan singles out the area abutting the lot in question for special consideration and protection due to its impact on the local aquaculture industry:

The middle basin of the Pond, maintenance of water quality needed particularly along the western and southern shores and in areas where streams enter the Pond.

At the very least, the town should require an independent assessment of the potential for pollution and erosion damage resulting from the proposed development.

Review criteria #2

Sufficient Water

The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).]

The Recharge rates in the submittal to the Planning Board are incorrect. They do not account for greatly increased impervious area (or to any existing impervious surface). Also, the faster velocity and increased volume of runoff will diminish available water for recharge.

Future lot owners will bear the brunt of potentially inadequate water over the years as well as possible herbicide contamination. Neighbors on Allen Point already have salt water intrusion in their groundwater, yet they were not included in the survey of surrounding well productivity.

Review criteria #4

Erosion

The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).]

The site-specific Erosion and Sedimentation Control Plan only deals with the construction phase of the project, while the permanent storm-water management system only deals with the paved access road. All other lots and driveways will simply drain across the site without any further mitigation measures.

An independent consulting engineer has stated that this lack of a comprehensive plan will allow increased warmer waters, sediments and pollutants to flow into the Salt Pond tidal flats with negative downstream effects on aquaculture, fisheries and wildlife.

He also concluded that the increased speed and volume of runoff will likely erode and channelize the wetland at Study Point 1. In fact, significant channelized erosion is already apparent just above and into this wetland.

The 1999 Comprehensive Plan page 42, Map of Soils shows this site is highly erodible.

The developers' proposal flatly states that there will be no erosion of this wetland by the increased runoff. As anyone who has visited the site can see, this is a highly erodible wetland already. This projects increased runoff will only cause more channelization.

Review criteria #6

Sewage Disposal

The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW); PL 1989, c. 497, §8 (AMD).]

Thin soils, high groundwater and absence of information on specific slopes at test sites (see applicant's test site reports) are causes for concern. These will be individual applications, whereas it's actually a planned development with 9 large septic fields on highly erodible slopes.

See 1999 Comprehensive Plan pages 2 and 16 about Salt Pond sensitivity, and page 42 for 2 Soils Maps. One shows this parcel has highly erodible soils, the second shows that this parcel has low potential for low density development.

Review criteria #8

Aesthetic, cultural and natural values

The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW); PL 1989, c. 497, §8 (AMD).]

In the section on “Preserving Blue Hill’s scenic qualities and its valuable natural resources,” the 1999 Comprehensive Plan “provides policy guidelines and direction for the administration of the town’s land use regulations and ordinances.”

It clearly states that “development and growth should be limited on most of the seashore, and the areas in and around the villages of East Blue Hill, Blue Hill Falls, and South Blue Hill. The town intends to encourage growth near and around Blue Hill Village as identified in the Environmental Opportunities and Constraints Map.”

The Plan singles out the Salt Pond’s value, saying: “the Salt Pond is a unique piece of coastline that has considerable natural resource value and is also important as an aquaculture site.”

In addition, the Salt Pond Blueberry Barren’s inclusion as part of the Downeast Coastal Scenic Inventory singles the area out as a site of rare and irreplaceable value.

The current application fails to protect the both unique character of the site or the right of public access.

A. Aesthetics

The developer states that scenic and natural values will be minimally disrupted by topography and careful siting of houses, but public submittals have graphically shown that the natural scenic values will be tremendously degraded by these 9 houses with long driveways and a new paved road. The applicant’s illustrative cross section seems designed to show little visibility of the project from one location on the road and is wildly inaccurate as any thoughtful review of the site will reveal. In addition to the inaccurate claims about the visibility of the project from Route 172, (or any other road or public lands) we would point out that Carleton Island is public as well as the waters of the Salt Pond.

The island is used by the public for picnicking, sunbathing and general enjoyment of our natural world. If this project were to go forward, the public would also have the “enjoyment” of seeing all 9 houses and driveways spread across this formerly iconic site.

The developer proposes that his control over the buildings’ exterior materials, and encouragement to keep, if possible, the glacial erratic boulders and blueberry bushes is

sufficient to maintain the beauty of this iconic place. This is awfully “weak tea” as a nod toward aesthetics. This land is currently an open, wild landscape with the Salt Pond, islands, and distant views toward Acadia framed by the glacial erratics.

B. Historic Site

The same engineering company that put the entire proposal together has conducted the archaeological studies “in-house.” When they didn’t uncover any physical artifacts on initial study, they recommended no further review. Their assumption is that the entirety of historic, cultural relevance and continuity is negated by lack of artifacts on this first study. In fact, the blueberry barrens are a known indigenous heritage site. The 1999 Comprehensive Plan states:

The focus in Maine is on prehistoric (Indian) archeology. Most of these sites are located in Blue Hill Village and Salt Pond areas. Care should be taken that these sites are protected.

Cultural values are also represented by living peoples, as exemplified by multi-generational families both indigenous and otherwise who know and revere this place.

C. Significant Wildlife Habitat

Current understanding of significant habitat doesn’t just focus on individual endangered species. We now know that the very fabric of intact wild habitat is critical to all wildlife. This site is an important part of the larger Salt Pond ecosystem and provides a critical wildlife corridor up through 1st Pond and beyond. A letter from Department of Fisheries & Wildlife that the developer included in his application stated “Please note that as project details are lacking our comments should be considered preliminary.” To be clear, the Department of Fisheries & Wildlife has now reopened its investigation, at the request of the Planning Board, once the full plans were available. This reassessment is still on-going.

D. Rare and Irreplaceable Natural Areas

The application was only looked at toward identifying any individual rare botanical features. We see the entire site as a rare and irreplaceable natural area as supported by its inclusion in the Downeast Coastal Scenic Inventory as well as the testimony of hundreds of local residents over the past few weeks.

E. Public Rights for Physical or Visual access to the Shoreline

The 1999 Comprehensive Plan states: “There is much in Blue Hill that the public has historically enjoyed either on foot, from the water, or out the car window. However, the “informal” rights of public access are evaporating. The town should expand public access to the shore, waters and resources of Blue Hill Bay, the Ponds and coastal islands.”

The Declarant denies any permanent rights to access. The HOA covenant allowances do not have the force of law and can be revoked at any time.

The long prior history of this site has included access for elverers and fishermen as well as general access for passive enjoyment. This has been a traditional rural Maine cultural practice that will be denied to future generations if this project is approved.

Review criteria #9

Conformity with local ordinances and plans

The proposed subdivision conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;

[PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).]

Review criteria 9 gives the Planning Board broad latitude to assess the current proposal against not just the Subdivision Review criteria, but also the 1999 Comprehensive Plan. We believe that the current proposal fails both and should be rejected.

