



**Town of Brunswick, Maine**  
**STAFF REVIEW COMMITTEE**  
85 Union Street  
Brunswick, ME 04011

**- AGENDA -**  
**BRUNSWICK TOWN HALL**  
**85 UNION STREET**  
**ROOM 206**  
**Wednesday, January 2, 2020, 10:00 A.M.**

1. **Workshop:** The Planning Board will hold a workshop at the request of Sitelines, PA to consider modifying the Shoreland Protection Overlay boundaries on Old Portland Road. The subject lots (Map 17, Lot 1; Map U34, Lots 15 and 19) are located within the **GM3 (Growth Mixed Use 3) Zoning District** and the **SPO-SP (Shoreland Protection Overlay – Stream Protection) Subdistrict.**
2. **Other Business**
3. **Adjourn**

This agenda is mailed to owners of property within 200 feet of proposed development sites. In cases where Committee action is pending this agenda serves as notice of same. In cases where the Committee's role is to advise the Planning Board, this agenda is mailed as a courtesy along with notice of the Planning Board meeting. The Staff Review Committee meeting is open to the public. All are invited to attend and participate. For further information call the Brunswick Department of Planning and Development (725-6660).



November 19, 2019

3914

Mr. Jared Woolston  
Town Planner  
Town of Brunswick  
85 Union Street  
Brunswick, ME 04011  
<via email>

**RE: Request for Shoreland Protection Overlay Change  
Old Portland Road  
Tax Map 17, Lot 1 and Tax Map U34, Lots 15 and 19**

Dear Jared:

On behalf of Paul Douglas and Ann Huffsmith, trustees for the Russell and Janet Douglas Survivor's Trust, Sitelines is requesting the Town of Brunswick revise the Shoreland Protection Overlay (SPO) boundaries on Tax Map 17, Lot 1 and Tax Map U34 Lots 15 and 19. Almost the entirety of the two parcels is mapped as being within a the SPO. The SPO is based on a wetland delineation from several years ago that did not consider large areas of uplands with the overall perimeter. A new wetland delineation was completed by Atlantic Environmental (Tim Forrester) that identified the upland areas and other differences in the shape and extent of the wetland areas. A comparison of the previous and recent delineations is enclosed for reference.

In addition to the refined wetland boundaries, the wetlands have been identified as 'forested' wetlands. Section 2.3.3 of the Zoning Ordinance states a SPO district consists of:

All land areas within 250 feet, horizontal distance, of the normal high-water line of any river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; and all land areas within 75 feet, horizontal distance of the edge of a tributary stream (*amended 8/6/18*).

The wetland areas identified on the applicant's parcels do not meet the above definition and the SPO is not appropriate. There is stream traversing the parcel, and the SPO Stream Protection Sub-District (SPO-SP), including all areas within 75-feet from the edge of the stream is applicable and should be identified on the Zoning Map where appropriate.

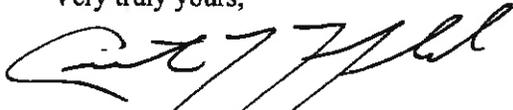
**SITELINES • CIVIL ENGINEERS • LAND SURVEYORS**  
119 Purinton Road, Suite A, Brunswick Landing, Brunswick, ME 04011  
207-725-1200 • [www.sitelinespa.com](http://www.sitelinespa.com)

This information was submitted for review by staff and it is our understanding that staff concur the wetlands and associated SPO are not consistent with section 2.3.3. The potential for significant vernal pools within the parcels was also evaluated and none were found.

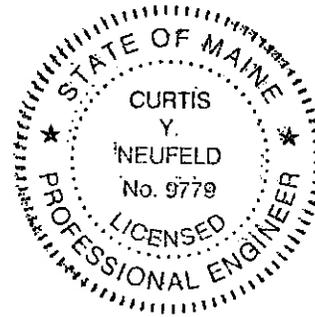
We request this matter be brought to the Town of Brunswick Planning Board for consideration and recommendation to the Town Council to amend the SPO as depicted on the Zoning Map and GIS database to reflect the field verified conditions. This amendment will allow areas ranging from 0.5 acres to three (3) or more acres of land to be available for appropriate development within the zone.

We look forward to meeting with the Town Planning Board at their December 10, 2019 meeting to discuss this request as a workshop item. Should you have any questions regarding this proposal, please contact me.

