



Town of Fayette
Code Enforcement Office
2589 Main St.
Fayette, ME 04039
207-685-4373
Fayetteceo@gmail.com

FAYETTE PLANNING BOARD
April 24, 2023 MEETING
AGENDA
VIA ZOOM

Topic: Planning Board Meeting

Time: Apr 24, 2023 06:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/81187648869?pwd=REYwdWJRSkFWSTRStk9jUWc5Vlk5dz09>

Meeting ID: 811 8764 8869

Passcode: 266577

One tap mobile

+13126266799,,81187648869#,,,,*266577# US (Chicago)

+16465588656,,81187648869#,,,,*266577# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 646 931 3860 US

+1 301 715 8592 US (Washington DC)

Meeting ID: 811 8764 8869

Passcode: 266577

Find your local number: <https://us02web.zoom.us/j/81187648869?pwd=REYwdWJRSkFWSTRStk9jUWc5Vlk5dz09>

CALL TO ORDER

ATTENDANCE

OLD BUSINESS

None

NEW BUSINESS

1. Jonathan and Melanie Beaulier – 228 & 230 Echo Lodge Rd – Map U005
Lots 4 & 4B – Tree Removal in the Shoreland Zone

APPROVAL OF MINUTES

OTHER BUSINESS

ADJOURNMENT

Code Enforcement Office
Town of Fayette
2589 Main Street
Fayette, ME 04349

To: Town of Fayette Planning Board
Re: Beaulier Tree Cutting Application
(formerly Echo Lodge)

April 21, 2023

Dear Board Members,

There are two main reasons that I am bringing this application in front of the board. The first is that the cutting proposed exceeds the point requirement standards typically enforced in the shoreland zone. Second is that the applicants had a large application approved by the board in 2021, and I felt that where that project has not yet been completed, that this application should be taken into consideration as part of the larger picture.

As outlined in the letter from Aaron Bergdahl, a State Forest Pathologist, many of the trees, mostly hemlocks, on the property are large and stressed. Some could be considered dead and/or hazardous, but many are not dead, although they display signs of not being healthy trees.

I don't feel that the presence of the Hemlock Borer alone is reason for this application to be approved, as it is a native pest to Maine. However, now that the property is under private residential use as opposed to commercial, the new trees to be planted won't have the same wear on their root systems over the next fifty years as the new ones did. Because the pest is already on the property, it likely will do the job of damaging the stressed trees more slowly than this application is requesting, which will eventually lead to the trees natural death, and no tree will necessarily be replanted in it's place.

I think the fact that the landscaping company the Beaulier's are contracting with, Tree Line Landscape, will guarantee the trees survival, is important in this application. Usually a CEO proposes a replanting plan based on an 80% survival rate, and typically works with saplings. The Beaulier's are willing to replant trees that are 1.75-2" in diameter, which will greatly increase the likelihood of the trees' survival, even without the guarantee. This explains my reasoning to recommend less than Colin Clark's 1.25 replacement ratio. I am waiting to hear back on an inquiry I made regarding his thoughts on whether that ratio can be reduced in light of a guaranteed survival rate.

You will see that the application prioritizes the trees on a 1-5 system, with 1 being the trees they hope they can take down first. In my replanting plan, I outline a plan to take

down and replace the trees categorized in the 1-3 levels, with a plan in 2-3 years to evaluate the trees in the 4 and 5 categories, and work with the CEO if any of those need to be removed at that time, with a commitment from the CEO to follow the general guidelines of the original replanting plan.

My recommended additional conditions are:

1. After the trees are removed, within two weeks, the CEO needs to come out for a site visit with the landscaper to determine the placement of the replanted trees.
2. A relatively even split of at least five, native to Maine, types of trees must be selected (i.e. oak, maple, birch, etc).
3. All tree types must be approved by the CEO prior to planting.
4. At least three of the tree types must be large trees that typically reach a height of 60 feet or more. The other types may be smaller trees, but no more than 15 total trees may be trees that typically grow to less than 30 feet.
5. In addition to the tree replacements, at least 1 blueberry bush, or other native Maine woody shrub, will be planted along the shoreline for every 5 trees removed.
6. The ratio outlined in the replanting may INCREASE pending a response on my inquiry to Colin Clark, our Shoreland Zoning contact with Maine DEP.
7. A new tree inventory will be provided after the replanting is completed.
8. Inspections by the CEO will occur after the replanting is complete, and once per year for the next 5 years to ensure that the guarantee by the landscaping company is followed through with.

I appreciate your involvement with this application, and look forward to discussing it at our meeting on April 24, 2023.