Review criteria #11

Surface waters

Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, chapter 3, sub-chapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

A. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.

(1) To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.

(2) The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, chapter 3, sub-chapter I, article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 4401, subsection 1, on September 23, 1983; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).]

The Applicant claims this development will not adversely affect the quality of that body of water or affect the shoreline. We believe that this project will have significant negative effects as stated in detail in other portions of this submittal, and detailed under criteria 1 and 4.

Review criteria #12

Ground water

The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW); PL 1989, c. 429, §1 (AMD); PL 1989, c. 497, §8 (AMD).]

As made clear in our response to Criteria 2, recharge rates to the groundwater aquifer are significantly overstated. Plus the herbicide Velpar, among others, that were applied on this land since at least the 1930's, is a strong candidate for infiltration in to the aquifer. Because of the doubts about quality and quantity of available water, this project must be rejected.

Review criteria #16

Storm water

The proposed subdivision will provide for adequate storm water management; [PL 1991, c. 838, §12 (AMD).]

The only part of this development that has a storm-water plan for the completed project is the paved access road. But even this has question marks given the vertical 5 feet of underlying fill needed in low-lying areas of the topography under the proposed road. This is difficult to protect from erosion during large storms. The 9 houses and driveways only have storm-water mitigation for the construction phase, nothing for the completed project. The developer's application outlines the large increase in runoff through the wetland between lots 6 and 7 at the project's conclusion of construction. The existing erosion is already apparent here and the developer has explicitly stated he has no plans for any mitigation in this area.

The developer is claiming to only be the developer of an access road with 0.95 acre of new impervious surface. By keeping the proposed road area just under one acre, he avoids the stricter State Storm-water Law that certainly should apply to this project.

In saying that each future lot owner will be their own developer, everyone skirts the State Storm-water law and a large subdivision gets built without sufficient mitigation or oversight. He further "gives away the game" by restricting each lot owner to using him as the preferred builder on pain of having to pay him \$25,000 if they use anyone else. And if they don't use him they also have to post a \$20,000 escrow account to ensure they landscape as he wants. He clearly wants to do this development, but is skirting State law and our subdivision ordinance.

Maine DEP is very concerned about this proposed project. According to a State Storm-water engineer in the department, "We sometimes see attempts like this to skirt our regulations from developers in southern Maine." The DEP is currently working on how to implement State Storm-water Law in response to some developers' attempts to skirt necessary mitigation efforts through technicalities.

Review criteria #19

Adjoining Municipalities

For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located; and [PL 2003, c. 622, §3 (AMD).]

This subdivision does not cross municipal boundaries, excepting the increased runoff that will affect the Salt Pond's health. Sedgwick and Brooklin both have water frontage on the Salt Pond and therefore an interest in the good oversight of this project.

Conclusion

In conclusion, it is clear that this development is proposed on a problematic building site that is also an important cultural and aesthetic site for the surrounding community of the Peninsula.

The developer has pushed all the most problematic parts of the development on to future unsuspecting buyers and the Blue Hill Community.

Given these reasons, this development is not in compliance with the Blue Hill Subdivision Ordinance. We strongly believe this project must be rejected.

Thank you,
Save the Blueberry Barrens

Kristin M. Collins
kcollins@preti.com
207.791.3292

August 14, 2024

Town of Blue Hill
Attn: Planning Board
18 Union Street
Blue Hill, ME 04614

RE: Salt Pond Road Development

Dear Planning Board members:

I represent Larry Lefkowitz and Lucy York Streuver, both nearby neighbors of the proposed development. Mr. Lefkowitz is a direct abutter and owns a home at 406 Salt Pond Road and Ms. York owns a home at 48 Allen Point Lane, in direct line of site of the development. This letter summarizes for the record issues that I will be speaking about during the August 14, 2024 public hearing.

Issue #1: Pollution / Sewage Disposal

The development site is located on high, ledgy ground, adjacent to Salt Pond. Salt Pond, as detailed in the Town's recently submitted Comprehensive Plan, is designated as "impaired" due to bacteria. The Comprehensive Plan provides that, "in the case of Salt Pond, the apparent criteria underlying its classification as "Threatened" were two indirect indicators of nonpoint source (NPS) pollution." It goes on to state that "Salt Pond (and Carleton Stream flowing into it) should be a focus of continued efforts to identify the nature of any NPS pollutants and, if identified, to mitigate the flow of these pollutants into these water bodies."

According to the Environmental Protection Agency, "NPS is caused when rainfall or snowmelt, moving over and through the ground, picks up and carries natural and human-made pollutants, depositing them into lakes, rivers, wetlands, coastal waters, and groundwaters. Increased precipitation from extreme weather will compound NPS pollution."¹ It derives from fertilizers, oil, grease, chemicals, sediment from construction sites, salt, and bacteria from faulty septic systems. *Id.*

The Planning Board is not expected to have the expertise to be able to evaluate the applicant's stormwater submissions, and should not do so. This is an area in which the Planning Board absolutely must have the assistance of an independent peer review to determine whether the project as presented will have undue water pollution. But on its face, the development plan seems to present a significant risk to the already imperiled water quality of Salt Pond. There is no way to prevent failure from among the nine individual septic systems, nor to adequately police a development's use of salt, fertilizers, pesticides or other chemicals. The development

¹ <https://www.epa.gov/nps/basic-information-about-nonpoint-source-nps-pollution>

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itself, including all of the disturbance of earth during the construction process, is a guaranteed driver of NPS. Where Salt Pond is of such critical importance to the people and environment of Blue Hill, and is already imperiled, no potential risk to the watershed should be overlooked or tolerated. The applicant's narrative on pollution notably focuses on suitability of the soil for its planned septic system, but nowhere addresses the potential for NPS coming from the site and how that would be prevented. The proposal for nine individual septic systems is by no means the most innovative and environmentally protective means of sewage disposal available, and should be rejected in light of the imperiled status of Salt Pond.

Issue #2: Erosion and Sedimentation

The applicant has submitted an Erosion and Sedimentation Control Plan. Again, given the high sensitivity of the area and the obvious risk of erosion and sedimentation, the Planning Board should not proceed to findings regarding these standards without having heard from an independent peer reviewer. Residents should not have to bear the burden of obtaining professional assistance to evaluate these risks, especially when the applicant is required by ordinance to pay for technical assistance to the Board.

Issue #4: Aesthetic, Cultural and Natural Values

The applicant states that the project was designed to protect the scenic beauty of the site and the area, and asserts that "the majority of the proposed road will not be visible from Salt Pond Road due to existing topography." The applicant does not address visibility of the houses that will be built within the development, nor of the cars, accessory structures (including ADUs, as now permitted by law), and other visible indicia of development. Members of the public have provided the Planning Board with visual impact models that should be relied upon, in addition to the Planning Board's own knowledge of the area and the places from which the development will be seen.