Very truly yours,



Curtis Neufeld, P.E.  
Vice President



Enclosure

cc: Paul Douglas, The Russell and Janet Douglas Survivor's Trust  
Matt Panfil, Director of Planning and Development  
Tim Forrester, Atlantic Environmental

Request for Shoreland Overlay Amendment  
Tax Map 17, Lot 1 and Tax Map U34, Lot 19

**Attachment A**  
**2019 Wetland Delineation and Vernal Pool Survey**

A copy of the vernal pool survey and wetland mapping are enclosed.

A

Wetland Delineation



135 River Road • Woolwich, ME 04579  
tim@atlanticenviromaine.com 207-837-2199  
www.atlanticenviromaine.com

June 14, 2019  
(Revised) December 11, 2019

Ms. Ann Huffsmith  
Old Portland Road  
Brunswick, ME 04011

Re: Wetland Delineation, 0 Portland Road, Brunswick, Maine and follow up site with the Town of Brunswick.

Dear Ms. Huffsmith,

At your request, Atlantic Environmental, LLC. (AE) completed a wetland delineation of three (3) parcels that total 30.4 acres and are identified as Lot #1 on Tax Map #17, and Lot #15 and Lot #19 on Tax Map #U34 in the Town of Brunswick, Maine. The wetland delineation was done in accordance with the U.S. Army Corps of Engineers, Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Regions (Version 2.0). The wetland delineation was performed on May 22, 2019 and May 31, 2019 and all wetlands were flagged with pink, numbered flagging and located with a Global Positioning System (GPS) Trimble® GEO 7X unit by AE staff. A subsequent site visit with Town of Brunswick was held on November 20, 2019.

#### **SITE DESCRIPTION**

The entire area is approximately thirty (30) acres in size and is located off Portland Road in the Town of Brunswick. The site is undeveloped and includes forested uplands, forested wetlands and a stream. According to the U.S. Department of Agriculture, *Soil Survey of Cumberland and Part of Oxford County, Maine*, there are several soil types mapped within the project areas. They include Belgrade very fine sandy loam – 0 – 8% slopes (BgB), a moderately well-drained soil, Biddeford mucky peat – 0 – 3% slopes, a very poorly drained soil, Lamoine silt loam – 3 – 8% slopes (BuB), a somewhat poorly drained soil, Lyman-Abram complex – 8 – 15% slopes, very rocky (HsC), a somewhat excessively drained soil, and Scantic silt loam – 0 – 3% slopes (Sn), a poorly drained soil.

#### **SITE VIST WITH JARED WOOLSTON, TOWN PLANNER, TOWN OF BRUNSWICK**

At the request of Jared Woolston, Town Planner for the Town of Brunswick, a site visit was conducted on Wednesday November 20, 2019. The focus of the site visit was to review the location of the stream channel as depicted on the Town's shoreland zoning map in comparison to the stream channel shown on AE's wetland delineation map. The subject parcels, as well as, the area between the

I-295 on/off ramps and the area north of the I-295 on ramp were walked. The Town's map indicated a stream channel extends from Old Portland Road northwest off the parcel. AE's map indicated a stream channel begins at Old Portland Road (in the same location as the Town's map) and extends north/northeast to the I-295 off ramp. As a result of that site visit, AE has revised its map to include an additional short channel that extends to the west off of the main channel that runs north. Additionally, the main stem of the channel does not extend all the way to the I-295 off ramp and has been shortened. This discrepancy is an over estimation of the length of the stream channel based on a review of aerial imagery. The wetland to the north of the stream channel is dominated by red maple, speckled alder, winterberry and sensitive fern (see Photograph Nine).

## **DESCRIPTION OF WETLANDS**

AE identified five (5) wetlands and the canopy and shrub layers in each of these wetlands are dominated by Red Maple (*Acer rubrum*) and Speckled Alder (*Alnus incana*). The herbaceous layer includes Sensitive Fern (*Onoclea sensibilis*), High Bush Blueberry (*Vaccinium corymbosum*), Interrupted Fern (*Osmunda claytoniana*), Japanese Honeysuckle (*Lonicera japonica*), Jewelweed (*Impatiens capensis*), and Horsetail (*Equisetum arvense*). The adjacent uplands are dominated by White Pine (*Pinus strobus*), Red Oak (*Quercus rubra*), and Bracken Fern (*Pteridium aquilinum*). The primary hydrology indicators are Saturation (A3) and Water Stained Leaves (B10). Soils within the wetland were identified as hydric within the upper ten (10) inches of the soil profile with a value or three (3) or less and a chroma of two (2) or less. Wetland One (W1) contains a stream channel.

