

**CITY OF BELFAST PLANNING BOARD  
PUBLIC HEARING - WEDNESDAY, MAY 26th, 2021  
6:00 PM via ZOOM Video Conferencing  
PROPOSED AMENDMENTS TO BELFAST CODE OF ORDINANCES  
CHAPTER 82, SHORELAND ZONING  
TIMBER HARVESTING AMENDMENTS**

**INTRODUCTION**

The City of Belfast Planning Board is proposing amendments to the following Chapters in the City Code for Timber Harvesting in Shoreland Zoning districts of the City:

- Chapter 82-392, Timber harvesting. - Proposed amendment removing City of Belfast Shoreland Zoning standards for Timber Harvesting. This will in effect allow Maine Forest Service standards to apply to all timber harvesting throughout the City including Shoreland Zoning areas. The standards would be enforced by the State of Maine henceforth, if adopted.

The standards identified in Chapter 82, Shoreland Zoning Section 392, Timber Harvesting are the standards that currently apply to any Timber Harvest in the Shoreland Zone. The standards identified in 82-392 only apply to Timber Harvesting in Shoreland Zoning districts. The City of Belfast does not regulate Timber Harvesting outside the Shoreland Zoning Districts. Timber harvests outside Shoreland Zoning districts are regulated by the State. This amendment would allow all future timber harvests to be regulated by the same agency. If the proposed amendment moves forward, clearing of vegetation for development, as defined in the Ordinance, would still be regulated by the City of Belfast.

**CITY PROCESS TO REVIEW ORDINANCE AMENDMENTS**

The Planning Board is conducting a public hearing on proposed Ordinance amendments associated with Timber Harvesting in Shoreland Zoning districts at its meeting of Wednesday, May 26th, 2021 beginning at 6:00 pm via Zoom video conferencing to obtain comment from persons who may be affected by the proposed amendments. The Planning Board will be accepting comment in any of the following three ways:

- 1) Oral comment presented to the Board at the May 26<sup>th</sup>, 2021 public hearing via Zoom.
- 2) Written comment. Written comment should be sent to City of Belfast, Planning and Codes Department, 131 Church St, Belfast, Maine, 04915. Written comment should be submitted to the Department no later than 2:00 pm on May 26<sup>th</sup>, 2021.
- 3) Email comment. Email comment should be submitted to [directorplanning@cityofbelfast.org](mailto:directorplanning@cityofbelfast.org), and should be submitted no later than 2:00 pm on May, 26<sup>th</sup>, 2021.

The Planning Board, at the conclusion of the hearing, will review the Ordinance amendments and will decide how to proceed. The role of the Board is to offer a recommendation on the proposed amendments to the City Council. The Board does not have the authority to adopt the amendments and have such become part of City Ordinances.

If the Planning Board votes to support the proposed amendments, the recommendation will be submitted to the City Council at their next available meeting for the First Reading and public hearing. The Council would also need to hold a Second Reading and public hearing of the amendments. At the conclusion of the Second Reading and public hearing the Council has the authority to adopt, reject or revise the proposed amendments. Amendments to the City's Shoreland Zoning Ordinance would not be effective until approved by the Maine DEP Commissioner.

### **FORMAT OF ORDINANCE AMENDMENTS**

**The following section (~~striketrough~~) of the City of Belfast Code of Ordinances would be completely repealed under the proposed amendment:**

~~Sec. 82-392 Timber harvesting.~~

~~[Ord. No. 8-1997, § 15(O), 7-15-1997; Ord. No. 20-2004, 1-6-2004; Ord. No. 3-2005, 7-20-2004]~~

~~(a) Timber harvest plan. All applications for timber harvesting shall include a timber harvest plan prepared by a licensed forester. The forester shall provide the Code Enforcement Officer with a copy of the plan and shall certify that the harvest was completed in compliance with the plan and the provisions of this chapter, or the forester shall notify the Code Enforcement Officer as to the violation of the provisions of this chapter for appropriate action on the part of the Code Enforcement Officer.~~

~~(b) Prohibited areas. Within the strip of land extending 100 feet inland from the normal high-water line in a shoreland area zoned for resource protection or limited residential abutting Upper Mason Pond (a great pond), there shall be no timber harvesting, except to remove safety hazards.~~

~~(c) Standards. Except in areas as described in subsection (b) and (d) of this section, timber harvesting shall conform to the following provisions:~~

~~(1) Selective cutting of no more than 40% of the total volume of trees four inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten-year period is permitted. In addition:~~

~~a. Within 75 feet, horizontal distance, of the normal high-water line of regulated water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.~~

~~b. At distances greater than 75 feet, horizontal distance, of the normal high-water line of regulated water bodies or the upland edge of a wetland, harvesting operations shall~~

~~not create single clearcut openings greater than 10,000 square feet in the forest canopy. Where such openings exceed 5,000 square feet they shall be at least 100 feet apart. Such clearcut openings shall be included in the calculation of total volume removal. For the purposes of these standards, volume may be considered to be equivalent to basal area.~~