The recently submitted Comprehensive Plan lists the Allen Point viewpoint on the Salt Pond as being a site of scenic value. As with the water pollution concerns, we are starting from a point of heightened concern regarding the importance of these scenic areas to the town and its residence. Planning Board members should not feel that they cannot bring their subjective views about the aesthetic and natural value of this property into the discussion. Maine courts have consistently noted that "whether a particular development has an 'undue adverse effect on the scenic or natural beauty of the area' necessarily depends upon the perspective of the individual making the determination." *Conservation Law Foundn. v. Town of Lincolnville*, 2001 ME 175. Courts have upheld planning board denials on the basis of visual and scenic impacts where the development infringed on views identified as significant in a town's comprehensive plan. See *Lincoln Home Corp. v. Newcastle*, AP-02-002 (Lin. Cty)²; and *Grants Farm Assoc. v. Town of*

² The Town of Newcastle has approved the comprehensive plan in which it seeks to preserve its beauty as a matter of public welfare. It has decided that the restoration, preservation and enhancement of scenic beauty adjacent to its public ways is within the public welfare and fills the social need with the concept of natural scenic beauty and is a sufficiently definite concrete image when tested objectively so as to provide an adequate standard. The members of

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Kittery, 554 A.2d 799 (1989) (also upholding denial of a project in part on the scenic and aesthetic values standard).

The applicant has failed to demonstrate that it has designed its development to minimize impacts on scenic views and aesthetics of the area. Starting from the premise that the applicant has no inherent right to nine homesites, there is always the ability to significantly reduce the size of the development, or to relocate development further out of the viewshed. Beyond that, the applicant has not demonstrated that new buffering will be placed to soften and minimize the visual impact of the development. The applicant has not met its burden to show compliance with the standard, and the project must be denied under this standard. There is no need to further evaluate the other standards if it is clear that this one cannot be satisfied.

Issue #5: Wildlife Habitat

The applicant's materials show that neither the State nor the Town have any reliable information regarding wildlife habitat on the development site. Again, common sense indicates that a large, undeveloped area along the shore of an important water body provides a habitat and refuge for a wide range of species (note the subdivision standards do not define what is "significant"). There is no reliable information regarding the wildlife habitats located within the parcel. The Planning Board must require the applicant to perform a complete wildlife habitat survey before proceeding with any findings of fact on this standard.

Although the Maine Natural Areas Program confirmed that a tidal waterfowl and wading bird habitat is mapped along the shore and that "the project be designed to provide as much undisturbed buffer as possible to protect the habitat," the applicant begs out of that responsibility, stating that "an undisturbed buffer is not possible" due to prior disturbance at the shoreline. Installation of new vegetated buffer is always possible, and should be required in line with MNAP's recommendation. Past development is not an excuse for failure to do everything possible to protect natural areas, habitats, and views.

Conclusion

It is not hyperbole to state that this might be the most significant and impactful development Blue Hill has seen, at least in a long time. The vocal turnout in opposition to the development demonstrates the gravity of the Planning Board's task. The Planning Board should consider this development not just with the eye to the subdivision standards that are in place, but with consideration to the lack of other standards that are in place, such as the zoning that will be developed in accordance with the Comprehensive Plan. It is hard to imagine that the zoning standards ultimately adopted would allow this type of development in this sensitive and highly important area. The Planning Board must deny this application, as it fails to meet the approval

the Newcastle Planning Board were familiar with the ordinance and the area in question. They visited the site on more than one occasion. They reviewed all materials submitted to them, including photographs. They had a full discussion with intercourse with a professional architect representing the Lincoln Home. It is clear that the Board fully and conscientiously considered the issue before it made its final decision."

PRETI FLAHERTY

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standards in its current form. To the extent further consideration is to be given to the submission, the Planning Board cannot proceed until it has adequate peer review materials in hand and consultants available to provide guidance and answers to the Planning Board's and public's questions.

Sincerely

A handwritten signature in black ink, appearing to read "K. Collins", written in a cursive style.

Kristin M. Collins

Save the Salt Pond

Kathy Kling <kling@bluehillme.gov>

Fri 9/6/2024 3:06 PM

To: Bryce Farnham <bfarnham@bluehillme.gov>

Dear Members of the Planning Board

I drive past the Blueberry Barrens and Salt Pond almost daily and it used to be such a joy for me. Now when I drive past, it breaks my heart to think of that gorgeous landscape being lost forever to senseless development.

I have recently been reading Ben Emory's book, *Sailor for the Wild: On Maine, Conservation and Boats*. If you haven't read it - I highly recommend it. Amongst the writing on boats is an historical narrative of the conservation effort in Maine. The amount of time, energy and money that has been devoted to land conservation over the last 50+ years begs the question of whether a developer from out of this region should be permitted to build luxury housing and the attendant infrastructure. Does this benefit our community at all?

I could not express the benefits of land conservation any better than is written in this book and I copy it below.

- Preserving beautiful scenery and natural wildness
- Preserving habitat for flora and fauna
- Preserving public access to land and water for outdoor recreation
- Protecting water quality, fresh and salt, with vegetative buffers
- Protecting wild forests and farms
- Protecting working waterfronts
- Preserving areas for scientific research and for education
- Guiding where development goes
- Complementing government land use regulations
- Maintaining "Quality of Place"
- Enhancing sense of community, maintaining traditions, and building community pride
- Enhancing resilience of ecosystems to the warming climate

Additionally and finally Maine Coast Heritage Trust in collaboration with the Maine Association of Conservation Commissions tied land conservation to public economic benefit. Conserving Open Space was found to be far less of a burden on a town's budget than providing the services required for housing subdivisions.

Thank you for your consideration,

Kathy Kling Fearey
Sedgwick, Maine

My kid that looks like Sal with the real life Sal

molly schiot <

Fri 9/6/2024 4:20 PM

To: Bryce Farnham <bfarnham@bluehillme.gov>

Hello.

I am sure you are getting a hefty amount of emails. I hope I can share a small story with you. I live in Sedgwick directly next to the little library. Each time my kid and I pass the Blueberry Barrens she says " I wonder if we will see Sal today." The Barrens have become such an iconic part of our drive to and from the house that it pains me to no end, thinking of the potential development that will absolutely destroy this classic view.