### **Potential Vernal Pools**

AE looked for potentially significant vernal pools that are regulated under Chapter 335 of the Natural Resources Protection Act (NRPA) on April 22, May 22, and May 31, 2019. Based on our assessment, there was an area located off Portland Road in W1 that contained twenty-nine (29) spotted salamander egg masses and twelve (12) wood frog egg masses. However, this area was part of a manmade ditch/wetland area and does not meet the definition of a significant vernal pool as defined in Chapter 335 of the NRPA. Data sheets have been submitted to the Maine Department of Inland Fisheries and Wildlife (MDIFW). If MDIFW agrees with our assessment, the pool location will be recorded as non-significant.

MDIFW and the DEP have signed off that the pool is anthropogenic (manmade) and will not be subject to Significant Vernal Pool regulations.

## **STATE AND FEDERAL REGULATORY REVIEW -**

All wetlands are regulated by the Maine Department of Environmental Protection (DEP) under the Natural Resources Protection Act (NRPA) and by the U.S. Army Corps of Engineers (Corps) under the Programmatic General Permit (PGP). The DEP also defines specific types of wetlands as Wetlands of Special Significance (WOSS) if they meet the specific criteria of Section 4 of Chapter 310 of the NRPA. Based on AE's assessment of the wetlands, the wetlands that are adjacent to the stream meet the definition of a WOSS. There were no WOSS identified in W2 – W5. Under the NRPA, Section 480-Q, a one-time wetland impact less than 4,300 sq. ft. do not require a permit from the DEP. If the proposed project alters more than this amount, AE suggests that impacts to these wetlands and/or the associated

buffers should be reviewed by the U.S. Army Corps of Engineers and the Maine Department of Environmental Protection before any soil disturbance onsite.

### TOWN OF BRUNSWICK -

Based on the Town of Brunswick's Zoning Map, The area is mapped as Growth Mixed-Use (GM3). In addition, the majority of the parcels are mapped in the Stream Protection Subdistrict of the Shoreland Protection Overlay Zone – see Figure One. All new principal and accessory structures shall be setback seventy-five (75) feet from the edge of a stream or tributary stream and one hundred and twenty-five (125) feet from the upland edge of a freshwater wetland. AE highly recommends that you contact the Town of Brunswick Planning Department to discuss any proposed development of these parcels.

In addition to the zoning requirements, the Town of Brunswick regulates Freshwater Wetlands as, "a freshwater swamp, marsh, bog, or similar area other than a forested wetland which is:

A. Of ten or more contiguous acres; or of less than ten contiguous acres and adjacent to a surface water body, excluding any river or stream, such that in a natural state, the combined surface area is in excess of ten acres; and

B. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and that under normal circumstances does support, a prevalence of wetland vegetation typically adapted for life in saturated soils. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

All five wetlands are forested wetlands less the 10 acres in size and therefore do not meet the Town's definition as a freshwater wetlands.