~~(2) No accumulation of slash shall be left within 50 feet of the normal high water line of a water body. In all other areas, slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four feet above the ground. Any debris that falls below the normal high water line of a water body shall be removed.~~

~~(3) Timber harvesting equipment shall not use stream channels as travel routes except when:~~

~~a. Surface waters are frozen; and~~

~~b. The activity will not result in any ground disturbance.~~

~~(4) All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.~~

~~(5) Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.~~

~~(6) Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least 75 feet in width for slopes up to 10% shall be retained between the exposed mineral soil and the normal high water line of a water body or upland edge of a wetland. For each 10% increase in slope, the unscarified strip shall be increased by 20 feet. The provisions of this subsection apply only to a face sloping toward the water body or wetland; provided, however, that no portion of such exposed mineral soil on a back face shall be closer than 25 feet from the normal high water line of a water body or upland edge of a wetland.~~

~~(d) Exception for timber harvesting of special importance.~~

~~(1) The Belfast Planning Board may grant an exception to the timber harvesting standards identified in subsection (c), above, if it finds that the proposed harvest qualifies as a harvest of special significance. A harvest of special significance means an area that the board finds satisfies at least one of the following criteria:~~

~~a. The existing stand of trees has reached maturity and are declining in health and productivity, coupled with poor opportunities for adequate natural regeneration in the existing understory. The City shall use standards similar to those found in the Forest Practices Act to identify adequate levels of natural regeneration; including a guideline of 600 stems per acre.~~

~~b. A timber harvest that complies with the standards identified in subsection (c) would likely result in damage to the remaining stand of mature trees, such as would occur by wind damage or blowdowns.~~

~~c. Health of trees in the area has been severely damaged by natural causes, such as an ice storm or severe insect damage, and an existing stand of trees warrants cutting to stimulate regeneration and health of the forest.~~

~~d. The timber harvesting operation would foster a public purpose and public use of the property.~~

~~(2) If the board makes a positive finding that a proposal qualifies as a harvest of special significance, the applicant must submit a timber harvesting management plan by a licensed forester that addresses the following issues, at a minimum:~~

~~a. Identifies why the proposal qualifies as a harvest of special significance.~~

~~b. Identifies the estimated amount of harvesting to occur in excess of standards identified in subsection (c), describes why this is an appropriate amount of timber to harvest, and identifies practices to be used in accomplishing the harvest. The City requires practices that minimize soil and vegetation disturbance within 250 feet of the high water mark of a protected water body, including a stipulation that all harvesting activities occur during frozen ground conditions, unless the forester specifically identifies why such a requirement is counterproductive to the natural resource values present in the area.~~

~~c. Identifies measures the applicant will perform to stimulate regeneration of the forest, including replanting of disturbed areas, particularly areas within 75 feet of a protected resource.~~

~~The Planning Board, at the applicant's expense, may employ the services of a professional forester or similar expert to review and provide recommendations to the board regarding the applicant's proposal and how it complies with the intent and requirements of this section.~~

**The following section (highlighted) would replace the repealed section of the City of Belfast Code of Ordinances under the proposed amendment:**

**Sec. 82-392. Timber harvesting.**

Timber harvesting in the Shoreland Zone is not regulated by the City of Belfast. A person who proposes to conduct timber harvesting activities in the Shoreland Zone must contact the State of Maine Forest Service regarding the proposed activity, must obtain any and all permits required by the State, and must comply with requirements of any State permit that is issued. The State, not the City, shall be responsible for enforcing the provisions of a State issued Permit. A person who receives a State permit shall provide the City Code Enforcement Officer a copy of the permit within 15 days of its issuance.

The following definition (**highlighted**) would be added to Chapter 82 Shoreland Zoning of the City of Belfast Code of Ordinances under the proposed amendment:

*Timber harvesting* means the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting.

The following changes (**highlighted additions** and ~~striketrough deletions~~) would be added to Chapter 82 Shoreland Zoning of the City of Belfast Code of Ordinances under the proposed amendment:

City of Belfast  
 Table 1. Land Uses in The Shoreland Zone  
 \*\*proposed changes are highlighted and deleted sections are strikethrough

**Key to table 1:**  
 Yes Allowed (no permit required but the use must comply with all applicable land use standards).  
 No Prohibited.  
 PB Requires permit issued by the Planning Board.  
 CEO Requires permit issued by the Code Enforcement Officer.  
 LPI Requires permit issued by the Local Plumbing Inspector.  
 State Regulations and permitting by State of Maine

**Abbreviations:**  
 RP Resource Protection  
 LR Limited Residential  
 UR Urban Residential  
 GDI General Development I  
 CRMA Commercial Fisheries/Maritime Activities  
 SP Stream Protection  
 SD Stream Development  
 MHC Manufactured Housing Community  
 WD Waterfront Development