Thank you for listening,

Kindly Molly Schiot

Blueberry barrens

cathy hart <

Fri 9/6/2024 5:50 PM

To: Bryce Farnham <bfarnham@bluehillme.gov>

I often take the scenic route from Blue Hill to Deer Isle, and always savor the view of the Barrens as I pass. The colors and light change each time I pass, and I cannot imagine how that area would look with nine houses and driveways on it. It would be destroyed, and completely out of character with the Blue Hill area. This area is one where people value and care for their land with love and need to preserve it for future generations. I hope the board will hear the outcries of the public by turning down this terribly destructive application. The residents of the area and future generations are depending on you. Thank you. Cathy Hart, Deer Isle

salt pond development

Bethleigh Flanagan <

Mon 9/9/2024 9:47 AM

To: Bryce Farnham <bfarnham@bluehillme.gov>

Hello Bryce and the board,

I am one of the members of the land group who owns land on Peaceful lane off of 172.

I have been coming to Blue Hill for the last 50 years and have been observing the changes to the ponds around our property.

Every year we have taken a boat out on salt pond thru the kindness of our neighbors who have given us access. As a kid I remember coming around Allen Point and seeing the beautiful blueberry hill and being stunned each time by it's beauty. From the water the hill offers visual diversity to the land surrounding the pond. For the most part when paddling we see woods. The Blueberry Barrens hill is the backdrop to Carlton island as well as the eagles nests and as such defines the area as offering so much of what makes Miane Maine. The trip around Carlton island has served as an educational trip to our 2nd and 3rd generations and our visitors. The forest, islands, eco systems of shellfish and eagles etc have all been talked about and observed and appreciated for generations. Should the development be denied, we can imagine a boat launch from this site used for school groups or the likes to educate about this ecosystem. We could envision a community blueberry preserve for hiking, artistic pursuits, education and preservation.

This Blueberry field is a feature if you will of the salt pond. It is something that draws us out onto the pond to enjoy Carlton island and the view of the field. Coming around Allen point to discover 9 mansions and the destruction they leave behind of beautiful boulder formations and the blueberries themselves is hard to imagine. 9 mansion homes will create a new normal for this area. It will not enhance anyone's access to the salt pond, or ability to enjoy it. In fact it will ruin the entirety of this "neighborhood and set a development president that threatens the wildlife of the area.

The salt pond had changed a lot in 50 years. No longer do we see the multicolored star fish hanging onto the rocks of Carlton island. We see other large homes going up around but never 9 in one spot.

As you enter blue hill from Sedgewick the sign on the edge of the Blueberry fields welcomes you. And the Blueberry fields on both sides of 172 have long been a welcome that expresses the preciousness of the area.

Many homes have gone up since we purchase the land in 1973. Some have also made a mark on this view. But for the most part they are tucked away and have left the waterways undisturbed.

First pond as well is drying out and becoming land and is barely accessible. Soon the paddle into the center of it will no longer be possible from the boat launch there off of 172. Our property no longer has access due to land filling in. The owners that surround a waterway, a pond, as I understand it in the state of maine have great power as to what happens with that pond. 100% approval by landowners surrounding the pond to rebuild the dam. It is important to consider, the development of 9 homes that sit close to Carlton stream, and on the salt pond and how the homeowners or businesses that purchase them will affect the waterways by their presence, opinions and powers.

Please consider the implications for future generations should 9 giant homes go up on this land. #8 of the Maine guidelines is certainly not supporting the build.

Bethleigh Flanagan

(No subject)

Bethleigh Flanagan <

Mon 9/9/2024 1:18 PM

To: Bryce Farnham <bfarnham@bluehillme.gov>

My previous email spoke to the proposed sub division on Salt pond and how it is certainly in violation of

Maine title 30-A 4403

In that it has an undue adverse effect on the scenic or natural beauty of the area. " it most certainly would have an adverse effect on the beauty of the area from the road and from the salt pond. The view from Carlton island and anyone boating on that area of the pond will be ruined forever as the blueberry field is the only one of its kind on this pond. (Rare)

Scenic(it is directly after the welcome to blue hill sign from Sedwick) and the development would change the impression people have of the town and area.

Thanks for your consideration.

Bethleigh Flanagan

Peaceful Lane

Blue Hill

#1

Maine Title 30-A, §4403 says municipalities may disapprove any subdivision that would "have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline."

Sent from my iPhone

Planning Board: KPA ashes spread on Pond Pasture 47th Wedding Anniversary Oct 28, 2022

Jane G. Allen <
Draft

Mon, Sep 9, 2024 at 2:22 PM

Kermit P Allen, Sr died September 24, 2022. He was cremated and returned to me within a week. On what would have been our 47th anniversary, 34 days later, October 28, 2022, I drove down from our house, sadly said goodbye and spread some of his ashes over his favorite place in the world.
"The Pond Pasture". Now referred to as Salt Pond Development.

It still belonged to our family, and Kermit's verbal wishes were well known to all the family for years, He wanted it to always belong to someone in the Allenfamily.
He did not want to make arrangements for a burial plot in any cemetery, it would be up to those left behind. A memorial service was held Nov 5, 2022 at the North Sedgwick Baptist Church with a reception following at The Farmhouse Inn.

Jane G Allen, widow
156 Salt Pond Road
Blue Hill, ME 04614



Salt Pond Blueberry barrens

Brian Francis <

>

Fri 9/6/2024 4:26 AM

To: Bryce Farnham <bfarnham@bluehillme.gov>

Brian Francis

September 5, 2024

Blue Hill Planning Board
Bfarnham@bluehillme.gov
Blue Hill Maine
04614

Dear Members of the Blue Hill Planning Board,

I am writing to express my strong opposition to the proposed 9-lot subdivision on the Salt Pond Blueberry Barrens, recently purchased by a developer from Kennebunk. As someone with a deep personal connection to this land and a long history of visiting and contributing to the local economy, I am compelled to speak out against this development.

My family has harvested blueberries on this land for generations, and I have spent every summer of my life in Blue Hill, considering it my second home. I have returned several times a year, even after our harvesting days ended in the early 80s, to perform ceremonies of gratitude on this sacred land. The beauty and significance of this land are far more valuable than any development.

I have serious concerns about the potential environmental impact of this subdivision. The fragile ecosystem and vibrant SeaLife in the estuary below, which flows into the bay, are at risk of damage from septic leaks or runoff. Furthermore, I believe the historical and traditional use of this area by the Wabanaki tribes has not been properly explored or respected.

I urge the planning board to carefully consider the negative impact this development could bring to our community. This land is not only a treasure for the people of Blue Hill but also for the thousands of visitors who drive by each summer. I implore you to prioritize the preservation of this sacred land for future generations to enjoy.

Thank you for your time and consideration.