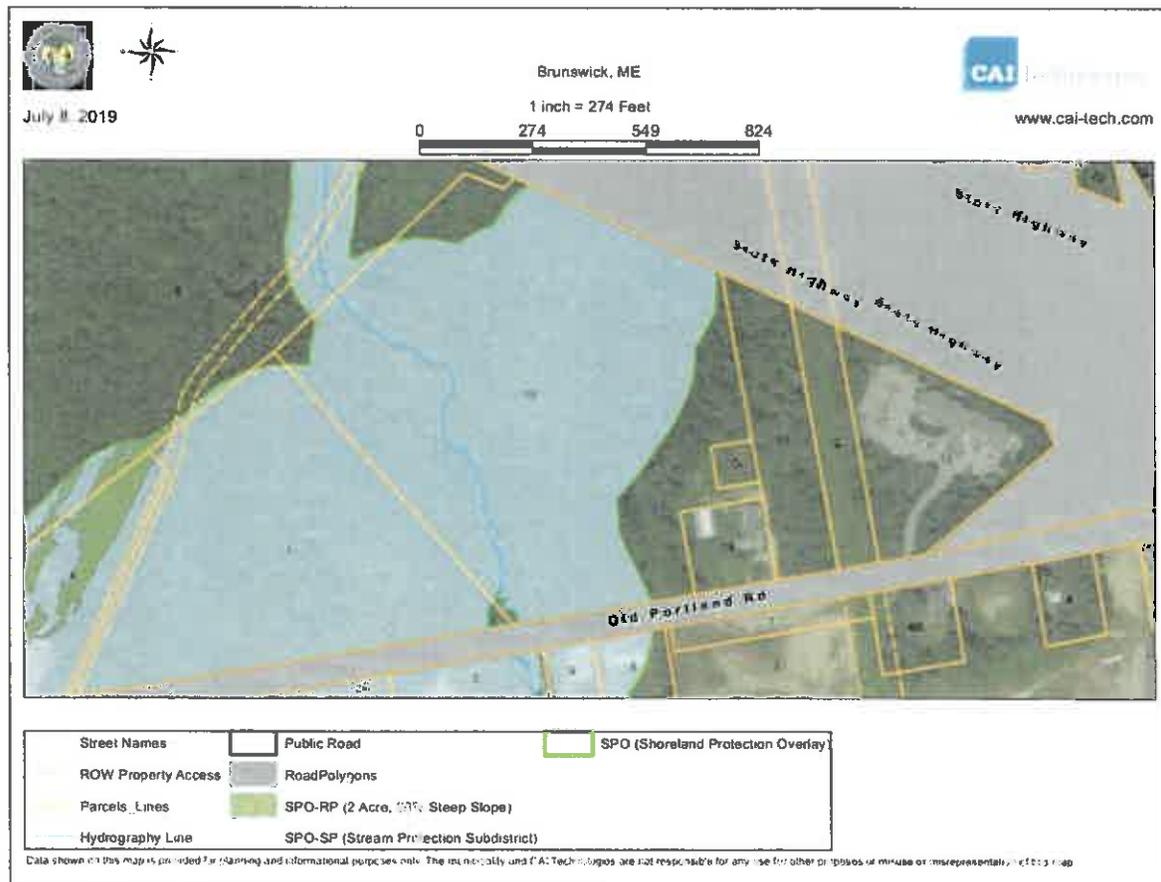


Figure One. Town of Brunswick Zoning Map for subject parcels. Note blue area delineating Stream Protection Subdistrict of the Shoreland Zoning Overlay Zone.

The Town also regulates streams and associated wetlands as-

Stream: A channel between defined banks created by the action of surface water and has two (2) or more of the following characteristics.

A. It contains or is known to contain flowing water continuously for a period of at least 6 months of the year under normal seasonal rainfall conditions.

B. The channel bed is primarily composed of mineral material such as sand, scoured silt, gravel, clay, or other parent material that has been deposited or scoured by water.

C. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present, within the stream bed.

D. The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

Bordering freshwater wetlands that are not separated from the stream channel by a distinct change in elevation (such as hillside groundwater seeps) or barrier, and wetlands that are subject to periodic flooding or soil saturation as a result of high stream flows are considered part of the stream. Where these wetlands are present, the normal high water line of the stream is measured from the upland / wetland transition of bordering wetlands subject to periodic stream water flooding or saturation, or where changes in wetland vegetation, soil characteristics, or topography clearly demonstrate wetland hydrology not associated with associated with periodic flood flows.

Natural and artificial impoundments at the source and along the course of the stream are considered to be part of the stream. Stream does not mean a ditch or other drainage way constructed, or constructed and maintained, solely for the purpose of draining storm water or a grassy swale.

Based on our field assessment, portions of the area mapped in W1 contain a stream as defined by the DEP and the Town. The Town does require a setback from the edge of the associated wetland of that stream. AE suggests you contact the Town of Brunswick Planning Department prior to any soil disturbance onsite.

Thank you for the opportunity to work with you on this project. Should you have any additional questions, please do not hesitate to contact me at 207-837-2199 or via email at [tim@atlanticenviromaine.com](mailto:tim@atlanticenviromaine.com).

Sincerely,  
Atlantic Environmental LLC.



Timothy A. Forrester, Owner  
PWS #1933



**Photograph One. View of Wetland One showing portion of delineated wetland. Photographer: Lisa Vickers, Atlantic Environmental, LLC. Date: May 22, 2019.**



**Photograph Two. Additional View of Wetland One. Photographer: Lisa Vickers, Atlantic Environmental, LLC. Date: May 22, 2019.**



**Photograph Three. Partial View of Area containing egg masses – note Portland Road in background. Photographer: Lisa Vickers, Atlantic Environmental, LLC. Date: May 22, 2019.**



**Photograph Four. Wetland Area showing egg masses. Photographer: Lisa Vickers, Atlantic Environmental, LLC. Date: May 22, 2019.**



**Photograph Five. View of Wetland Two. Photographer: Tim Forrester, Atlantic Environmental, LLC. Date: June 13, 2019.**



**Photograph Six. View of Wetland Three. Photographer: Tim Forrester, Atlantic Environmental, LLC. Date: June 13, 2019.**



**Photograph Seven. View of Wetland Four. Photographer: Tim Forrester, Atlantic Environmental, LLC. Date: June 13, 2019.**