Land Uses	Districts								
	SP	SD	RP	LR	UR	GDI	WD	MHC	
1) Nonintensive recreational uses not requiring structures, such as hunting, fishing, and hiking.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2) Motorized vehicular traffic on existing roads and trails.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
3) Forest management activities except for timber harvesting.	Yes	Yes	CEO	Yes	No	Yes	No	No	No
3) Timber Harvesting	State	State	State	State	State	State	State	State	State
4) Clearing of vegetation for development.	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
5) Fire Prevention activities	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
6) Wildlife management practices	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Land Uses	Districts								
	SP	SD	RP	LR	UR	GDI	WD	MHC	
8) Soil and water conservation practices	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
9) Mineral exploration	No	No	Yes 2	Yes 2	No	Yes 2	Yes 2	No	No
10) Mineral extraction, including sand and gravel extraction.	No	No	PB 3	PB	No	PB	No	No	No
Land Uses	Districts								
	SP	SD	RP	LR	UR	GDI	WD	MHC	
11) Surveying and resource analysis	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
12) Emergency operations	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
13) Agriculture	Yes	Yes	PB 3	PB	Yes	Yes	Yes	Yes	Yes
14) Aquaculture									
a. Repealed 10/16/2018									
b. Repealed 10/16/2018									
c. Land-Based	PB	PB	PB	PB	No	PB	PB	No	No
d. Freshwater	PB	PB	PB	PB	No	PB	PB	No	No
e. Marine	No	No	No	No	No	No	No	No	No
15) Principal structures and uses:									
a) One and two-family residential	PB 4	CEO	No	CEO	CEO	CEO	PB 11	CEO	
b) Multi-unit residential	No	PB	No	PB	No	PB	PB 11	PB	
c) Commercial	No	PB	No	No	No	PB	PB 11	PB 10	
d) Industrial	No	PB	No	No	No	PB	PB 11	No	
e) Governmental and Institutional	No	PB	No	No	PB	PB	PB 11	PB	
f) Small non-residential facilities for educational, scientific, or nature interpretation purposes.	PB 4	CEO	No	CEO	CEO	CEO	PB 11	CEO	
g) Manufactured Housing communities	No	No	No	PB	No	PB	PB 11	PB	
16) Structures accessory to allowed uses	PB 4	CEO	No	CEO	CEO	CEO	PB 11	PB	
17) Piers, docks, wharfs, bridges, and other structures and uses extending over or below the normal high-water line of waters in Belfast Harbor:									
a. Temporary	PB	PB	PB	PB	PB	PB	PB 11	No	
b. Permanent	PB	PB	PB	PB	PB	PB	PB 11	No	
(17a) Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line of waterbodies or wetlands that are not located in Belfast Harbor:									
a. Temporary	CEO	CEO	CEO	CEO	CEO	CEO	CEO	PB	
b. Permanent	PB	PB	PB	PB	PB	PB	PB 11	PB	
18) Conversions of seasonal residences to year-round residences	LPI	LPI	No	LPI	LPI	LPI	PB	PB	
19) Home Occupations	PB	PB	No	PB	CEO	Yes 9	PB	PB	
20) Private Sewage disposal systems for allowed uses	LPI	LPI	No	LPI	No	LPI	No	LPI	
21) Essential services	PB 6	CEO	PB 6	CEO	CEO	CEO	CEO	CEO	
22) Service drops to allowed uses	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	

Land Uses	Districts								
	SP	SD	RP	LR	UR	GDI	WD	MHC	
23) Public and Private recreational areas involving minimal structural development.	PB	PB	PB	PB	CEO	CEO	PB 11	PB	
24) Individual private campsites	CEO	CEO	CEO	CEO	CEO	CEO	No	No	
25) Campgrounds	No	No	No	PB	No	PB	No	No	
26) Road and driveway construction	PB	CEO	No 8	CEO	CEO	CEO	PB 11	PB	
27) Parking facilities	No	PB	No 7	PB	PB	PB	PB 11	PB	
28) Marinas	PB	PB	No	PB	No	PB	PB 11	No	
29) Filling and earthmoving of <10 cubic yards	CEO	Yes	CEO	Yes	Yes	Yes	CEO	CEO	
30) Filling and earthmoving of >10 cubic yards	PB	CEO	PB	CEO	CEO	CEO	PB 11	PB	
31) Reserved									
32) Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	
33) Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	
34) Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB	PB	PB 11	PB	
35) Hydropower	PB	PB	PB	PB	PB	PB	PB 11	PB	
36) Telecommunication facilities, provided such facilities are allowed in the underlying zoning district.	No	PB	No	PB	PB	PB	PB	PB	
37) Stealth telecommunication facilities, provided such facilities are allowed in the underlying zoning district.	PB	PB	PB	PB	PB	PB	PB	PB	
38) Reserved									
39) Reserved									
40) Medical Marijuana Carciver Retail Store	No	PR	No	No	No	PR	PR	No	