Sincerely,

Letter to the Board

Larry Lefkowitz <llefko@bluehillme.gov>

Tue 9/3/2024 9:54 PM

To: Bryce Farnham <bfarnham@bluehillme.gov>

Bryce,

Below is a letter that Sally Littlefield asked me to pass on to the Planning Board

Thanks,

Larry

Within 8 minutes from downtown Blue Hill is the Salt Pond Blueberry Barrens. Here is a property that communicates, in a glance, the essence of coastal "Maine." The Salt Pond Blueberry Barrens sums up our regional way of life. It is our distant and recent past, our present, and our future. For generations it has been a place for all and a livelihood for many.

The vibrant colors of the changing seasons welcome passing birds. It provides sanctuary for nesting and homes to a myriad of native creatures. On a summer day one can witness foxes, bees, dragon flies, gulls, deer, falcons, hawks and more. We know because we have been there, quietly watching and waiting, sometimes fishing or boating, sometimes hiking and observing as we go. The colors of land, sea and sky ever draw us there.

I am a marketer who has spent 30 years living and working in nearby Brooksville. My business has been a member of the Blue Hill Peninsula Chamber of Commerce since its inception. I know the appeal of the region's natural resources. I know the strategic importance of public access to the visually iconic, economically necessary, and recreationally important areas here. The appeal and livability of our community depends upon the preservation of these outstanding areas.

The recently State approved Blue Hill Comprehensive Plan 2024 includes the Salt Pond in its list of significant locations. I further referenced my thoughts from the Scenic Assessment Handbook, State Planning Office, Maine Coastal Program.

Rowley Builders' development plan is inconsistent with the historic, intrinsic, natural, and visual qualities of this iconic property. Squandering it with their typical home styles and magnitudes will eliminate this culturally significant site from the Blue Hill Peninsula. Forever lost to our community.

Please don't let this happen...for our sake, our livelihoods and our way of life.

Sally Littlefield, once owner/steward of Maine Coast Heritage Trust's Lookout Rock Preserve in Brooksville.

MY REFERENCE NOTES:

From the "Blue Hill Comprehensive Plan 2024" that was approved by the State last month.

6. Analysis of Natural and Scenic Resources (Page 177)

6.1. Potential Threats to Blue Hill's Critical Natural Resources

"While there are no immediate threats to Blue Hill's natural and scenic resources, there is the risk of longer-term and cumulative damage through future development. This is particularly true in those areas not protected by Shoreland Zoning, conservation easements, or by state "Essential Habitat" designation. For example, a series of subdivisions or a series of single-lot divisions will result in the fragmentation of large habitat blocks. Areas at greatest risk of development are shoreland (freshwater and coastal). The loss of scenic water views would be reduced if additional coastal areas were protected."

7. Goals & Objectives Goal: Protect and improve the quality of Blue Hill's natural resources (Page 178)

Blueberry Barrens

Jethro Beaudine <jbeaudine@bluehillme.gov>

Tue 9/3/2024 7:15 PM

To: Bryce Farnham <bfarnham@bluehillme.gov>

I have been a summer resident of Sedgwick since 1968. My family comes together every summer to spend time together and enjoy the beauty of Maine; especially the Blue Hill Peninsula. The blueberry barrens are a very special part of Blue Hill and should be 'saved'. When making the 10 hour journey to Sedgwick, passing the bluefields is a treasured landmark telling us we have nearly arrived at our beloved Sedgwick.

The fields are especially significant to me and my siblings as a right of passage. We raked blueberries for about 7 years. The fields are a magical, sacred territory. We made many friends including Ruth & Trudy Allen, along with Spencer and Tommy Allen who ran the winnowing machine. We would ride the truck to the cannery at the end of the day and hitchhike home. Working the fields brought us close to the people and heritage of Sedgwick.

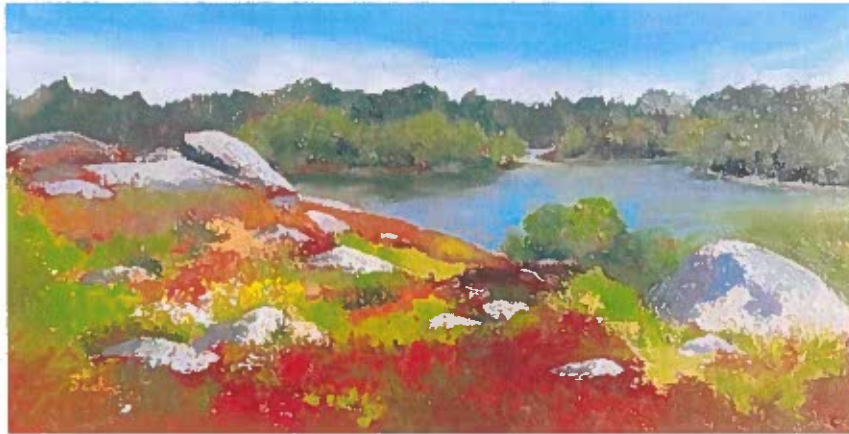
Hundreds upon hundreds of people do not want these fields to be used for unnecessary housing. I believe the waters of Saltpond, which flow in and out of Blue Hill Bay at South Blue Hill Falls and also to and from the Benjamin River cannot process any leakage from the 9 septic tanks that would have to be installed. Also there is a mussel farm on the Brooklin side of Salt Pond. These proposed houses could damage the fragile ecosystem of Salt Pond.

Since there are hundreds of people who do not want the fields desecrated, it is in the best interest of the community and the builder who would have this on his conscience should not go forward with this project. I believe the community could find a way to raise the money that the builder has outlaid and bring this harrowing story to a happy completion.

Sincerely,

Jeffrey Allan Scopinich
20 Main Street
Sedgwick, ME 04676

Sarah Baskin
28 Shore Rd
Sargentville, ME 04673



Dear Members of the Blue Hill Planning Board,

I own property in Sargentville and am writing in opposition to the proposed development of the Salt Pond blueberry barrens. In my opinion, the proposed subdivision, which includes the proposed placement of nine houses on the Salt Pond property, would violate Section 4404 of Maine's Planning and Land Use Regulation statute. According to that statute, in "reviewing any subdivision for approval, the municipal reviewing authority shall consider the following criteria and, before granting approval, must determine that:

...

The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline."

The Salt Pond blueberry barrens are a rare, irreplaceable and quintessentially Maine natural area on the border between Sedgwick and Blue Hill, valued by the entire community, as well as the Blue Hill Heritage Trust, which tried to purchase the property when it first went on the market, but was stymied by the asking price relative to its assessed value. See <https://penobscotbaypress.com/articles/forum-theweeklypacket/salt-pond-blueberry-barrens/>.