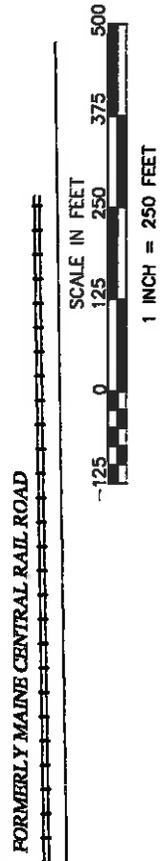
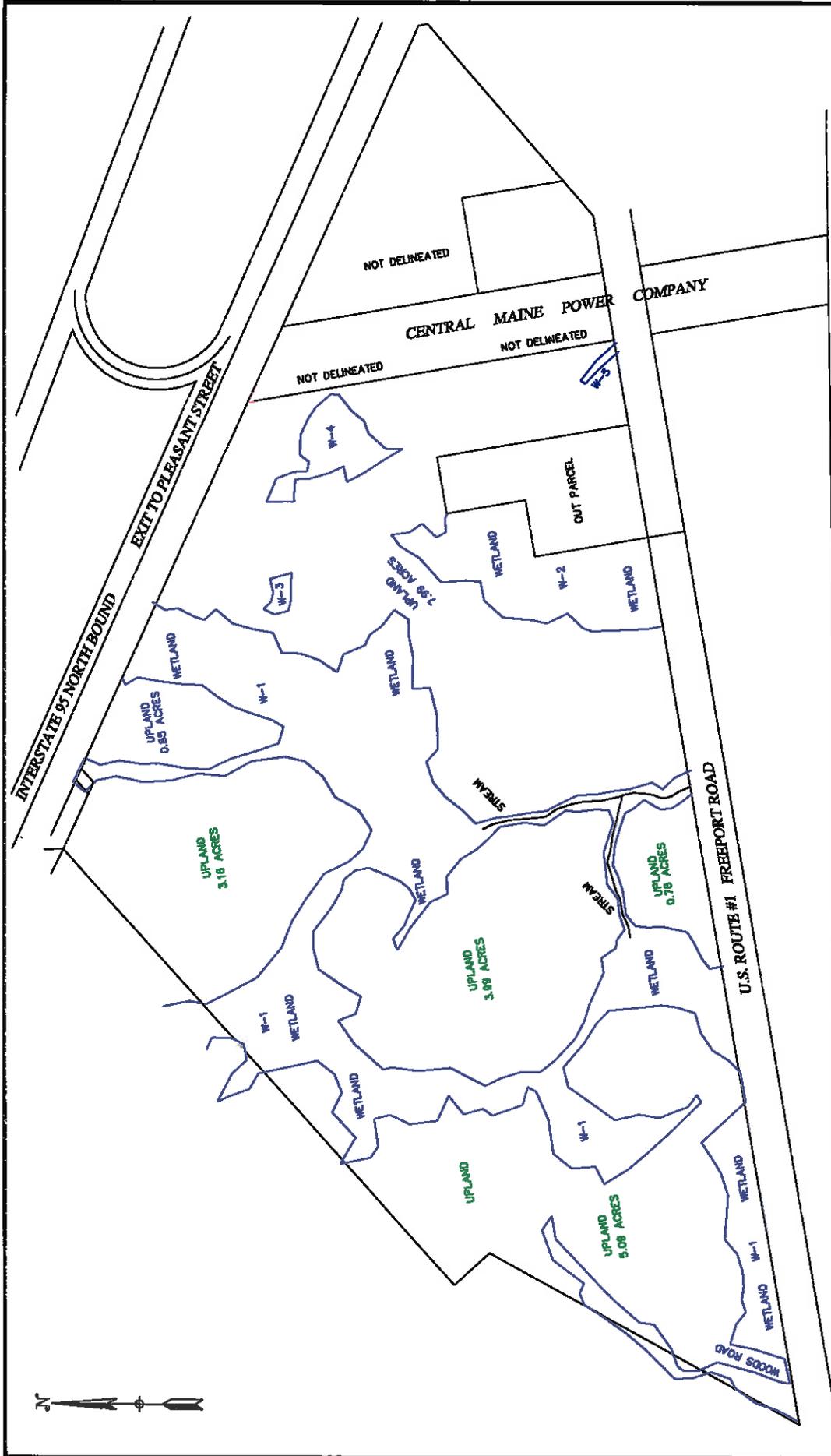


**Photograph Eight. View of Wetland Five. Photographer: Tim Forrester, Atlantic Environmental, LLC. Date: June 13, 2019.**



