

April 20, 2022

Ryan Keith
Code Enforcement Officer
Town of North Yarmouth
10 Village Square Road
North Yarmouth, ME 04097

Re: Water Line Solar Project – Tree Clearing in Wetlands Waiver Supplement

Dear Ryan,

BRI is supporting the Water Line Solar project (Project) in the submittal of the Site Plan Review and Conditional Use Application for review by the Planning Board. Additionally, our team performed the natural resources delineation of the property on which the Project is sited. In the application, the Project team has requested a waiver for the buffering and setback requirements outlined in the North Yarmouth Land Use Ordinance. As the environmental scientists working with Branch Renewable Energy on the Project, we are providing this as an additional supplement to assist the Planning Board in the evaluation of the waiver request.

The Project is strategically sited in an area of the property that avoids steep slopes, the larger wetland complex to the east, CMP power poles, abutters to the west, and the two different Yarmouth Water District Zone 1 areas surrounding the three active wells on the property, so the Project has already been sited to avoid impacts as much as possible. The Project is proposing the alteration of portions of wetland W-MR-06, which classifies as a High Value wetland per the North Yarmouth zoning ordinance. However, the tree clearing proposed in these portions of the wetland will still allow for the wetland to serve as wet meadow/emergent wetland resources that will continue to contribute to the surrounding environment.

Additionally, the Maine Department of Environmental Protection (DEP) does not classify these wetlands as wetlands of special significance, and there is precedent based on other projects similar to this one in Maine for the DEP to approve this proposed impact. If the board would like to make the approval of the DEP Natural Resources Protection Act (NRPA) Tier 2 permit as a condition of approval to grant the waiver, then we are open to that requirement.

Below is a description of the existing conditions and how the wetland will still preserve its function and value after the proposed tree clearing activity will take place. Images of these wetland areas where tree clearing is proposed are included as well.

Existing Site Conditions

The 14.4-acre portion of the Project parcel is predominantly forested, but has previously been timber harvested and disturbed, including portions of the high value wetland. The depression in which the Project Limit of Disturbance (LOD) is proposed to be located is the result of previous grading and activity to construct the nearby railroad and Yarmouth Water District infrastructure decades ago. This recently logged upland area is shown in Photo 1.



Photo 1. Recently logged upland area within LOD (12/9/2021)

No streams, vernal pools, or potential vernal pools were identified within the proposed LOD during an on-site natural resources survey. However, three wetlands are located within the LOD. These wetlands include two small, pocket wetlands with minimal vegetation (W-MR-07 and W-MR-08) and two scrub-shrub and forested fingers of a larger wetland that continues off-Site to the east (W-MR-06). This larger wetland is bordered to the east by a railroad, and has been cleared where power lines cross it to reach the Estabrook Well. The fingers of this wetland that overlap with the Project LOD were previously fragmented as a result of the existing power lines.

Functions and Values

These three wetlands provide minor improvements to sediment and toxicant retention and nutrient removal. While these wetlands provide localized wildlife habitat, they are nearly entirely surrounded by development and, therefore, are not connected to larger uninterrupted habitat blocks. The

proposed LOD and associated wetlands, in particular, are encircled by existing access roads and overhead power lines. They have already undergone some alteration due to logging.

The Project has been designed to avoid wetland impacts to the greatest extent practicable. Total wetland impacts across the Project include 20 square feet of permanent fill from racking posts and fence posts; 6,100 square feet (0.14 acres) of shading, where solar panels will span wetlands; and 16,335 square feet (0.38 acres) of clearing, where scrub-shrub and forested wetlands will be converted to wet meadow or emergent wetlands. Impacts to the high-value wetland (W-MR-06) will include 10 square feet of fill, 4,843 square feet of shading, and 13,260 square feet of clearing/conversion.

There will be no grading or stumping within wetlands. The conversion of scrub-shrub and forested wetlands to wet meadow wetlands will change—but not significantly diminish—the productive habitat, biological ecosystems, and natural functions and values of these wetlands. While many generalist species will continue to use the wetlands, overall use will likely shift toward species that prefer open habitats. The overall functions of these wetlands will not be lost due to conversion. This is because the proposed Project is designed to impact only the already-fragmented tips of elongated fingers of wetlands, and not the interior of the larger wetland complex. In addition, water quality benefits from the wetlands will not be lost, as herbaceous wetlands continue to filter sediments and toxicants, even after woody vegetation has been cleared.

If you have any questions regarding these on-Site natural resources or the development impacts, please contact me at (414) 758-7319 or by email at Merrill.read@brienvironmental.org.

Best,

A handwritten signature in black ink that reads "Merrill Read".

Merrill Read
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Photo 2. Northern wetland finger of W-MR-06 within the LOD (4/18/2022)



Photo 3. Southern wetland finger of W-MR-06 within the LOD (4/18/2022)



Photo 4. Previously disturbed portion of W-MR-06 within existing utility right-of-way (4/18/2022)