

## Town of Brunswick Tree Committee

Town Hall | Room 206 Tuesday July 15th  
7:00 PM

There is an opportunity to attend this meeting in person or live via zoom

**To watch and comment via zoom, please click the link below to join the webinar:**

<https://us02web.zoom.us/j/86744807501?pwd=zC8UMjk1cfpoYGnhrMRQxudLOj3m7f.1>

The public may provide comment via email ([dwilson@brunswickme.gov](mailto:dwilson@brunswickme.gov)) or they may provide live comment at the meeting via zoom or in person during the committee meeting.

1. **CALL TO ORDER** (Chair)
2. **ADMINISTRATIVE – 5 MIN**
  - a. Review and Approve Minutes from Last Meeting (Chair) 7:00 PM
3. **Review Tree Protection Draft and Discussion –** (Committee) 7:05 PM
  - a. *Review of Zoning ordinance from Planning Dept. "Landscape Preservation Zoning Amendment"*
  - b. *Review Tree protection ordinance draft notes/comments from Town Department heads to date.*
4. **Discussion on Table at Farmer Market days** (Committee) 7:30
  - a. Crystal Springs Farm
  - b. Lower Mall
5. **Discussion on Tree planting** (Committee) 7:45
  - a. under power lines,
  - b. downtown on Maine Street opposite Lower mall
6. **New Business** 7:55
7. **Adjournment** 8:00 PM



### 1.7.2 Definitions

**DBH (Diameter at Breast Height).** The diameter of a standing tree measured 4.5 feet from ground level. For multi-stemmed trees, DBH is the aggregate diameter of the trunks.

**Invasive Tree:** Any tree listed on the Maine Department of Agriculture, Conservation & Forestry's Invasive plant list.

**Land Clearing:** Any removal of trees and/or vegetation from areas of a site regardless of land areas revegetated or undisturbed; includes timber harvesting and tree clearing. Land clearing does not include maintenance activities such as pruning, trimming, brush and down timber removal.

**Timber Harvesting:** The cutting and removal of wood products from their growing site and the attendant operation of cutting and skidding machinery, but not the construction or creation of roads or the clearing of land approved for construction. For the purposes of determining Development Review Threshold Criteria (Table 5.2.9.B), all land clearing more than 1 acre shall fall under this definition. For SPO District purposes, timber harvesting does not include the cutting or removal of vegetation within the SPO District when associated with any other land use activity. The cutting or removal of trees in the SPO on a lot that has two (2) acres within the SPO shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 2.3.3.C.12. *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.*

### 4.3.3 Protection of Natural Vegetation

#### A. General Standard

The proposed development maximizes the preservation of natural landscape features, does not occur within or cause harm to land not suitable for development such as wetlands or within sensitive shoreland areas, will not have an undue adverse effect on the area's scenic or natural beauty, and, for a subdivision, has not occurred in violation of State rules relating to liquidation harvesting.

#### B. Specific Standards

- (1) With the exception of brush or invasive vegetation clearing activities, developments within Scenic Areas identified within the Brunswick Parks, Recreation and Open Space Plan, as amended, shall maintain

an existing vegetated buffer of at least 25 feet along existing roads/rights-of-way except where doing so conflicts with the protection of other protected natural resources. The buffers may be broken only for driveways, streets, and stormwater infrastructure where it is impracticable to locate them elsewhere.

~~(2) Except for developments within the Wildlife Protection Overlay (WPO) District, developments are encouraged to site building envelopes within or adjacent to forested areas and to discourage siting development in open fields.~~

~~(23)~~ If a violation of Chapter 23 Rule, as amended, adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Review Authority must determine prior to granting approval for a subdivision that five (5) years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel.

~~(3) All development shall be designed to incorporate, and limit disturbance to or removal of existing trees, as specified below, except in cases where the Town Arborist or their designee deems such vegetation to be diseased, in poor condition; a non-native invasive species (as identified in the Maine Department of Agriculture Conservation & Forestry's Invasive plant list), or unsalvageable.~~

~~i. All development shall preserve a minimum of 30% of existing trees 10" DBH or greater on site and within the required setback areas.~~

~~ii. All tree clearing not associated with a planned development shall preserve a minimum of 30% of existing trees 10" DBH or greater on site within 30 feet of each property lines.~~

~~iii. Waiver: Where tree preservation substantially compromises development of the site as otherwise permitted by zoning or site constraints make compliance impossible, the reviewing authority may permit the substitution of replacement landscaping in other areas of the site as described below, and/or a financial contribution to the Town of Brunswick Tree Fund for an amount of \$100/inch at DBH.~~

~~(a) For each tree required to be preserved that is removed and is greater than 16" DBH, two (2)~~

replacement trees shall be planted on the site, as recommended by the Town Arborist.

(b) For each tree required to be preserved that is between 10" DBH and sixteen 16" DBH, one (1) replacement trees shall be planted on the site, as recommended by the Town Arborist.

**Table 5.2.9.B  
Development Review Threshold Criteria**

Impact Criteria	Zoning District	Threshold	Level of Review	Reviewing Authority
<b>Mobile Home Park development or expansion</b>	All Zoning Districts	All	Major Development Review	Planning Board
<b>Development on a Road with a Level of Service of "F"</b>	All Zoning Districts	Construction of new floor area of over 2,000 sq. ft., creation of new impervious surface of over 2,000 sq. ft. or cumulative total of new floor area and impervious surface of over 3,000 sq. ft.	Major Development Review	Planning Board
<b>New Road Construction</b>	All Zoning Districts	New private or public Road proposed as part of development application	Major Development Review	Planning Board
<b>Subdivision</b>	All Zoning Districts	Subdivision as defined by Title 30-A M.R.S. Subsection 4401, as amended	Major Development Review	Planning Board
<b>Mineral Extraction</b>	All Zoning Districts	Pursuant to Section 3.4.1.T	Major Development Review	Planning Board
<b>Ultra-Light Airpark</b>	All Zoning Districts	All	Major Development Review	Planning Board
<b>Solar Energy Collection Facilities, Ground-Mounted</b>	Where Permitted (See Tables 3.2 and 3.3)	Large Scale Facilities	Major Development Review	Planning Board
<b>Hours of Operation</b>	Residential Districts	Non-residential use with operating hours between 11pm and 7am	Major Development Review	Planning Board
<u>Land Clearing <sup>[2]</sup></u>	<u>All Zoning Districts</u>	<u>Removal of trees and/or vegetation more than 1 acre</u>	<u>Landscape Preservation Permit</u>	<u>Planning and Development Department</u>

**Notes:**

[1] Development Review Thresholds for those uses or activities within the Shoreland Protection are described as follows:

Yes - Permitted land use or activity. No permit required but the land use or activity must comply with all applicable zoning district standards and Shoreland Protection Overlay district standards)

No - Prohibited land use or activity.

[2] Any land clearing on property enrolled in the Maine Tree Growth Program (subject to 36 MRS §571 to §584-A) shall not require a Landscape Preservation Permit unless the owner intends to develop the property in the next five years and withdraw the property from the Tree Growth Program.

### **5.1.1 Reviewers and Decision-Makers**

#### **F. Director of Planning and Development and Codes Enforcement Officer**

##### **Powers and Duties**

(1) Minor Change of Use. The Codes Enforcement Officer may approve Changes of Use that do not exceed the thresholds required for Development Review shown in Table 5.2.9.B.

(2) Minor Modifications. The Director may approve a minor modification to an approved Site Plan, Subdivision, Conditional Use Permit, or Special Permit, in consultation with the Town Planner, Codes Enforcement Officer, Fire Chief and the Public Works Director, as provided in Subsection 5.2.10.B (Minor Modifications).

(3) The Director may require any application that has undergone substantial changes between the Staff Review Committee meeting and the Planning Board meeting to return to the Staff Review Committee for further review of the changes prior to proceeding to the Planning Board.

(4) Landscape Preservation Permit. The Director, or their designee, will review any Land Clearing Notice of Intent for any land clearing or timber harvesting operations to determine the intentions to develop the property within the next 5 years. The Director may approve a Landscape Preservation Permit after reviewing a Landscape Preservation Permit application for compliance with Zoning Ordinance Section 5.2.9.S..

### **5.2.9 Development Review**

#### **S. Landscape Preservation Permit**

(1) Land Clearing Notice of Intent. The landowner shall notify the Director of Planning and Development in writing a minimum of 14 days prior to commencing any land clearing or timber harvesting operations by completing a Land Clearing Notice of Intent form on file at the Department of Planning and Development, to the satisfaction of the Director of Planning and Development. The Notice of Intent shall include the property owner's declaration stating the intended property use for the next five years and nature and extent of any planned development to ensure compliance with applicable property use standards. For land clearing exceeding 1 acre a

Landscape Preservation Permit shall be required. No development application will be accepted on land cleared within 5 years of clearing without a Landscape Preservation Permit.

(2) Land Clearing Permits shall be subject to meeting all applicable standards of the Zoning Ordinance Section 4.3.3. The Department of Planning and Development will review the information submitted within the Land Clearing Notice of Intent with the applicable provisions of the ordinance, including but not limited to criteria contained in Table 5.2.9.B. and other Code of Ordinances to determine compliance.