**Photograph Nine. View of Wetland One from the end of the stream channel.  
Photographer: Tim Forrester, Atlantic Environmental, LLC.**

**Date: November 20, 2019.**



**ATLANTIC ENVIRONMENTAL, LLC.**  
 Environmental Consultants  
 135 River Road, Woolwich, ME 04579  
 (207) 837-2199  
 tim@atlanticeavironmaine.com

Date: 6/22/2019  
 Revised: 12/6/2019  
 Project: Ann Huffsmith  
 Drafted By: TAF

Wetland Map for 0 Old Brunswick Road, in Brunswick, Maine. Prepared for Ann Huffsmith.  
 Base Plan provided by Sitelines, P.A. This is not a boundary survey and should be used for planning purposes only. Wetland features were GPS located in the field. Property lines are assumed. No delineations were performed east of the CMP line.

Sheet  
 One  
 of  
 One



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JANET T. MILLS  
GOVERNOR

GERALD D. REID  
COMMISSIONER

July 26, 2019

Tim Forrester  
Atlantic Environmental, LLC  
135 River Road  
Woolwich, ME 04579

Re: Vernal Pool Significance Determination, Pool ID # 3738–Brunswick

Dear Tim Forrester:

Vernal pools are temporary to semi-permanent wetlands occurring in shallow depressions that typically fill during the spring and dry during the summer or in drought years. They provide important breeding and foraging habitat for a wide variety of specialized wildlife species including several rare, threatened, and endangered species.

Based on your field survey, it has been determined that the vernal pool identified above on the property of Anne Huffsmith is NOT SIGNIFICANT because either: 1. the feature does not meet the definition of a vernal pool under the Significant Wildlife Habitat rules, 06-096 CMR 335(9) or 2. the vernal pool does not meet the biological standards for exceptional wildlife use of the Significant Wildlife Habitat rules, 06-096 CMR 335(9)(B). Therefore, activities within 250 feet of the pool are not regulated under the Natural Resources Protection Act (NRPA) unless there are other protected natural resources nearby such as streams or freshwater wetlands. I have attached a copy of the database printout that verifies the State's findings with respect to your survey.

I want to also advise you that the pool area on the property can be considered a freshwater wetland and therefore direct pool alterations may require permitting under the NRPA.

The Department will notify the landowner of the pool status under separate cover. If you have any questions or need further clarification, please contact me at (207) 530-0965 or email at: [Nick.Livesay@maine.gov](mailto:Nick.Livesay@maine.gov)

