

Draft 4/26/07 for review by Myers, Black for accuracy, completeness

Minutes
Town of Waldoboro
Planning Board Meeting
April 25, 2007

Contents

1. Can Local Ordinances be Stricter than the State's?
2. Training Session on Vernal Pools, Wednesday May 23, Searsmont

Roll Call

The meeting was called to order by vice chairman JoAnn Myers at 7:12 p.m. in the meeting room at the Municipal Building. Other members present were Chuck Campbell and Chuck Flint. A quorum was lacking and no votes were taken. Code Enforcement Officer John Black was present. There was no audience. Members present discussed several questions regarding Planning Board issues.

1. Can Local Ordinances be Stricter than the State's?

Flint asked whether Waldoboro's land use ordinance can be stricter than the State's ordinance or regulations. Black said the local subdivision ordinance cannot be stricter than that of the State. Campbell said local regulations regarding mobile homes cannot be stricter than the State's. With these exceptions, Black believes that the local ordinance can be stricter than the State's but not less strict. Black referred Planning Board members to p. 103 of the 2006 Maine Planning & Land Use Laws, a paperback compilation given to all Planning Board members.

Black said that setbacks are not part of the State subdivision ordinance, and are up to the individual municipality (*except for setbacks of septic systems from property lines, which are in the State plumbing code what about; setbacks from road rights-of way?*).

2. Training Session on Vernal Pools, Wednesday May 23, Searsmont

Black invited interested Planning Board members to attend a field training session on vernal pools to be held in Searsmont on May 23 for code enforcement officers and invited guests. The group will visit a property that contains seven pools, some of which are vernal pools and others not, and receive training from an expert on vernal pools. Flint expressed interest in attending and asked for directions to the meeting, or may carpool with Black.

The State assesses the importance of vernal pools in part by the presence of endangered or threatened species, not solely by size. If a landowner suspects there is a vernal pool on his or her property, he or she can request an inspection by someone from the Maine Dept. of Environmental Protection. If the DEP representative determines that the vernal pool belongs on its master map of vernal pools, it will be protected. If the vernal pool is not added to the map, its presence can be ignored in developing the property. Some vernal pools are in existence for only three weeks during the year, but may provide critical spawning habitat.

Black said a mapped vernal pool no larger than a conference table may require four acres of buffer area, but a landowner is allowed to develop one of the four acres right up to the vernal pool so long as the developed area is not within the vernal pool.

Regulations for vernal pools are different from regulations regarding wetlands under 10 acres. With appropriate permits, Black said a landowner can fill in one-tenth of an acre of a wetland under 10 acres. Wetlands larger than 10 acres are regulated under Shoreland Zoning. NRPA (Natural Resource Protection Act) regulations are different from Shoreland Zoning regulations. NRPA regulations in Maine are administered by DEP. Black showed samples of the application materials for a NRPA permit.

Adjournment: The meeting was adjourned at 8:10 p.m.

JoAnn Myers, Vice Chairman

Submitted by:

Charles Campbell

Susan S. R. Alexander

Charles Flint

WALDOBORO PLANNING BOARD