



**Albert Frick Associates, Inc.**  
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August 30, 2018

Dan Diffin, P.E.  
Sevee and Maher  
PO BOX 85A  
Cumberland Center, ME 04021

**Re: Wetlands Report for Skillin Road Property (R7-87), Cumberland.**

Dear Dan:

**Jurisdictional Natural Resources:**

On August 17, 2018 Albert Frick Associates, Inc. (AFA) conducted a wetland delineation at the above-mentioned property. The property contains several small, isolated freshwater wetlands and a portion of a larger wetland at the northwest corner of the property. One of the small isolated wetlands appears to contain standing water during the spring which may serve as potential habitat for vernal pool species. Refer to the attached site plan for locations of wetlands on the property. Wetlands were flagged in blue using an alphanumeric system and were located with a Trimble Geo 7x GPS unit. The following report summarizes the relevant natural resource regulatory requirements at the federal level (Clean Water Act-Section 404), State of Maine (Natural Resources Protection Act) and the Town of Cumberland (Shoreland zoning).

***Maine Department of Environmental Protection (DEP-Natural Resources Protection Act):***  
**Wetlands:**

Freshwater wetlands are a protected natural resource pursuant to Maine's Natural Resources Protection Act (NRPA). Under this Act, the DEP requires permits to impact wetlands, such as filling. Wetland impacts on the property are eligible for the Tier review process unless the potential vernal pool (PVP) mentioned above is determined to be a significant vernal pool (SVP) in accordance with the Natural Resources Protection Act (Chapter 335 and the Statute). Wetland impacts that occur within significant vernal pool habitat require an Individual review by the DEP and approval is not a guarantee.

**Potential Vernal Pools (PVP's)**

One of the wetland areas may contain surface water in the spring so that it would support pool breeding amphibians, such as wood frogs and spotted salamanders. The attached site plan depicts this PVP as a pink cross-hatch within the wetland boundary. Based dry summer high water mark, (wetland/PVP was dry at the time of observation), this PVP appears to exhibit ephemeral hydrology which means that the pool likely dries at some point during the summer. This may or may not factor into the potential productivity of the pool which can be evaluated during a spring vernal pool survey in 2019.

Only significant vernal pools (SVP) are protected by the DEP per the NRPA, Significant Wildlife Habitat (SWH) Rules, Chapter 335. A PVP is determined to be a SVP by the abundance of pool-breeding amphibian egg masses, the presence of fairy shrimp or use by rare, threatened or endangered species. The DEP requires a 250-foot protective buffer, or radius, around the SVP depression, referred

to as a portion of the critical terrestrial habitat (CTH). Even though the pool has not been studied yet, the pool and the critical terrestrial habitat around the pool is regulated as significant vernal pool habitat, in accordance with the Significant Wildlife Habitat (SWH) Rules, Chapter 335 of the NRPA, unless a springtime survey results in a determination that the pool is non-significant per Chapter 335.

If a springtime survey results in a determination that the pool is non-significant, then the SWH Rules do not apply to the pool but the pool will remain regulated as a forested wetland because it is contained within the forested wetland boundary. If a springtime survey results in a determination that the PVP is a SVP, then as discussed above, the vernal pool depression and the area within 250 feet of the depression edge is regulated as Significant Vernal Pool Habitat in accordance with the SWH Rules.

Minor impacts to the CTH, such as clearing to less than 25% of the upland CTH may be eligible for the PBR review process, under section 19 PBR Standards. The Permit By Rule (PBR) process is a stream-lined review where approval may be granted within 14 days. Individual reviews may require compensation.

***Town of Cumberland (Shoreland Zoning Ordinance):***

According to the zoning map, as shown on the Town of Cumberland's website, the property does not indicate a shoreland zone within its limits. Therefore, the wetlands will not be subject to the shoreland zoning section of the ordinance. However, proposed development will be subject to all other applicable standards as set forth in the zoning ordinance. For specific questions, contact the local code enforcement officer at the Town of Cumberland.

***Army Corps of Engineers (Clean Water Act):***

**Wetlands:**

Dredge or fill activities in any of the wetlands, of any amount, require Corps review per Section 404 of the Clean Water Act (Maine General Permit-"Maine GP").

**Vernal Pools:**

Pursuant to Section 404 of the Federal Clean Water Act, the Corps regulates activities within 750 feet of a vernal pool (waters of the US), regardless of DEP significance, only when wetlands are impacted through either dredging or filling activities. The Corps administers the regulation in Maine under Maine's General Permit (Maine GP). The 750-foot area is referred to as the Critical Terrestrial Habitat (CTH) because the adult amphibians use this area outside of the breeding season (April-May).

In order to qualify for the streamlined review process known as Category 1 (CAT 1) permit, Vernal Pool General Condition, #23 in the Maine GP must be satisfied and in its pertinent part requires no disturbance to either the vernal pool depression or its envelope, which is the area within 100 feet of the pool edge. Also, no more than 25% of the CTH can be altered through activities such as clearing of vegetation in either upland or non-wetland areas. If these standards cannot be met, the Corps requires CAT 2 review. CAT 2 projects may or may not require compensation depending on the productivity of the pool, among others. If you have any questions or further matters for discussion, please feel free to contact me by phone (839-5563) or by email at [chris@albertfrick.com](mailto:chris@albertfrick.com).

