

POLICY NUMBER: 6.08-06

SUBJECT: Lower Sebago Lake Watershed Land Use Policy

EFFECTIVE DATE: 10.28.08

SUPERSEDES: 6.08-06

APPROVED BY: BOT

I. **Purpose** - The purpose of this policy is to establish land use guidelines for PWD property in Standish, Maine, as shown on the map attached to this policy, which map may be changed from time to time by vote of the Board of Trustees, to define the privileges afforded to the public to utilize PWD property and the manner in which these privileges may be suspended and/or reinstated, to protect the quality of the water within the Lower Bay of Sebago Lake, the primary source of water for PWD; to enhance the security of the water supply and surrounding PWD infrastructure, while maintaining reasonable access to some PWD property for the public; to insure that public uses of the PWD property are environmentally sound; and to meet the PWD obligations to the Town of Standish residents pursuant to the PWD Charter. This policy shall not apply to Standish residents exercising their rights pursuant to P.&S.L. 1975, ch. 84 (hereinafter referred to as Section 22).

II. **Authority** - Maine Private and Special Laws of 1975, Chapter 84 – The Charter of the PWD: Section 6 allows the PWD to own real property necessary or convenient to PWD purposes, and Section 16 allows the Trustees to adopt reasonable rules and regulations related to the PWD water system. Maine Private and Special Laws of 1913, Chapter 157, Section 1 – prohibits trespassing on all District lands acquired to protect the drinking water supply.

III. **Access**

A. **Lakefront Property Within 2 Miles of PWD intake pipe:**

1. No Trespassing Areas: No public access will be allowed on the following portions of the PWD property adjacent to Sebago Lake within the 2-mile limit of the PWD intake described in P. & S.L. 1913, ch. 157 of the PWD Charter:

- a. Property between the east and south shore (low water mark) of Sebago Lake and the west side of Pond Road, so called, the west side of Route 35 to the railroad underpass, thence along the southerly sideline of the Maine Department of Transportation railroad right of way to the easterly sideline of Maple Street, thence along the easterly sideline of Maple Street to the low water mark of Sebago Lake; excepting land within a ninety-nine (99) foot easement known as the Northeast Road Extension, over which public access to the Boat Launch is allowed.
- b. Property between the west shore of Sebago Lake and a line parallel with and 250 feet west of the west shore of Sebago Lake, north of Maple Street, so called, to the south side of the railroad trestle at the Sticky River.
- c. Property between the Railroad Right of Way between the trestle and Smith Mill Road; Smith Mill Road from the Railroad Right of Way westerly to the chain link fence; the chain link fence between Smith Mill Road and the Sticky River; and the Sticky River.
- d. PWD Properties lying between the west shore of Sebago Lake and the Smith Mill Road, Hereweare Road, the Eel Cove Road, the Railroad Right of Way between Eel Cove Road and the Two Mile Limit and also including the PWD(Mosley) property and the Littlefield Point Property inside the Two Mile Limit
- e. All sections of the railroad right of way on PWD property adjacent to Sebago Lake within the 2-mile limit.
- f. All PWD-owned islands within the Two-Mile Limit including Indian Island and Little Indian Island
- g. Land surrounding the District's Sebago Lake Water Treatment Facility, bounded west by Route 35, south by Route 237, and north and east by signs, measuring approximately 1,000 feet by 1,300 feet.

2. Standish Boat Launch: (policy to be finalized on this area by Board of Trustees)

3. Limited Access Agreements: The General Manager is authorized to enter into agreements with organizations or individuals that would allow some limited access into the no trespass area. Such limited access may be available to the public under the supervision of an authorized organization.