Best,
Jessica Leighton
Code Enforcement Officer
Town of Fayette

Code Enforcement Office
Town of Fayette
2589 Main Street
Fayette, ME 04349

April 21, 2023

Proposed Replanting Plan for Beaulier Property – Map U005 Lots 004 & 004-B

For all trees replanted:

1. After the trees are removed, within two weeks, the CEO needs to come out for a site visit with the landscaper to determine the placement of the replanted trees.
2. A relatively even split of at least five, native to Maine, types of trees must be selected (i.e. oak, maple, birch, etc). These trees must be of a different genus, per the recommendation of the State Forest Pathologist.
3. All tree types must be approved by the CEO prior to planting.
4. At least three of the tree types must be large trees that typically reach a height of 60 feet or more. The other types may be smaller trees, but no more than 15 total trees may be trees that typically grow to less than 30 feet.
5. In addition to the tree replacements, at least 1 blueberry bush, or other native Maine woody shrub, will be planted along the shoreline for every 5 trees removed.
6. The ratio outlined in the replanting may INCREASE pending a response on my inquiry to Colin Clark, our Shoreland Zoning contact with Maine DEP.
7. A new tree inventory will be provided after the replanting is completed.
8. Inspections by the CEO will occur after the replanting is complete, and once per year for the next 5 years to ensure that the guarantee by the landscaping company is followed through with.

There are 43 trees listed on the inventory that have been put in the 1 category.

Highlighted trees within this category:

- Trees #242 and 243 are behind the house on lot 004-B, at the edge of the wooded section of the property. Those trees may come down without any replanting requirements.
- Trees #101 - #106 are all in a hazardous position to buildings on the property of Lot 004. The replacement trees shall be in relatively the same place as the ones removed, but closer to the shoreline and a little further away from the buildings. This will impede somewhat on the lawn space of the property, but it is imperative to keep some root systems on the edges of this lawn. It is acceptable to plant smaller trees in this space, such as a dogwood or serviceberry tree.

There are 10 more trees that the applicant has categorized in the 2 or 3 categories. If removed, they shall follow the same guidelines as outlined in this plan.

All other trees that are removed from the 1-3 category shall be replanted at a 1:1 ratio, following all the guidelines listed above. This is less than recommended from a consult with Maine DEP. I am waiting to hear back from their recommendations in light of a guaranteed survival rate. If their recommendations do not change, then trees shall be replanted at 1.25 replacement rate, with the woody shrubs along the shoreline requirement voided.

The applicant will take down all the dead trees listed in this inventory at the time the tree removal is completed. If a dead tree remains, it still needs to be accounted for in the replanting.

As always, with all tree removals in the shoreland zone, stumps and root systems must remain with all trees removed.

CONDITIONS OF PERMIT ARE AS FOLLOWS: Motion to approve conditions as written/amended

_____/_____/____ (vote: ___ - ___ - ___)

- 1. ___ No additional conditions needed.
- 2. ___ All conditions of the permit previously issued on (date) _____ shall apply.
- 3. ^{SEE #16} All trees to be cut shall be marked by the applicant/agent and inspected and cutting plans need to be approved by CEO prior to cutting.
- 4. Erosion control measures shall be in place prior to, during and after construction to prevent erosion until the site is stabilized. Erosion control mulch, silt fence, staked hay bales, and/or other _____ required. (Circled ones apply)
- 5. A D.E.P. certified contractor in erosion control practices shall oversee the site during soil disturbance and may be held responsible for violations of erosion until the site is stabilized enough to prevent erosion.
- 6. The Code Enforcement Officer shall be contacted to set up a meeting prior to construction to ensure effective erosion control measures are in place.
- 7. ___ The Code Enforcement Officer shall be contacted to inspect form placement prior to any pouring of concrete.
- 8. ___ All applicable plumbing permits shall be acquired prior to construction and copies shall be submitted to the Code Enforcement Officer.
- 9. ___ All required setbacks shall be met. Special limitations: _____ It is the applicants responsibility to make sure the setbacks are met. The Town is in no way obligated to sign a letter of no action for infractions of the setback requirements if a formal survey reveals a violation of one.
- 10. ___ Crushed stone, adequate to prevent erosion shall be placed under all drip edges (where rain water runs off the roof on to the ground) or other methods as approved by the CEO, and must be permanently maintained.
- 11. ___ The flow of traffic on the road shall not be blocked for extended periods of time.
- 12. ___ Repair of any damage done to the road shall be the responsibility of applicant/owner/contractor to repair. The applicant/owner/contractor may be held civilly to repair any damages done to the road.
- 13. ___ This building shall not be utilized for residential purposes.
- 14. ___ Any new building shall not be utilized for residential purposes until a certificate of occupancy has been issued by the Code Enforcement Officer.
- 15. The Code Enforcement Officer shall be contacted for a final inspection to determine compliance with the Fayette Land Use Ordinance and to determine if any re-vegetation is needed.
- 16. OTHER See attached replanting plan.

In approving a Construction Permit, the proposed use must comply with the purpose and requirements of the 2013 Fayette Land Use Ordinance. This permit is issued on the condition(s) that all material representations made by the Applicant(s) are true. The Planning Board may revoke or amend a permit if, after a hearing, it concludes that a material representation was inaccurate or missing. **FAILURE TO FOLLOW AND/OR MEET CONDITONS MAY RESULT IN FINES!**

CEO SIGNATURE _____ PLANNING BOARD CHAIR/ _____ Date: _____
VICE CHAIR SIGNATURE _____

CEO RECOMMENDED FINDINGS OF FACTS

(To be completed by CEO prior to Planning Board Meeting and reviewed by the Planning Board at the meeting.)

KEY: Y= YES N=NO N/A=NOT APPLICABLE YC=YES WITH CONDITIONS

FD= NEEDS FURTHER DISCUSSION/CONSIDERATION BY THE PLANNING BOARD.

Y=A, K, L

YC=B, C, E, F, I, J,

N, O, P

N/A=D, G,

H, M

- Y A. Application is complete and the applicable permit fee has been paid.
- YC B. The proposal conforms to all applicable provisions of the Ordinance.
- YC C. The proposal will not result in water pollution, erosion or sedimentation to surface waters.
- N/A D. All wastewater will be properly disposed of by use of an approved treatment method.
- YC E. The proposal will not have an adverse impact upon spawning grounds, fish, aquatic life, birds, or other wildlife.
- YC F. The proposal will conserve shore cover, vegetation, and visual quality, as well as actual points of access to inland waters.
- N/A G. Archeological & historic resources as designated in the Fayette Comprehensive plan will be protected.
- N/A H. The proposal will avoid problems associated with floodplain development and uses.
- YC I. The proposal will maintain safe and healthful conditions.
- YC J. The proposal use will be established and maintained in accordance with an approved erosion and sediment control plan.
- Y K. Access to the site from existing or proposed roads is safe and adequate.
- Y L. The proposal use will not cause nor aggravate undue traffic conditions.
- N/A M. The proposal use will have adequate water supplies to meet the demands of the proposed use and for fire protection.
- YC N. The proposed will provide for adequate management of storm water run-off without adverse impact on the site, adjacent land, receiving waterbodies, wetlands or aquifers.
- YC O. The proposed use will not decrease the quality nor significantly decrease the quantity of groundwater.
- YC P. The proposed site design provides adequate buffer space and on-site drainage and landscaping to protect neighboring property from detrimental factors of the proposed development (e.g., visual quality, noise, lighting, glare, etc).

Motion to approve the findings of fact as written/as amended _____/_____ (vote: ___-___-___).

Motion to approve the application with conditions/as amended with conditions/without conditions _____/_____ (vote: ___-___-___).

CEO Signature: _____ Date: _____

Planning Board Chair/Vice Chair Signature: _____ Date: _____

----- R e c e i p t -----

*** REPRINT ***

04/11/2023 10:38 AM

#2722

Type	Reference	Amount
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PLANNING BOARD

PLANNING BOARD APRIL MEETING - BEAULI		
AMOUNT	175.00	

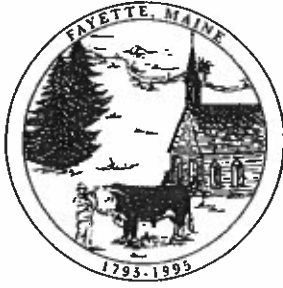
Total: 175.00*

Paid By: BEAULIER

*** REPRINT ***

STAY SAFE BE SMART STAY HEALTHY

Check :	175.00
1439 -	175.00



Town of Fayette
Code Enforcement Office
2589 Main St.
Fayette, ME 04039
207-685-4373
Fayetteceo@gmail.com

NOTICE TO ABUTTER

Your neighbor described below has applied for a permit under the Town of Fayette's Land Use Ordinance. This application must go in front of the Planning Board. If you have any questions about this application, you may call or visit the Town Office to review the application.

If you have any concerns about or objections to the application, you may submit them in writing to the Town Office or you may attend the Planning Board meeting described below.

Name of Applicants: Jonathan and Melanie Beaulier

Address of Property: 228 & 230 Echo Lodge Rd.

Tax Map: U005 **Lot:** 004 & 004B

Proposed project: Tree removal and replanting project, with the purpose of removing many declining Hemlocks and replacing them with a diversified assortment of native trees.

The Planning Board meeting will be held at the Fayette Central School and via Zoom on the third Monday of the month, April 24, 2023 at 6:30pm.

All meeting information will be posted on the town's website fayettemaine.org.

4/11/2023
Date


Code Enforcement Officer

NOTE: You have the right to appeal a decision by the CEO and/or Planning Board. For more information regarding how to appeal a decision or action, please consult the Fayette Land Use Ordinance, Article 3, Section 3-G, "Making an Appeal." Any appeal must be made within 30 days of a decision or action.

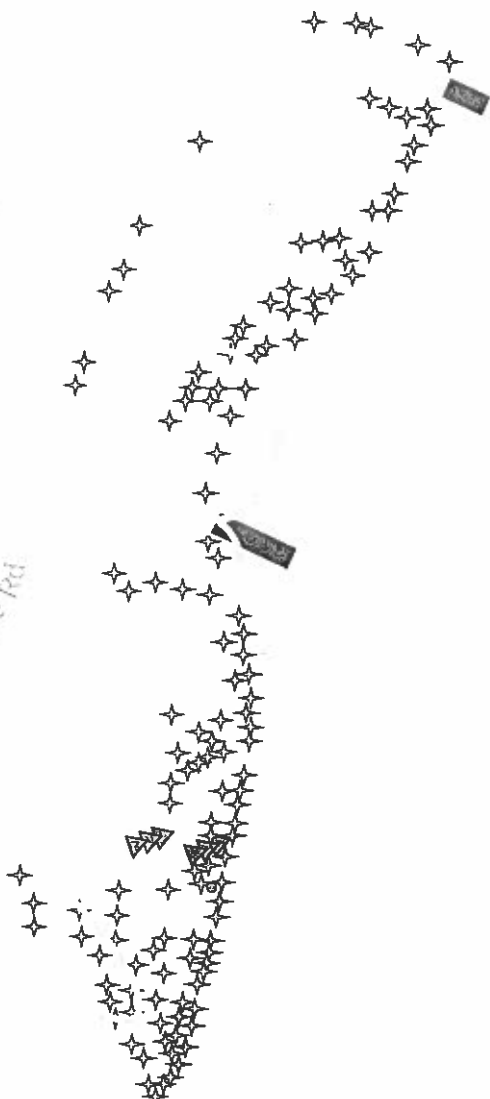
24. Please describe, in detail, the work to be done for your proposed project.

Proposing to reduce hazard potential from trees on lot, in shoreland zone. This lot has existing stands of Eastern Hemlock which have been unmaintained for several years. Hemlock borer beetle larvae has been found in several trees on the property and in the surrounding woods. As detailed in the attached letter from Forest Pathologist Aaron Bergdahl, Maine Forest Service, the beetles are secondary pests and indicate decline previously present in the Hemlocks.

Several of the Hemlocks on the property show signs of decline: stunted vertical growth, die back on branches, discoloration of foliage, to name a few. The proposed plan intends to remove the most stressed/highest hazard trees and replace them with established saplings of a variety of species. This not only eliminates the immediate threat of branches and/or whole trees falling into heavily travelled areas of the waterfront, but also gives the remaining Hemlock stands a chance to rebuff the pests and continue to operate as an ecological structure in the shoreland.

As touched upon above, the initially proposed trees will be removed, stump structures left intact, and a variety of hardwood and softwood saplings will be replanted as directed by the Code Enforcement Officer. This diversity will prevent a single disease or pest from devastating an entire stand of trees along the shoreline in the future. The attached inventory of currently existing trees on site uses a scale of 1-5 (most urgent to least urgent respectively) to identify the hazards across the lot in the shoreland zone. It is assumed that all of the category 1 trees will be addressed immediately, and the subsequent categories will be addressed in the short to long term accordingly.

Edge Lodge Rd



- ✦ Individual Tree markers
- Indicates approximate groupings of trees to be removed
- ⊙ Ground pin for reference
- ▲ Fallen trees for reference

wn of Fayette
89 Main Street
yette, ME 04349



John & Barbara Orestis
Box 777
Lewiston Maine 04240

054-1

wn of Fayette
389 Main Street
yette, ME 04349



Richard Lovely III
Lura Lovely
62 Russell Street
Farmington Maine 04314

05-6
-6

John & Sandra Craig
PO Box 244
Kents Hill Maine 04355

05-4-A

1-A

Town of Fayette
2589 Main Street
Fayette, ME 04340



The Kennebec Land Trust
PO Box 201
Winthrop, Maine 04364

U5-4-1A

4-1-A 4 25-17

Dougan, Dorothy Estate
% David Dougan
PO Box 1
Kents Hill, Maine 04349

U5-3

3

Town of Fayette
189 Main Street
Fayette, ME 04340



Barbara Stokes
12581 Kelly Sands Way
Apartment 514
Fort Myers Florida 33908

U5-1

5-1

