

**BRIDGTON PLANNING BOARD
WORKSHOP/MEETING**

Downstairs Meeting Room

**October 9, 2007
7:00p.m.**

The Bridgton Planning Board was called to order at 7:00p.m. by Steve Collins, Chair. Those in attendance were: Steve Collins, Chair; Fred Packard, Vice Chair; Gordon Davis; David Lee, Alternate. Absent were: Christopher McDaniel, David Diller, Dee Miller, Alternate.

Also present were: Rob Baker, Code Enforcement Officer and representatives from various surrounding Town's Planning Boards.

Speakers present were: Thomas Dubois, Main-Land Development Consultants; Colin Holme, Lakes Environmental Association and Bridie McGreavy, Lakes Environmental Association.

Interactive workshop between Board Members and various speakers regarding proposed/imposed changes by the State of Maine to the Shoreland Zoning Ordinance including new regulations regarding vernal pools, moderate/high value wetlands and any other additional changes that may have an impact on how Board's review proposed applications for development.

Steve said this workshop is to discuss changes to Shoreland Zoning as proposed or mandated by the legislature and Department of Environmental Protection (DEP) concerning vernal pools, high value and moderate wetlands and other changes that may have an impact on our review procedures and applications for development. If you have discontent with the content of the law you need to lobby your legislature. We are here to determine what action we need to take and what time frame we have to get these changes implemented.

Thomas Dubois, Main-Land Development Consultants, said most of the changes are a clarification of the Natural Resource Protection Act. Vernal Pool regulations got written into the Natural Resource Protection Act in 1995 and has been on the books since then, however, it was then passed on to the Department of Inland Fisheries and Wildlife. In 2005 DEP decided to rewrite the rules in regards to the vernal pools. A vernal pool, spring pool, is a shallow depression that usually contains water for only part of the year, spring, fall and winter. Many of them dry up in the summer. The vernal pool serves as an essential breeding habitat for certain species of wildlife including salamanders and frogs. Juvenile and adult amphibians associated with vernal pools provide an important food source for small carnivores as well as large game species which is the reason for protection of vernal pools. Only significant vernal pools as mapped by the Department are regulated. The criteria for

determining vernal pools has to do with egg masses which happens in a very short time during the spring somewhere between 9 and 15 days usually late April or early May. As a consultant for me to go out onto a project site and identify significant pools is nearly impossible. I can identify potential vernal pools but I can't test them out until next spring to see if I can count egg masses of the endangered species.

Gordon said where does the burden lie? If you can't tell me if there is a significant vernal pool on my property then do I have to consider it? Mr. Dubois said the burden of proof is always on the applicant or homeowner.

Mr. Dubois said once it has been determined that there is a significant vernal pool then you refer to the regulations. The first measure is no disturbance of the vernal pool and then within 250' circumference to the vernal pool you are allowed only 25% disturbance of the area within the vernal pool. For instance, if there is a vernal pool within 100' of your home your home is part of that 25% impact.

Rob Baker, Code Enforcement Officer, said are homemade ponds exempt? Mr. Dubois said not if they meet the criteria for vernal pools, however, a vernal pool can not have an inlet or an outlet.

David L. said does it have to have all three species or just one? Mr. Dubois said one.

Mr. Dubois said it could become more restrictive if the Army Corp of Engineers needs to become involved because their numbers for egg masses are different.

Mr. Dubois said the Town's role in this issue is no different than any other regulation that you see but don't need to deal with. This is an issue that is regulated by the Natural Resource Protection Act and administered by the Maine Department of Environmental Protection. I don't see that the Town of Bridgton, or any other Town, needs to take an active role in regulating Vernal Pools, they are already regulated. The Board may want to consider asking applicants if they have any identifiable vernal pools associated with their application.

Ed Rolfe, Harrison, said there was an article in the Portland Press Herald and it is exactly what Mr. Dubois has stated here. I need to consider this regulation as a landowner, developer and Planning Board Member. As a Planning Board Member are you aware of any restriction that you have to wait for the window of opportunity before you can do anything with your land?

Robert Macdonald, Citizen, said if a developer tells the Planning Board that there is no vernal pool on their property is someone going to confirm that? Mr. Dubois said that is a concern. Steve said as a Board we have been instructed to review our local ordinances and incorporate the appropriate language. Mr. Baker said this was effective September 2007. Mr. Dubois said correct but as of today it has not been implemented.

Mr. Dubois said this regulation does not apply to just developers for subdivision or commercial projects it also applies to homeowners.

Bridie McGreavy, Lakes Environmental Association, said other Towns have done some proactive mapping. It may be beneficial for Bridgton to consider doing something like that. There is a cost associated with doing that but you may be able to coincide efforts with an adjacent Town.

Fred said a person may create a vernal pool without knowing it. For instance, if they log some land and a skidder makes a depression that could hold water it could potentially become a vernal pool.

Mr. Dubois said the DEP will come to your site to determine if you have a significant vernal pool but I don't know what their time-frame is for notification or inspection.

Mr. Dubois said regarding mapping, I think it is going to be difficult to obtain permission from property owners to access their property to map significant vernal pools.

Steve said I think we as a Board should discuss how we want to deal with vernal pools and develop a resolution.

Mr. Rolfe said significant vernal pools could have an impact on every taxpayer, every homeowner and every landowner. If you want to build a barn, a paddock for horses, put in a swimming pool or a driveway, this law affects them too not just a developer.

Mr. Macdonald said I would like the Board to consider the proposed changes as I have outlined (copy attached). I am also preparing an Ordinance for Harbor Master and Moorings to present for Town Meeting.

The Board discussed the proposed changes and will discuss them further at a workshop to be scheduled in the near future.

Colin Holme, Lakes Environmental Association, reviewed with the Board some of the proposed changes to the Shoreland Zoning Ordinance.

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Discussion ensued between Board members and Mr. Holme regarding the proposed changes.

Fred moved to adjourn the meeting at 8:41p.m. Gordon 2nd.
3 Approve / 0 Oppose

Respectfully submitted,

Georgiann M. Fleck, Secretary
Bridgton Planning Board