The property's 38 acres of open, boulder-strewn blueberry fields leading down to the Salt Pond below are a one-of-a-kind natural area that cannot be replaced. Allowing the developer to remove the boulders necessary to build a loop road around the property alone would forever change the aesthetic of this gorgeous landscape. And building nine houses

on the property would destroy the scenic natural beauty and the aesthetic value of this property forever, regardless of their height. There is no way to place nine 35-foot tall manmade structures on the property and maintain its vast view of sweeping blueberry fields down to the water. Instead, that view, to the extent any of it remained, would be reserved to the nine lucky families who were wealthy enough to buy one of the lots in the subdivision.

The Salt Pond property should be saved for future generations. I understand that artists, like me, have come to the property for decades, and probably a lot longer than that, to paint the land's sweeping vista across the boulder-strewn barrens to the Salt Pond below. During the hours that I have spent painting on the Salt Pond property, I have enjoyed the beauty, peace and tranquility of this singular location, broken only by the calls of osprey and seagulls overhead and the music of the crickets below.

I am not aware of any other blueberry barrens of this size on the Blue Hill Peninsula with such beautiful vistas of the water. Families also come regularly to the property to hike, enjoy the property's peace and serenity, and pick blueberries. Perhaps more importantly, I understand that fishermen's livelihoods are also at stake.

I realize that the challenges you face are great. It is no easy task to balance the needs of the community, the statutory and regulatory requirements under which you operate, and the Blue Hill Comprehensive Plan against the financial goals of a developer. It is time for the Planning Board to take a stand and preserve this unique and spectacularly beautiful site for generations to come. Your grandchildren and great grandchildren will come to thank you someday.

Sincerely,

A handwritten signature in cursive script that reads "Sarah C. Baskin".

Sarah C. Baskin

Fwd: Send to plan board

Nancy Boothby <nboothby@bluehillme.gov>

Fri 8/30/2024 4:18 PM

To: Bryce Farnham <bfarnham@bluehillme.gov>

Cc: saltpondfield@gmail.com <saltpondfield@gmail.com>

As you continue to review the Salt Pond development application please consider this report as well. Thank you for touring the property with the developer and continuing to take the communities extraordinary opposition to his planned development seriously.

Climate driven storms add runoff to Maine lakes, degrading water quality

<https://www.mainepublic.org/climate/2024-08-29/climate-driven-storms-add-runoff-to-maine-lakes-degrading-water-quality>

Soil runoff from intense rainstorms can degrade water quality and trigger algal blooms.

Horseshoe Crabs in the Salt Pond, Blue Hill: Concerns for a vulnerable species, and many unknowns

Submitted to the Blue Hill Planning Board

8/30/24

Elizabeth Solet

(Note: Bolding and italics in running text below are mine)

I spoke briefly about horseshoe crabs in the Salt Pond at the public hearing on August 14 for the development proposed by Geoff Bowley. I would like to provide additional information that may be useful in the Planning Board's consideration of the development proposal. I am not a biologist, but I have researched horseshoe crabs in various ways, with a focus in Maine, for years. I have a biology degree and master's in environmental studies. During my graduate work and beyond, I participated in the Maine Horseshoe Crab Spawning Surveys, from about 2003 to 2008, including in a tagging study in Taunton Bay, north of Ellsworth. In the past couple of years I've begun exploring the current status of horseshoe crabs in Maine as part of a writing project.

Main Points to Consider

(More details below)

- American horseshoe crab (*Limulus polyphemus*) populations along the east coast of the U.S. are much lower than at historic levels, and in some areas are still declining.
- Horseshoe crabs in Maine are at the far northern edge of their range, with limited suitable habitat. Populations in Maine are relatively small, isolated, and vulnerable to declines.
- Based on observations made by area residents, there is a population of horseshoe crabs living and breeding in the Salt Pond.
- There isn't enough information to assess current status in Maine, but based on research findings, anecdotal evidence, and other observations, it's very possible that horseshoe crab numbers have declined in recent decades, at least in some areas. There was a push to harvest horseshoe crabs in Maine around the early 2000s due to declining harvests in the mid-Atlantic.¹

¹ ME DMR 2011-2012 Research Plan (p. 11-12)

<https://www.maine.gov/dmr/sites/maine.gov/dmr/files/docs/2011-12researchplan.pdf> Accessed 8.26.24

- The state of Maine recognized the importance, and vulnerability, of horseshoe crabs and their habitats by investing in statewide spawning surveys in the early to mid-2000s, and by designating horseshoe crabs as a [Species of Greatest Conservation Need](#) in 2015.² Although this designation doesn't carry regulatory weight, it is a formal recognition of the need for conservation of horseshoe crabs in Maine. By the state's own assessment horseshoe crabs and their habitats should be protected.
- The stressors that can affect horseshoe crabs are many, and increasing – sea level rise, shoreline erosion, loss of habitat, pollution, encroaching development, and other effects of climate change.
- Horseshoe crabs are a keystone species – they are integral to ecosystem functioning and depended on by many other organisms.
- Juvenile horseshoe crabs have been less studied than adults so we know even less about the habitats they depend on, how they use those habitats, their movements in the ecosystems they inhabit, and how vulnerable they are to water quality and other stressors.

How could the proposed subdivision development affect horseshoe crabs in the Salt Pond?

Decline in water quality in the Salt Pond from runoff and wastewater, both during the building process, which could go on for years, and from septic systems, lawn and other chemicals once the houses are occupied, could have negative effects for horseshoe crabs, particularly juveniles.

In addition, building on the blueberry barrens at Pond Pasture would disturb and move substantial amounts of soil and vegetation, which could cause erosion and changes in habitat along the shore of the Salt Pond. As others have noted, agricultural chemicals including pesticides and herbicides that have been applied to the blueberry barrens for decades likely remain in the soil and would be released by the building and landscaping on the site, raising the concern that the chemicals would run off into the Salt Pond.

Even with the most carefully designed and executed systems and processes, things go wrong and accidents happen. The risk of damaging water quality in the Salt Pond, on which horseshoe

² Maine Wildlife Action Plan Revision (January 2016)
https://www.maine.gov/ifw/wildlife/reports/pdfs/SGCN_Reports/SGCN/Horseshoe%20Crab_Limulus%20polyphemus.pdf Accessed 8.23.24

crabs and many other species depend, as well as aquaculture operations and recreational fishing, is too great.