Sincerely,

Nick Livesay, Director  
Bureau of Land Resources

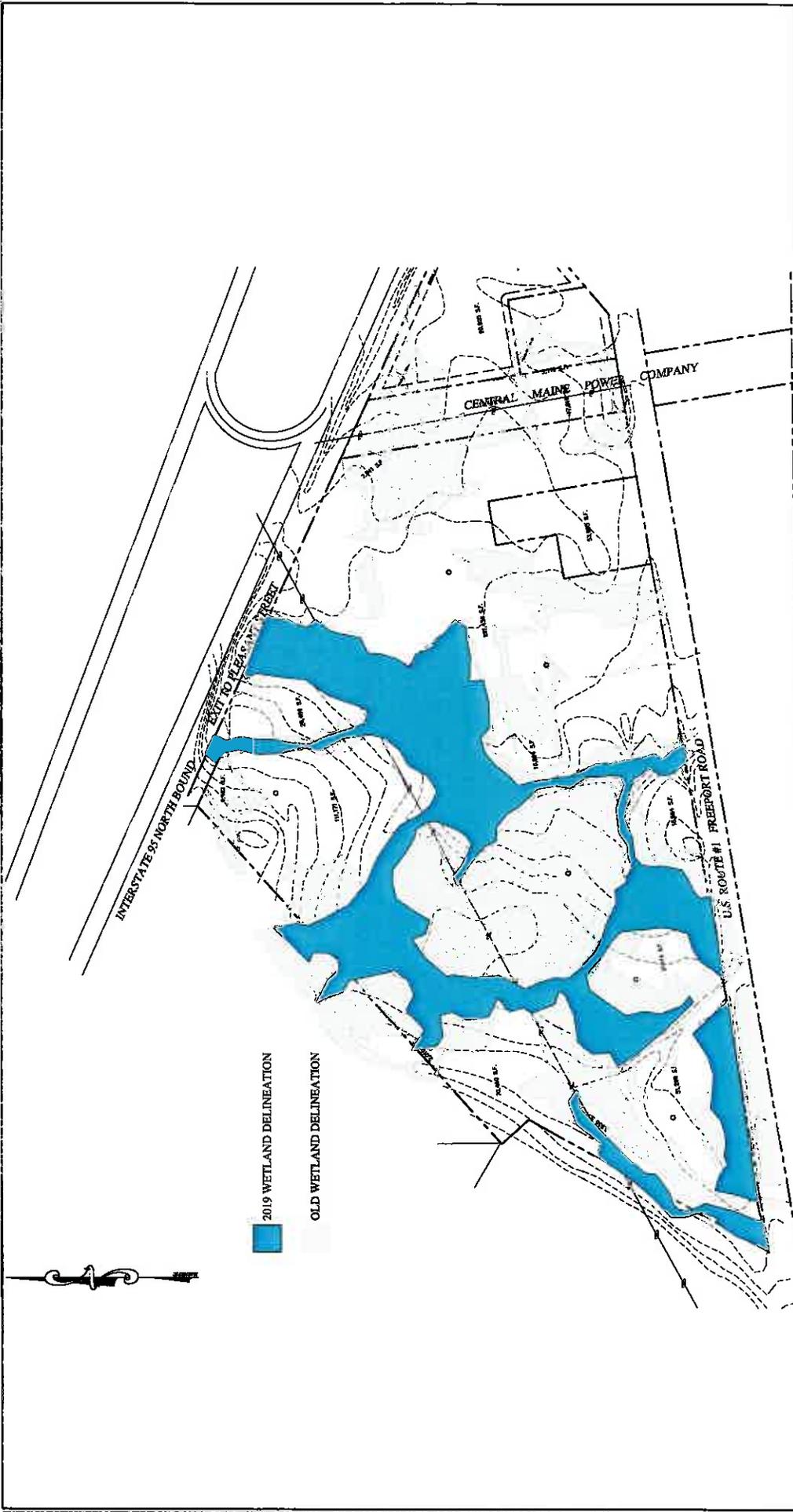
cc. town file

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826

BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769  
(207) 764-0477 FAX: (207) 760-3143



**WETLANDS EXHIBIT**

PROJECT: SHORELAND MAPPING CHANGE

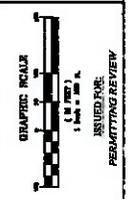
PROPERTY: PARK DOUGLAS  
2000 Broadview Ct. Scarborough Springs, CO 80487

**SITELINES**  
CIVIL ENGINEERS & PLANNERS • LAND SURVEYORS  
119 PINEBUSH ROAD, SUITE A  
SCARBOROUGH, ME 04308  
PHONE: 603.883.8811  
FAX: 603.883.8812

FIELD NO.:  
DRAWN BY: CYN  
CHECKED BY: CYN  
DATE: 09.15.19

SCALE: 1"=200'  
JOB #: 3914  
HANDLED: JTW & LK  
PLOT:

REVISIONS LIST:  
NO. DATE DESCRIPTION  
1 09/15/19 INITIAL DESIGN  
2 09/15/19 REVISIONS TO  
3 09/15/19 REVISIONS TO  
4 09/15/19 REVISIONS TO  
5 09/15/19 REVISIONS TO  
6 09/15/19 REVISIONS TO  
7 09/15/19 REVISIONS TO  
8 09/15/19 REVISIONS TO  
9 09/15/19 REVISIONS TO  
10 09/15/19 REVISIONS TO



CALL OR FAX  
1-888-344-7233  
UTILITY LOCATION  
FOR AN ACCURATE AND COMPLETE SET OF  
AS-BUILT UTILITIES FOR THE PROJECT  
AT THE OFFICE OF THE ENGINEER

REVISIONS LIST:  
NO. DATE DESCRIPTION  
1 09/15/19 INITIAL DESIGN  
2 09/15/19 REVISIONS TO  
3 09/15/19 REVISIONS TO  
4 09/15/19 REVISIONS TO  
5 09/15/19 REVISIONS TO  
6 09/15/19 REVISIONS TO  
7 09/15/19 REVISIONS TO  
8 09/15/19 REVISIONS TO  
9 09/15/19 REVISIONS TO  
10 09/15/19 REVISIONS TO

Request for Shoreland Overlay Amendment  
Tax Map 17, Lot 1 and Tax Map U34. Lot 19

**Attachment C**  
**Supporting Graphics**

C

A copy of the Shoreland Overlay from the Town GIS and tax maps are included for reference.

