

To: Boothbay Planning Board  
From: Mark Eyerman  
Subject: Regulation of Timber Harvesting  
Date: November 9, 2018

Here is a start on consideration of how to treat “timber harvesting” in the revised ordinance.

### **Current Ordinance**

Timber harvesting is generally an allowed use throughout the town. The only exception appears to be in the Marine Commercial District where it is prohibited. In general, Planning Board review and approval is required for timber harvesting in the Water Reservoirs Protection District, Wellhead Protection District and in the various shoreland zones/overlays including the RP District. In the remainder of the town it is an allowed use. Section 3.10.21 establishes standards for timber harvesting. It appears that this section makes timber harvesting in the Shoreland Overlay District, Water Reservoirs Protection District, and Watershed Overlay District subject to the state standards in Chapter 21 (see attached excerpt from state model shoreland ordinance). Section 3.10.21 includes some additional standards but I am not clear what those apply to and how they are used.

### **Moving Forward**

Under the state shoreland zoning, timber harvesting has to be regulated in accordance with the state guidelines. The guidelines set out three options – see the attached excerpt. In brief, the options are: 1) turn over responsibility for regulating timber harvesting to the state however my understanding is that the state rules only apply to state designated shoreland areas, 2) adopt the state standards and administer them locally, or 3) continue using the current regulations if they meet previous state standards.

I see a couple of policy issues:

1. In what areas of the community does the Town want to have timber harvesting regulated? As noted above the current regulations extend beyond the state defined shoreland areas.
2. Does the Town want to turn over regulation of timber harvesting to the state or retain local control of this function? If the Town adopts the state standards but retains local control it appears that the Bureau of Forestry will provide technical assistance in enforcing the regulations.

My sense is that the Town should do the following:

- Pursue Option 2 as laid out in the shoreland model. This would involve adopting the state standards as part of the Town ordinance.
- Apply the state timber harvesting standards to all areas included within the proposed Shoreland Overlay District (this includes the RP District and WRP Districts) as well as the WPO District and the Wellhead Protection District.
- Request the Bureau of Forestry to participate in the joint administration and enforcement of the ordinance.

If the Board wants to pursue this direction, the next steps would be:

1. Review the current Chapter 21 standards against the current state model ordinance language for Option 2 to make sure that the language is up to date and if not to update it.
2. Review the Town's approach with the Bureau of Forestry to clarify how they will treat the areas outside of state mandated shoreland areas.
3. Incorporate the Option 2 language (as updated if necessary) into the performance standards spelling out where the standards apply (SPO, WPO, and WP Districts).
4. Update the Land Use Table.