Background information on the species and in Maine

The American horseshoe crab, *Limulus polyphemus*, has lived on earth for hundreds of millions of years. Fossils of horseshoe crab ancestors that look very similar to those living today have been dated to more than 440 million years ago. They have survived several mass extinctions on earth, in which huge numbers of species were wiped out, as well as dramatic changes in climate, the movement of continents over the earth's surface, and the coming and going of oceans. They are truly survivors, adaptable and resilient. They are considered keystone species in the ecosystems they inhabit, and many other species, from shorebirds such as the Red Knot, listed as threatened under the Endangered Species Act, to fish and sea turtles, rely on them. **But they are also vulnerable, especially to overharvesting and the effects of sea level rise and coastal development and the associated loss of habitat.**

Humans have long used horseshoe crabs, harvesting thousands to millions of them each year to be ground up as fertilizer, cut up as bait for eel and conch, and bled to extract a compound in their blood that's used to detect bacterial contamination in medicines and medical devices, to protect human health.

In Maine they are at the far northern edge of their range; the northernmost known breeding population of American horseshoe crabs is in Taunton Bay, just north of Ellsworth. Their ideal habitats – protected sandy beaches with gentle slopes and nearby mudflats – are not common in Maine, and Maine's horseshoe crabs live in small, isolated populations along the coast, from Casco Bay to Taunton Bay.

Local conservation groups have monitored horseshoe crabs in several Maine bays since at least the early 1990s, through volunteer efforts. A study was commissioned in 1977 by the (now defunct) Maine State Planning Office³, which identified "Significant Breeding Sites" and noted available evidence for HSC numbers (largely anecdotal and from observations) but didn't include any population surveys. In the early 2000s, the Maine Horseshoe Crab Spawning Surveys⁴, a joint effort of the Department of Marine Resources, local conservation groups, and a private contractor, started more formal and scientific counts at locations along the coast, from

³ This report no longer seems available online, but I can provide a physical copy if desired.

⁴ Maine Horseshoe Crab Spawning Surveys (2006). Report for the 2005 season, and includes history of the surveys. After 2005, sites were reduced from 14 to 3 due to budget constraints.

<https://digitalcommons.usm.maine.edu/cgi/viewcontent.cgi?article=1241&context=cber-publications>

Taunton Bay in the north to Thompson Point Beach in the south. At its most active point, the Surveys included 14 sites, as well as an ongoing tagging study in Taunton Bay.

The Salt Pond in Blue Hill was noted in the 1977 report as hosting a population, but not considered a “significant breeding site” by the author. Recently I’ve learned that there is still a population of horseshoe crabs that lives, and breeds, in the Salt Pond.

Since the Maine Horseshoe Crab Spawning Surveys ended, around 2012, a few organizations have continued volunteer counts each spring, when horseshoe crabs come to shore to spawn. I began investigating the status of horseshoe crabs in Maine again a couple of years ago, and I’m only aware of two groups that continue to do spawning counts, to greater or lesser degrees.

How did horseshoe crab populations in Maine change in the years before the 1977 report? Between that report and the statewide spawning surveys in the early 2000s? Since the end of those surveys and the present? It’s very difficult to tell. Volunteer counts use different protocols, and are often incomplete; the 1977 study was qualitative more than quantitative; and the statewide surveys were limited by volunteer capacity and by which sites could be accessed legally and safely.

Horseshoe crabs were recognized as [Priority 1 Species of Greatest Conservation Need](#) in 2015, part of a Maine Wildlife Action Plan (a program of Maine Inland Fisheries and Wildlife, also linked with the [Maine Natural Areas Program](#)).

From this report:

- **Primary threats included: Pollution, including from “domestic and urban wastewater”; Residential and Commercial Development; Climate Change and Severe Weather.**
-
- **High priority recommended actions included: Surveys and Monitoring to “better understand distribution and abundance”; Habitat Management, to “Purchase or protect undeveloped shoreline and adjacent areas that is known or potential habitat for horseshoe crab[s].”**

In 2004, the state prohibited harvesting of horseshoe crabs in Maine from May 1 through the end of October, due to likely decline and the potential substantial negative effects on limited populations. It should be noted, however, that harvesting may still happen, as demand is strong and with limited resources, state agencies are hard-pressed to monitor all of Maine’s coastline.

Conservation status and population health, species level

Horseshoe crabs have been [categorized as a “vulnerable” species](#) by the International Union for Conservation of Nature (IUCN) red list.

There is currently an [effort to add the American Horseshoe Crab to the U.S. Endangered Species List](#).

From a [study published in 2017](#) by several prominent horseshoe crab researchers⁵:

“We assessed the conservation status of the American horseshoe crab by comprehensively reviewing available scientific information on its range, life history, genetic structure, population trends and analyses, major threats, and conservation.”

“Our conclusion is that the American horseshoe crab species is vulnerable to local extirpation and that the degree and extent of risk vary among and within the regions. The risk is elevated in the Gulf of Maine region due to limited and fragmented habitat.”

The Atlantic States Marine Fisheries Commission⁶ is tasked with managing horseshoe crabs in the United States. In their most recent assessment of horseshoe crab populations, published in 2024, the ASMFC assessed the status of horseshoe crabs as “Neutral” in the Northeast. Assessments are made for several regions of the Atlantic coast.

Note that the reference point used by ASMFC is 1998, when the agency began stock assessments for HSCs. HSC populations were decimated in the 1980s and 90s due to overharvesting, so basing the current health of the population on 1998 doesn’t reflect a healthy population, just one that may not have dipped below a very low point.

[Many scientists question the ASMFC methods](#), including the absence of tracking HSC egg densities, which according to surveys done by other groups (not ASMFC) have dropped substantially and have not recovered.⁷

⁵ D.R. Smith et al. (2017) Conservation status of the American horseshoe crab, (*Limulus polyphemus*): A regional assessment, Reviews in Fish Biology and Fisheries <https://pubs.usgs.gov/publication/70193485>

⁶ <http://www.asmfc.org/species/horseshoe-crab> Accessed 8.23.24

⁷<https://defenders.org/blog/2022/01/potential-concession-industry-asmfc-moves-abandon-red-knot-recovery-efforts> Accessed 8.23.24

Still, even the ASMFC has noted concerns about horseshoe crab status and the need for habitat protection. From an ASMFC publication (December 2015)⁸:

Threats to Habitat

- Coastal erosion
- Human development (particularly shoreline stabilization structures such as bulkheads, groins, seawalls and revetments)
- Sea level rise/land subsidence
- Channel dredging
- Contaminants such as mosquito larvicides applied in coastal marshes
- Oil spills in spawning areas
- Excess nitrogen

Recommendations to Improve Habitat Quality

- Identify spawning and nursery habitat and include it in all states' ASMFC annual reports. Categorize and prioritize important horseshoe crab habitat (both spawning and nursery habitat) within areas of state jurisdiction.
- **Ensure that spawning and nursery habitat is conserved, and the quality and productivity is maintained.**
- **Consider obtaining land adjacent to critical spawning beaches through acquisition, deed restrictions, or conservation easements to ensure the long-term protection of these beaches.**
- Reduce human disturbance such as beach grooming and nourishment, all-terrain vehicles and beach watercraft on spawning beaches during the spawning season.

Habitat Research Needs

- Identify juvenile horseshoe crab habitat throughout range and document extent of use.
- Improve assessment of the long-term benefits and potential adverse impacts of beach nourishment projects on horseshoe crab spawning success.
- Determine beach fidelity by adult horseshoe crabs to determine habitat use throughout their range.

⁸ <http://www.asmfc.org/uploads/file/5dfd4c1aHorseshoeCrab.pdf> Accessed 8.23.24

Good Evening,

My comments will touch on Review Criteria 1,2,4,9,12,14 and 16 and the Blue Hill Healthy Ecosystem Ordinance in relation to review Criteria 1 and 16

I'd like to speak briefly to the groundwater report. In their engineers analysis of withdrawal and recharge rates to the aquifer, he neglects to factor in any of the impervious areas. In total, this might be as much as 4 or 5 acres unaccounted for. Taking his own equation and conclusion, but factoring in the impervious area, the groundwater withdrawal rate will be greater than the recharge rate.

Clearly unacceptable.

In this same report, the geologist includes a vague map of the underlying geology. It looks like Allen Point is on the wrong side of the pond and at one point says the eastern border of the assumed bedrock geology ends on the east at highway 172. Either he is very confused or sloppy or perhaps his report just contains errors.

This field has been sprayed for decades with Velpar, an herbicide that kills "weeds". It is highly soluble in water and is a prime candidate for vertical leaching into the aquifer. It can also be found in Stormwater runoff, and has been implicated in negatively affecting various planktons, clams, and the salmonid fishery in studies to date. There are multiple state agencies working on monitoring and understanding this hazardous chemical. For all of these reasons we question approving this project when the water may be insufficient or polluted.

The more important point is the elephant in the Stormwater submittal documents. They are using a technical definition of this development to skirt the clear intent of the State Stormwater Law. By declaring that they are only developing a road on .95 acre, they don't have to mitigate the much greater runoff the entire project will incur. Any subdivision with over 1 acre of new impervious development has to mitigate increased runoff. Instead, they are requesting a waiver for this responsibility. We don't consider the Salt Pond or the Atlantic to be dumping grounds.

This fiction of each lot owner doing their own development at under 1 new impervious acre gives them a fig leaf. In fact, the developer is incentivizing each lot owner to use him as the preferred builder on pain of paying him \$25,000 if they use someone else. Plus a \$20,000 escrow fund to enforce his preferred landscaping. He clearly wants to do the whole thing.

Date: 8/12/2024

To: Blue Hill Planning Board

From: Paul Brayton

Subject: Proposed Subdivision on the Salt Pond

Dear Blue Hill Planning Board and Blue Hill community,

I am the owner and resident of 157 Shady Lane in South Blue Hill, former owner and operator of Tight Rope Sea Farms, producer of mussels and oysters grown in the Salt Pond since the early 90's. Those same aquaculture leases are now operated by Evan Young of Blue Hill Bay Mussels on the Salt Pond property that I still own. My property has become the principal access point for a variety of commercial aquaculture projects and businesses on the salt pond. And as a former planning board member in a neighboring town, I'm aware that the planning board's jurisdiction is rather limited in the face of land development, mostly in place to make sure an application is complete and that it conforms to relevant local and state laws. I also know the planning board is empowered to add restrictions and criteria to a proposed development if it's in the best interest of the town and community. Therefore, I have two requests for the planning board to include in the application for this development.

First, the developer should create a legal and binding HOA before any property is sold or developed. And within that HOA there should be written prohibition against any use of pesticides, fungicides, chemical fertilizer, or herbicides as there is immediate downhill drainage into the Salt Pond from all proposed lots. Because of the aquaculture businesses in the Salt Pond, the state carefully monitors the quality of the water on a weekly basis. If water quality at any point declines below a safe threshold, the first thing the state does is shut down all shellfish operations. This kind of shut down directly and immediately impacts at least 10 families that currently make their full-time living from shellfish operations in the Salt Pond. And often when a shutdown does occur, there is no consequence for the land-based source of those pollutants, the shellfish farmers bear the burden. One hypothetical

example of where a development like this might cause a surge in land-based pollutants is from something like a heavy machinery fire. Diesel excavators or bulldozers, like those essential in constructing residential developments, sometimes catch fire. And when they do, they are put out with extremely toxic foam, not water. If a machinery fire breaks out on this development and the Blue Hill Fire Department is called, they will douse it with foam that will ultimately leach downhill into the pond, very likely triggering an aquaculture shutdown. This is just one of many potential catastrophes, like house fires, hydraulic oil spills, stormwater drainage failure, septic failure, yard runoff, etc. that could lead to toxic leaching into the salt pond and compromise shellfish operations.

Second, as a result of this water-quality concern, I request the developer initiate a fund to be held in third-party escrow designed to mitigate the effects of potential runoff and pollution and to compensate the commercial shellfish operators for any lost revenue and wages that may result from an environmental shutdown. I recommend that this initial fund be seeded by the developer with \$500,000 to anticipate and protect against any potential contamination during construction. And furthermore, each house lot at the time of sale should contribute \$100,000 to the fund. This would require direct investment in the water quality of the Salt Pond by each of these new development stakeholders. It is my hope that the waters of the Salt Pond will remain as viable and healthy as they always have been and that the working waterfront on the Salt Pond and the jobs it creates be protected from the potential pollution of this increased residential density in the shoreland zone. Requiring the new residents and developer to have a financial stake in not only the land but also in the water might help protect this natural and economic resource for the town of Blue Hill from being depleted or damaged over time.

Thanks for your thoughtful consideration, time, and attention.

Paul Brayton

Please Save Our Land

We are one of the MANY families that have relocated to rural Maine to escape Suburbia. We craved nature and community and realized that modern day life is not designed to keep you rooted to either. Since moving here our lives have been wildly enriched. We found a community that has wrapped its arms around us and we are here to do the same.

I fear if we don't stand up and save the beauty that is here, no one will.

We moved to this edge of the earth knowing that we are sacrificing modern day conveniences. We have to travel hours for special services and medical specialists and we are willing to do so. This was a conscious choice on our part because what we were gaining was worth it.

I can't imagine driving our children to The Bay School every morning and not being able to hear someone in our vehicle comment on how beautiful this land is and how grateful we are to be here. If we continue to allow this sort of growth, we will be doing a major disservice to the generations that fought to preserve this area, the land, the locals and the new families still willing to fight!

Please, please, please keep our community rural.

Sincerely,
Chris Hooge