4. Cemetery Access: Pursuant to state law access to cemeteries on District properties will be allowed.

B. All Other Watershed Property

1. Limited Access Areas: All other PWD property within the Sebago Lake watershed may be used for the following purposes, with a PWD permit as described below:

- a. Hunting
- b. Fishing
- c. Trapping
- d. Group activities with no more than 25 people that are related to environmental education
- e. Hiking on designated trails.
- f. Horseback riding on designated trails
- g. Cross-Country skiing on designated trails
- h. Snowshoeing on designated trails.
- i. Mountain biking on designated trails
- j. 24-hour snowmobiling on designated trails or by agreement
- k. Viewing Areas in designated areas by agreement with the Town of Standish and/or stakeholders
- l. Berry Picking
- m. The use of the following vehicles shall be allowed:

Motorized wheelchairs: a battery-powered, self-propelled, 4-wheel device, designed solely for and used by a mobility-impaired person for locomotion

Electric, four-wheeled mobility scooters: a motorized chair with three or four wheels that is designed for people with limited mobility.

Electric 2-wheel scooters: Limited to those with a maximum speed of 14 MPH.

Gasoline-powered 2-wheel scooters: Limited to those of up to 25 cc displacement and 14 MPH top speed. Such vehicles must be equipped with spark arrestors.

The District reserves the right to limit or prohibit any or all of these activities in any area should Policy violations, vandalism, regulatory directives, or security concerns so dictate.

2. Standish Residents Charter Access: Trustees shall designate certain land outside the 2-mile limit to be used for parking in accordance with an agreement with the municipal officers of Standish, pursuant to Section 22 of the District's Charter. Nothing in this Land Use Policy is intended to limit the access rights of Standish residents granted in Section 22.

C. **Prohibited Uses of PWD Land.** No portion of any PWD property in the Sebago Lake watershed may be used for any of the following purposes:

- a. Camping/tenting
- b. Fires
- c. Use of All Terrain Vehicles
- d. Night access between sundown and sunup except as outlined in Section III B 1 j of this Policy
- e. Possession of alcohol
- f. Cutting or defacing trees or other vegetation
- g. Removal of soil or otherwise excavating or grading material on District land
- h. Alteration of streams or the flow of water in streams
- i. Littering (Carry in - carry out policy)
- j. Access for any purpose not allowed with a passive permit.

IV. PWD Permit Process

All persons acquiring any type of permit pursuant to this Policy agree to abide by the Sebago Lake Land Reserve (SLLR) Access Rules established by the Board of Trustees in 2004, which are posted prominently on visitor kiosks, are listed on the permit itself, and are provided to abutters when application is made for an annual pass. These Access Rules shall be considered

terms and conditions of each permit issued. In addition, permits shall require that all persons acquiring a permit agree to having no bodily contact with Sebago Lake within the 2-mile limit and no trespassing on District land within the 3000 foot limit, as proscribed by Private and Special Law 1913, Chapter 157; these conditions shall also be considered terms and conditions of any permit issued under this Policy.

- A. Passive Permits: Passive permit forms will be located at convenient locations. Any person or group using PWD property will be required to complete a passive permit form and place it in a designated box. Passive permit forms will identify the location, date, time, intended use, and name of any person using PWD property under the permit. The user copy of the passive permit must be retained with the person or group at all times. The user copy of the passive permit must be permanently displayed on the vehicle at all times.

- B. Seasonal or Multi-day Permits: Permits for seasonal activities may be issued to approved individuals or organizations. These permits may be obtained at the District's Lake Ecology Center, Monday - Friday, 9:00 AM to 4:00 PM. Requests for these permits must be made a minimum of five (5) days in advance of anticipated use.

- C. Annual Visitor's Pass. Abutters to the Sebago Lake Land Reserve may apply for and obtain an annual visitor's pass from the Environmental Services Department (774-5961, ext. 3323).

- D. Fees. The permits are available free of charge.

- E. Permits not required: Any person using PWD property pursuant to one of the following written agreements or Charter provisions does not need a PWD permit:
 - 1. Standish Trail Easement: Any person using the 2003 Town of Standish Trail Easement for the Mountain Division Trail recorded in Book 18654, Page 327 of the Registry of Deeds.

 - 2. Sandbar Beach Agreement: Any person using Sand Bar Beach pursuant to any lease with the Town of Standish and/or Maine State Boating Association, Inc.

