

**Hartford Planning Board  
Meeting Minutes: May, 2014**

Present: Arthur Harvey (Chair), Laurie Babineau (Secretary), Peggy Matthews, Morrill Nason (Alternate)

Attending for the public hearing: CEO Bill Kennedy, Peggy Poskus (Selectmen)

Hearing Convened: 7:05pm

**Hearing Topic:** Changes to the Shore Land Zoning (Amendment) Page 26, 3-B, Timber harvesting operations exceeding the thirty percent. Currently tree removal over the 30% must come to the Planning Board for approval. The Planning Board is considering turning tree removal over the 30% in the shore land zone over to the state and the foresters.

Arthur Harvey presented an amendment proposal (draft) for the public hearing. See Attachment.

Mr. Harvey contacted the following:

MMA and found that it is not the responsibility of the Selectmen to call a public hearing but the of the Planning Board for any changes to be made to the Shore Land Zoning Ordinance.

Mike Morris, DEP, resulted that any changes to the shore land zoning must be presented to the DEP and that the draft presented by Mr. Harvey would have no problem and anticipated being passed by the DEP.

Michelle Windsor, Oxford County Soil and Water Conservation: That they would be willing to help if the town accepted the draft of ordinance amendments.

Mr. Harvey summarized the ordinance as is and reflected on the Planning Boards decision regarding the application submitted by Gregory Foster at the April, 2014 HPB meeting. The board approved the timber harvesting to exceed the town ordinance of 30% to the state regulation of 40%. Mr. Harvey feels that some of the board members feel we made a judgment with out enough information.

Bill Kennedy: Thought that the changes were to delegate the management of the harvest to the Maine Forest Service.

Mr. Harvey's understanding is that the state is trying to encourage towns to give up the forestry practices, although not required yet encouraged. At the last meeting the planning board would appreciate help from state, the board is not willing to yield our role in the decision making.

Mr. Kennedy questioning the board, several times, the decision to not take advantage of the experience or the service that the state is offering and putting more work on the CEO and an increase of cost to the forester or land owner. Also questioning involving the Conservation District as they would not have the same authority as the Maine Forestry Service.

Mr. Harvey's response sites his conversation with the Oxford County Conservation District and the inclusion of the department in the Amendment Proposal draft and that the post harvest inspection scheduled by the CEO and the expense going to the applicant. OCCD, rate is \$50 per hour.

Peggy Matthews questioning the fee for land owners in towns that do not have a planning board regulation, therefore going through the State.

Mr. Kennedy: Assuming that there are no violations the cost should be nothing.

Peggy Matthews questioning Mr. Harvey's proposal per the last meeting. Considerable conversation going back and forth. In summery, per Peggy Matthews, is that the amendments would increase costs both to land owners and the town to require more services of our CEO. Also the addition of more restrictions and greater processes to harvest timber.

Mr. Harvey stated that Michelle Windsor and Mike Morris agree that the town would have better control over the situation but it is up to the town to put the burden on the land owner. The town would use the OCCD for advisement.

Peggy Mathews summarized that the town would take the OCCD's assessment and then the board would make it's decision based on that information.

The over all conversation moves to clarity on tree removal restrictions, the shore land zoning percentage and our decisions the board made over the application presented by Gregory Foster. Also presenting to the town meeting years ago the percentage being lowered to 30% by the decision of the planning board based on opinion of protecting the integrity of the shore lands and protection of the water bodies. Bill Kennedy wondering if that decision came from something more than a personal opinion.

Laurie Babineau asking Mr. Kennedy for a clear and short summery of what it would be if the state took over the shore land tree harvesting, "what does that mean to us?"

Scenario: If I was to harvest on my shore land zone I would go to the state for a permit (which we already are required to do for tree harvesting), the state would then send the forestry department to my land to monitor the harvesting.

Currently, per Mr. Harvey, the ordinance is structured as if I as a land owner wanted to cut in the shore land zone I would contact the CEO and I would go to the planning board only if exceeding the 30% and the CEO would not be involved and the OCCD may involve the state. LB: "So as it stands, if I have gone through the HPB to exceed the 30% who is monitoring my harvest?"

Mr. Kennedy, "Yes" to Ms. Babineau's scenario and "Nobody is monitoring my harvest". Giving over to the state, the Maine forest service would monitor any timber harvests before and after. There are already foresters in the field five days a week, Mr. Kennedy has taken advantage of the OCCD when it applies yet in this meeting, it is the first time

he has ever heard of the OCCD being involved with timber harvesting. Mr. Kennedy is afraid this will involve another layer of bureaucracy to the land owner.

Peggy Matthews brings attention to the wording in Mr. Harvey's amendment drafts has noting to do with what we discussed at the last meeting and any wording should be discussed by the whole planning board.

Mr. Harvey was acting swiftly as he first thought this matter was up to the Selectmen and upon his conversation with the MMA and a town meeting coming up in June, where if we wanted to present changes to the ordinance at the town meeting we would first have to have the town hearing, the planning board then write and agree on the amendments and get said changes in for publications prior to the town meeting.

After a discussion of past issues and personal experiences, Morrill Nason says the state should do it and get the CEO out of it.

Arthur Harvey asking if there is anymore to be said as part of the hearing...

Peggy Poskus feels she does not know enough about the situation. As a new member of the Selectmen she has come to the meeting to listen and learn.

Mr. Harvey closes the hearing at 7:50pm and convenes the Planning Board Meeting.

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Meeting Convened:

With two members absent, Mr. Nason is given power to vote.

Minutes approved with two wording changes and makes note that much of the meeting was not included due to the complexity of the topic.

Agenda for this meeting was to review any information on the subject of changing / amending our current ordinance to allow the State to take over shore land timber harvesting completely.

We now have the Draft of amendments written by Mr. Harvey to review.

Again there seems to be a time restraint to get a decision made swiftly or take more time to review and get any changes put to town vote for next year.

Mr. Kennedy sites the paper work, written by a lawyer for the town of Hebron that the planning board reviewed at the last meeting. Bottom line is that a land owner must already apply to the state for timber harvesting why not take advantage of the states services.

Peggy Matthews moves to strike the draft presented by Arthur Harvey, with regard to the OCCD as it was not discussed at the last meeting.

Mr. Harvey suggests to strike the draft proposal.

More discussion on the issue sighting personal observations of a recent timber harvest on Bear Pond Rd., (not in the shore land zone) yet looked questionable in terms of erosion coming into the road.

Morrill Nason makes a motion that we do not move forward with the changes to the shore land zoning ordinance section 15.

Peggy Mathews, Second

All in favor with exception of Mr. Harvey.

Meeting Adjourned: 8:40

Agenda: June 2, 2014

Review last meeting bringing the absent board members into the discussion and any applications if presented.