Supporting Graphics



# SHORELAND OVERLAY

DOUGLAS PARCEL

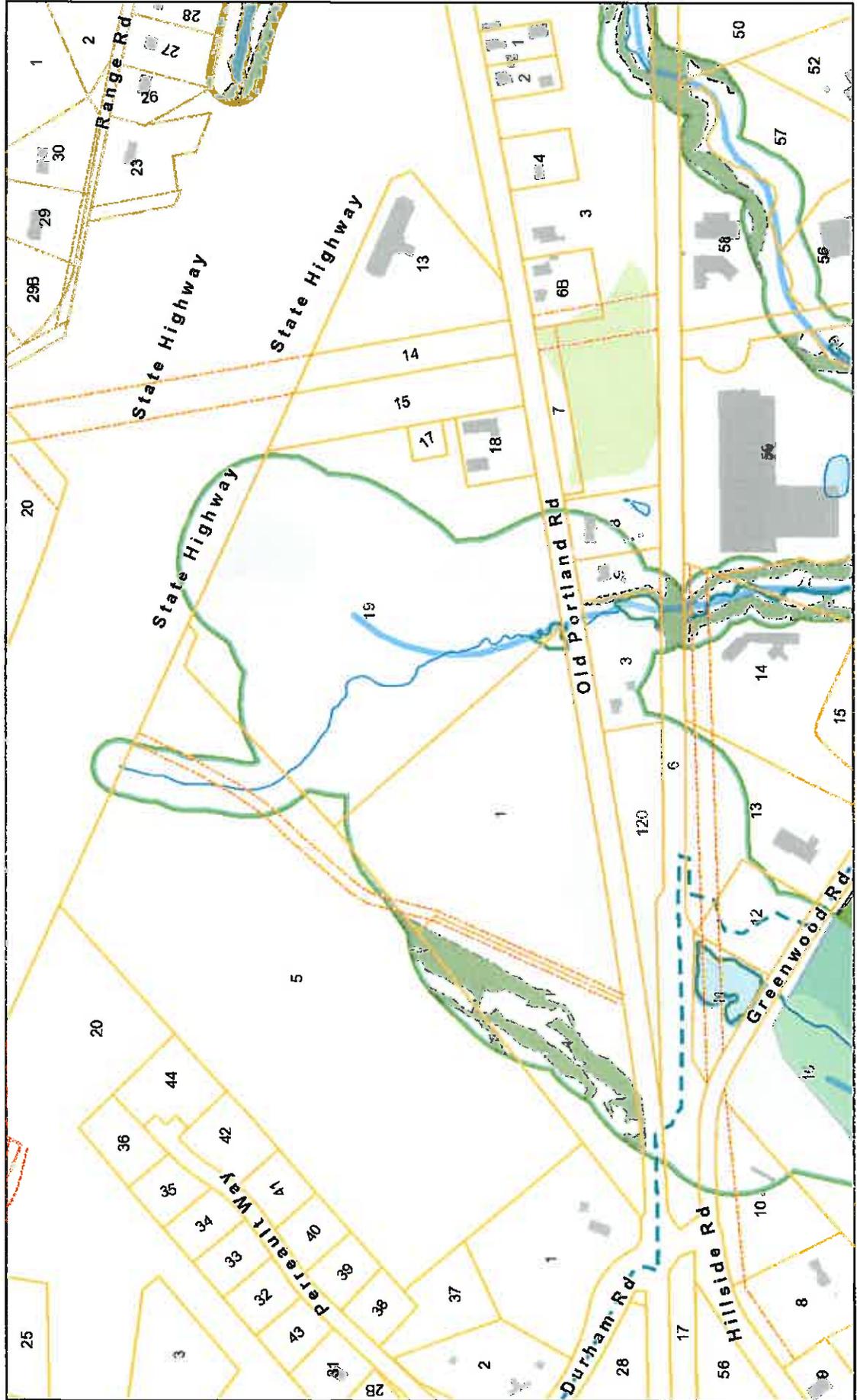


October 3, 2019

1 inch = 400 Feet



www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



- Legend**
- Lines, Other
  - Other Road
  - Hydrography Line
  - ROW Property Access
  - Town Boundary
  - Other Lot Boundary
  - Parcel Lines
  - Public Road
  - Private Road
  - ROW
  - Water

Disclaimer: This map is provided as a planning resource and is not intended for any legal or engineering purposes. The user assumes all responsibility for the accuracy of the data. Copyright Town of Brunswick.



1 inch = 300 feet

Revised By: April 1, 2019

Maps Prepared by:  
Town of Brunswick

Revised and Reprinted By:

