

To: Boothbay Planning Board  
From: Mark Eyerman  
Subject: Timber Harvesting Provisions  
Date: November 22, 2019

Sue and Mike Morse worked with the Bureau of Forestry to develop a set of local timber harvesting standards for the WPO District plus a few more restrictive additional standards for the WRP District. I have attached the "final" version of those WPO standards that I received from Mike. The WRP changes were minor dealing with the size of wetlands. The most recent changes in the WPO standards that were negotiated are shown in redline format. It is my understanding that if the Town adopts these provisions the Bureau of Forestry will concur with that and there have been emails to this effect.

So where does that leave us?

1. The Planning Board should review the proposed language to be sure that it is comfortable with it. If there are any questions or concerns, the Board should review those with Sue and Mike Morse if necessary. Assuming that the Board is comfortable with the proposed standards, we then need to think about the formal adoption process including a public hearing.
2. Sue and the PB should document the process that has occurred if that has not already been done. This should include the participation of Steve Pelletier and Mike Morse as well as having copies of all of the various communications between the Town, Water District, Mike Morse and the Bureau of Forestry. As I indicated earlier, there should be something in that record from Steve indicating that he has participated in the development of the provisions and approves of them.
3. The State sets out requirements for the adoption of local timber harvesting standards. I've attached a copy of those provisions. Here are some thoughts/observations on moving forward:
  - a. The procedure calls for the Bureau of Forestry to meet with the Town to go over the Town's proposed standards. The state has determined that this requirement has been met and that the PB does not to meet with them.
  - b. The next step is for the Town to hold a public hearing on the proposed standards. This has to occur at least 45 days prior to any vote on the provisions. Written notice of that hearing will need to be provided to all property owners in the WPO District in accordance with the state-defined procedures and the Town will need to create the record of this as required

- by the state. The procedure requires that the Bureau of Forestry be notified of the public hearing and provided the opportunity to participate.
- c. The Board should consider whether it wants to do the hearing on the timber harvesting provisions as part of the overall ordinance package or as a separate process so the hearing is out of the way when we get to considering the entire package of amendments.
  - d. I lean toward doing a separate public hearing on the timber harvesting provisions. Here are my reasons for that:
    - i. The processes for adopting the ordinance package and the timber harvesting provisions are different. It might be easier to deal with the procedural requirements separately.
    - ii. It might be helpful to do the timber harvesting hearing sooner rather than later so it can be discussed while it is fresh in people's minds. The hearing will need to involve the Bureau and Mike Morse and probably the Water District.
    - iii. And if there are any significant concerns that come up during the timber harvesting hearing, those will probably require getting Mike Morse and the BoF back involved.
4. So I suggest that the Planning Board start the process for holding a separate public hearing on the draft timber harvesting provisions. This could be done as part of a regular PB meeting. It would require sending written notices to all property owners in the WPO District and arranging for Mike Morse to be there along with representatives from the BoF.
  5. If there are questions/issues that need further discussion the PB can go back to work on them with Mike's assistance.
  6. And once there is what we might call a final draft that can be incorporated into the overall amendment package.