

Town of Gouldsboro
Planning Board Minutes - Regular Meeting
January 16, 2018

Attendees:

Ray Jones, Chair	Paul Stewart, PB
Bonnie Kane, Vice Chair	Fred Cook, PB
Deb Bisson, Secretary	Ken Bahm, PB Alt
Rebecca Albright, CEO	

of Guests: 11

Meeting Called to Order: 6:00pm

Approval of Minutes: January 2, 2018 - Approved as amended

Bills: None

CEO Report: Application for extension Joe Young's wharf and he would also like he would like to expand his oyster business. (Mill Pond)

- CEO was contacted by a concerned person regarding the Jennings' pier project, who relayed to her that he had been told by US Army Corps of Engineers that it is over designed – and the entire design has been minimized and sent back to the drawing board. CEO will not issue a permit unless and until the ACoE, (Army Corps of Engineers) permit and other State permits are in hand.

Old Business:

- Point Francis Timber Harvesting
 - Rebecca was notified via email by Jim Ecker of the Maine Forest Service that there are 4 violations regarding Point Francis. Three are in the 0-75' zone and one in the 75'-250' zone. (not an official document)
possible sediment disturbance erosion occurring
 - Discussion that environmentally sensitive areas may need and may need sedimentation control

Mr. Moon stated he did not flag the 75' or 250' setbacks because it is not a requirement. When asked why some of the cuts were too large, he stated he didn't think they were

- Rebecca and Sandy Walczyk (State forester) will meet at Point Francis with the harvester, Mr. Moon, to examine cut areas for evidence of sedimentation in the water due to erosion and address where sediment control may need to be put into place.

- Chris Whalley, counsel for TJ Timber LLC. (G. Moon) - wanted to clarify that for the record, George Moon should not be singled out as the harvester. Instead TJ Timber, LLC should be referenced. He stated that Mr. Moon is the face of TJ Timber LLC.

Jim Ecker (Maine Forest Service): was present to answer any forestry questions

- Discussion regarding openings in the 0-75' buffer zone.
- The Department of Agriculture, Conservation, and Forestry Rules for the Maine Forest Service in Chapter 21, Statewide Standards (SWS) for Timber Harvesting in Shoreland Areas, state there are to be no cleared openings in the 0-75' zone.
(The timber harvesting standards in our Shoreland Zoning Ordinance are the same as the SWS.) "Cleared openings" is not defined in the Rules, or in our ordinance. Jim Ecker of the Maine Forest Service has advised that only openings greater than 2500 square ft. in the 0-75' zone are considered violations.
- Jim Ecker of the Maine Forest Service explained there is a MFS interpretive document for the SWS and it explains that cleared openings in the 0-75' area must be under 2500 square feet. (The MFS interpretive document is not contained in our ordinance)
- The reason for this is that it allows for some level of forest management, allows for regeneration and for more diverse species and age, which is better for wildlife, and better long term for the forest, as long as there is no sedimentation as a result of harvesting activities.
- Per Jim Ecker of the Maine Forest Service - Regarding cleared openings: He clarified that the size of the 2500 square ft. cleared openings, are measured based on the drip edge of the residual canopy (leaf to leaf)
- The 40% volume rule (or option one), was what had originally been indicated on the Forest Operations Notification.
- Handbook that the MFS provides during training for timber harvesters, references the Chapter 21 Rules and the MFS interpretive document
- Town manager asked: if we have anything in writing from the MFS regarding violations which would show data found. Jim Ecker is currently working on a case file that will document the field inspections and violations of the SWS. It will be shared with Rebecca by March 1st.
- Per Jim Ecker, approx. 76 Maine towns, including Gouldsboro are considered "option 2 towns" that have entered into agreements with the MFS to jointly administer and enforce the SWS.

Q: What is the typical procedure once MFS documents violations have occurred?

A: The MFS will provide a settlement agreement before March 1st, which contains all the information that is relevant to the case which will include a penalty amount and other conditions if they feel necessary (replanting etc., and work with foresters)

- Decisions are made based on the severity of the case and the history of the individual.

- The MFS and the Town can pursue a joint settlement agreement

- Penalties for violations referenced in the SWS are different than the one in our ordinance.

- He will also discuss with AG's office regarding the issue of our ordinance, cleared openings, and how that will affect the number of violations cited etc.

New Business: none

Adjourned 7:08

Respectfully submitted:
Deb Bisson - Secretary

