

## PROPOSED CHANGES TO WAYNE'S LAND USE ORDINANCE

In June of 2019, the Town voted to modify the Land Use Ordinance to adopt the Maine Forest Service (MFS) Chapter 21, Statewide Standard for Timber Harvesting and Related Activities in Shoreland areas. The MFS would take over monitoring and enforcement of the Statewide Standards for timber harvesting only. Timber harvesting means the cutting or removing of timber for the primary purpose of selling or processing forest products.

The town left in place a 100' no-cut buffer where the Resource Protection Zone overlaps with the Shoreland Zone. The Planning Board thought that the Town would enforce the no-cut buffer and the MFS would enforce the Chapter 21 regulations. However, there was a misunderstanding between the MFS and the Planning Board. We were notified, after the vote, that the MFS would not enforce Chapter 21 with the no-cut buffer in place. In the fall of 2019, a representative of the MFS attended a planning board meeting and explained a process where the MFS would oversee and enforce Chapter 21, with the buffer in place. However, it is a lengthy and somewhat cumbersome process, in the board's opinion. See the attached document, "Relationship to municipal rules and regs", pages 1 and 2. The planning board is uncertain we could complete this process by the June Town Meeting. Therefore the planning board proposes to remove the no-cut buffer for timber harvesting and related activities only. The buffer will still be in place for clearing and removal of vegetation, such as clearing to build a house, septic system, etc. And that enforcement will be the town's responsibility. There will also be a wording change dealing the Maine licensed foresters. The reasons for these changes include:

- The MFS Statewide Standards are more comprehensive and detailed than Wayne's current timber harvesting standards, which are 3 pages. The

Chapter 21 standards are 22 pages. The logging industry is familiar with these standards. See handout of summary of Statewide Standards.

- The MFS has the expertise with licensed foresters monitoring the operations. The MFS also has the Attorney General's Office to bring enforcement action if needed. Wayne does not have the expertise and would have to hire lawyers to bring legal action against violators. We have already had two violations of timber harvesting standards in the shoreland zone in the past year.
- A majority of municipalities have adopted the MFS standards. See the map handout. Blue indicates municipalities that have MFS do the timber harvesting enforcement. White are towns that do not.
- Wayne will still have its existing standard for clearing and removal of vegetation within the shoreland areas for activities other than timber harvesting (removal of trees for buildings, driveways, septic systems, etc.). The town will still be responsible for monitoring and enforcement of the no cut provision within the 100 foot buffer where the Resource Protection zone overlaps with the Shoreland zone for other than timber harvesting and related activities.