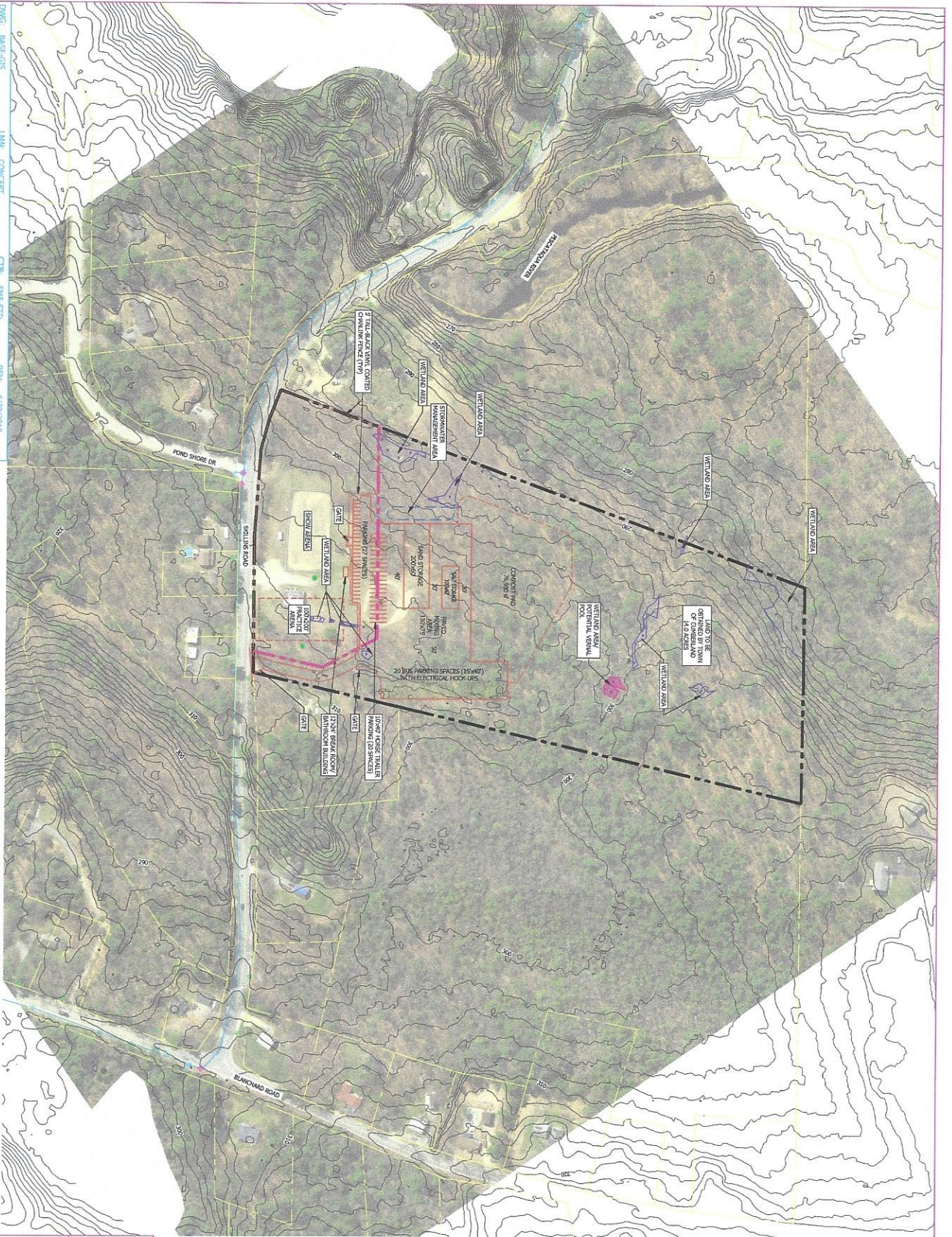
Respectfully,

*Chris Coppi*

Chris Coppi CWS, LSE-Wetland Scientist

Enc. Sketch Plan, Zoning Map





- NOTES:
1. EXISTING PARCEL FROM TOWN OF CUMBERLAND AND DES.
  2. AERIAL PHOTO FROM GOOGLE EARTH, DATED 8/2013.
  3. WETLANDS BY ALBERT R. RICE ASSOCIATES AND LOCATED IMPACTS ARE NECESSARY TO BE RECONSIDERED IF ANY.
  4. SCALE FROM WEB SITE: SHOWN FROM HMC.COM.

LEGEND

PROPOSED PROPERTY LINE



**FIGURE 1**  
**2018 CONCEPTUAL SITE PLAN #1**  
**PUBLIC WORKS RELOCATION**  
**TOWN OF CUMBERLAND**  
**MAINE**

**SME**  
**SHAW & MERRITT**  
**ENGINEERS**

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