3. Maine DOT Railroad Easement: Any railroad company using the State of Maine, Department of Transportation right to use of the railroad tracks described in the easement reserved in the 2003 Deed of Vacation recorded in Book 18654, Page 314, and as limited by the 2003 Declaration of Covenants and Restrictions recorded in Book 18654, Page 317.
4. License Agreement Between the State of Maine Dept. of Conservation and PWD: for use of the boat ramp area and parking access, signed February 2, 2006.
5. Other Agreements: Any person using any PWD property pursuant to a written lease, license or easement properly issued by the PWD.
6. Standish Residents Charter Access: Any Standish resident using PWD property in accordance with Section 22 of the District's Charter.

V. **Violations and Suspension of Privileges**

- A. Violations. Any person found on District property without a valid permit, or found to be in violation of the terms of any permit which has been issued pursuant to this Policy shall be issued a written warning of offense by the District Water Resources Security Officer (hereinafter "Officer").
- B. Aggravated Violation - Suspension of privileges. The District may suspend the privilege of an individual to visit SLLR lands for aggravated violations of SLLR rules and/or the 1913 P&SL, Chapter 157. Aggravated violations include but are not limited to:
 1. Three written warning issued as described in Paragraph A above
 2. Lewd behavior
 3. Alcohol and/or Drug use, possession or dealing
 4. Vandalism of PWD property
 5. Physical assault or verbal abuse of PWD employees while they are performing their duties
 6. Trespass on Sand Bar Beach when it is posted No Trespassing due to water quality concerns

7. Such other activities deemed to threaten health and welfare or be of a nuisance as determined by the Officer.
8. Bodily contact with the water within the 2 mile limit
9. Trespassing on Sebago Lake within 3,000 feet of the intake

A written notice of suspension shall be served upon any individual whose privileges are suspended by the District. Said notice will list the dates of the noted violations, the reasons for the suspension and the date upon which the suspension shall take effect.

- C. Period of Suspension. The first suspension of privileges under this Policy shall be for a period of 12 months. Persons who violate this policy after the issuance of a first suspension shall have their privileges suspended for 3 years on a first violation after the first suspension, and shall have their privileges suspended permanently for a second violation of this policy after the first suspension.
- D. Appeal. A notice of suspension shall also contain notice to the alleged violator that he/she has ten (10) days from the date of the receipt of the notice of suspension to file a written request for appeal of the suspension with the District Manager hereinafter “Manager”) at the District’s Offices at 225 Douglass Street, Portland, Maine. Failure to file the written request of appeal within such period shall waive all rights of appeal of the suspension. While the appeal is pending and undecided, the alleged violator’s privileges shall be suspended.
 1. Upon receipt of a request for appeal, the Manager shall schedule an informal hearing to be held between the Manager or a panel designated by the Manager, with the alleged violator and the Officer and any witnesses each party may choose to present to discuss the alleged violations and the reasons for suspension. The informal hearing shall occur within ten (10) days of the receipt of the request for appeal by the Manager. The Manager (or the panel) may either uphold the suspension or revoke the suspension or refer the appeal to the Board of Trustees. A decision on the appeal shall be rendered within five (5) business days of the completion of the informal hearing. An individual whose appeal is denied may appeal the Manager’s (or panel’s) decision to the Board of Trustees by filing a written request for appeal within ten (10) days of the issuance of the Manager’s decision.

2. The appeal to the Board of Trustees shall be appellate in nature. The Board shall conduct the appeal by reviewing the record of the proceedings which occurred before the Manager or the panel. In addition, the alleged violator may provide an additional written statement to the Board stating the reason for the appeal. New testimony on the appeal shall not be taken by the Board. The Board of Trustees shall hear the appeal at its next regularly scheduled meeting after the request for appeal is filed. The Board may either grant or deny the appeal. The written decision of the Board shall be issued within five (5) business days of the completion of the appeal hearing. The Board of Trustees decision shall be final and not appealable.
- E. Criminal Prosecution. In addition to the suspension of privileges described herein, any individual trespassing on SLLR or other PWD owned land near Sebago Lake during the period of suspension shall be subject to criminal prosecution within the terms of the State statute, 17-A M.R.S.A. section 402, as it may be amended.
- F. Reinstatement of Privileges. Someone whose rights have been suspended pursuant to this policy shall have their privileges automatically restored upon the completion of the time of suspension provided that there have been no further violations of this Policy during the period of suspension.