

**An Ordinance to Amend Chapter 145-36 (Timber Harvesting), 145-33 (Shoreland Overlay District) and 145-31 (Aquifer Protection District) of the Code of the Town of Wells**

**NOTE:** Proposed additions to existing Code sections are underlined.  
Proposed deletions of existing Code sections are ~~crossed-out~~.  
Other sections of the Ordinance are unchanged.

**The Town of Wells hereby ordains and enacts “An Ordinance to Amend Chapter 145-36 (Timber Harvesting) , 145-33 (Shoreland Overlay District) and 145-31 (Aquifer Protection District) of the Code of the Town of Wells” to read as follows:**

**Part 1: § 145-36. Timber Harvesting.**

If timber harvesting is deleted as a permitted use in a district, timber harvesting on a parcel of land in the Maine Tree Growth Program (36 M.R.S.A. §§ 571 to 584-A) shall continue as a permitted use as long as the subject lot, or portion thereof, remains in the Tree Growth Program.

If timber harvesting is an allowed use in the a district, such activity shall adhere to all requirements of the State of Maine Department of Agriculture, Conservation & Forestry.

Upon receiving a Forestry Operations Permit from the State of Maine Department of Agriculture, Conservation & Forestry, the permit shall be posted at the property and a copy of the permit shall be provided to the Wells Code Enforcement Office.

Timber harvesting in the Shoreland Overlay District shall meet the requirements of 145-33.F. & H. or all rules adopted by the Bureau of Forestry, whichever is more restrictive.

Timber harvesting within 250 feet of the Branch Brook requires approval by the Planning Board, see 145-31.G.(3).

**Part 2: § 145-33. Shoreland Overlay District.**

**H. Timber harvesting.**

~~(1) No accumulation of slash shall be left within 50 feet of the high water line of a water body. In all other areas all slash shall either be removed or disposed of in such a manner that it lies on the ground and no part of it extends more than four feet above the ground. Any debris that falls below the high water line of a water body shall be removed from the water body.~~

~~(2) Except for water crossings, all skid trails, log yards and other sites where the operation of logging machinery results in the exposure of mineral soil shall be located such that an undisturbed filter strip of vegetation of at least 75 feet in width for slopes of up to 10% shall be retained between the exposed mineral soil and the high water line of a water body or upland edge of a wetland. For each ten percent increase in slope, the undisturbed strip shall be increased by 20 feet. The provisions of this Subsection H(2) 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 to the high water line of a water body or upland edge of a wetland.~~

~~(3) Harvesting operations shall be conducted in such a manner and at such a time that minimal soil disturbance results. Adequate provisions shall be made to prevent soil erosion and sedimentation of surface waters. Timber harvesting equipment shall not use stream~~

~~channels as travel routes except when surface waters are frozen and 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 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) Selective cutting of no more than 40% of the total volume of trees four inches or more in diameter, measured 4.5 feet above ground level, on any lot in any ten year period is permitted. These standards shall not apply to activities necessary and resulting from wind damage, fire and removal of dead trees. Trees and other vegetation killed by natural causes (e.g., beaver or insects) shall not be counted in determining either the original volume or the volume removed. In addition:~~

~~(a) Within 100 feet of the high water line of Ell Pond and within 75 feet of the high water line of other water bodies, tributary streams or the upland edge of a wetland, a well distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.~~

~~(b) At distances greater than 100 feet from Ell Pond and greater than 75 feet from the high water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single 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 openings shall be included in the calculation of total volume removal.~~

~~(7) Timber harvesting operations exceeding the forty percent limitation of Subsection H(6) may be allowed by the Planning Board if the applicant submits a forest management plan prepared by a Maine licensed professional forester showing that such exception is good forest management and the harvest will be carried out according to the purposes of this chapter. The Planning Board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed within 14 days of the Board's decision.~~

(1) Shoreline integrity and sedimentation. Persons conducting timber harvesting and related activities must take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands occurs, such conditions must be corrected.

(2) Slash treatment. Timber harvesting and related activities shall be conducted such that slash or debris is not left below the normal high-water line of any water body or tributary stream, or the upland edge of a wetland. Section 15(O-1)(2) does not apply to minor, incidental amounts of slash that result from timber harvesting and related activities otherwise conducted in compliance with this section.

(a) Slash actively used to protect soil from disturbance by equipment or to stabilize exposed soil, may be left in place, provided that no part thereof extends more than 4 feet above the ground.

(b) Adjacent to great ponds, rivers and wetlands:

(i) No accumulation of slash shall be left within 50 feet, horizontal distance, of the normal high-water line or upland edge of a wetland; and

(ii) Between 50 feet and 250 feet, horizontal distance, of the normal high-water line or upland edge of a wetland, all slash larger than 3 inches in diameter must be disposed of in such a manner that no part thereof extends more than 4 feet above the ground.

(3) Timber harvesting and related activities must leave adequate tree cover and shall be conducted so that a well-distributed stand of trees is retained. This requirement may be satisfied by following one of the following three options:

(a) 40% volume removal, as follows:

(i) Harvesting of no more than 40 percent of the total volume on each acre of trees 4.5 inches DBH or greater in any 10 year period is allowed. Volume may be considered to be equivalent to basal area;

(ii) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,

(iii) Within 75 feet, horizontal distance, of the normal high-water line of rivers, streams, and great ponds, and within 75 feet, horizontal distance, of the upland edge of a freshwater or coastal wetlands, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great pond or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of total volume removal. Volume may be considered equivalent to basal area.

(4) Skid trails, yards, and equipment operation. This requirement applies to the construction, maintenance, and use of skid trails and yards in shoreland areas.

(a) Equipment used in timber harvesting and related activities shall not use river, stream or tributary stream channels as travel routes except when surface waters are frozen and snow covered, and the activity will not result in any ground disturbance.

(b) Skid trails and yards must be designed and constructed to prevent sediment and concentrated water runoff from entering a water body, tributary stream, or wetland. Upon termination of their use, skid trails and yards must be stabilized.

(c) Setbacks

(i) Equipment must be operated to avoid the exposure of mineral soil within 25 feet, horizontal distance, of any water body, tributary stream, or wetland. On slopes of 10 percent or greater, the setback for equipment operation must be

increased by 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent. Where slopes fall away from the resource, no increase in the 25-foot setback is required.

(ii) Where such setbacks are impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

**Part 3: § 145-31. Aquifer Protection District.**

G. Special provisions.

(3) Timber harvesting within 250 feet of the high-water line of Branch Brook shall only be allowed as specified on a harvesting plan prepared by a registered professional forester and approved by the Planning Board. The Planning Board shall obtain review comments on any such plan from the Kennebunk, Kennebunkport and Wells Water District ~~and the York County Soil and Water Conservation District.~~

**Part 4: Effective Date.**

This Ordinance shall take effect upon adoption by the Town Meeting.

Given under our hands this \_\_\_\_ day of \_\_\_\_\_, 2026.

THE SELECT BOARD OF THE TOWN OF WELLS:

\_\_\_\_\_  
John MacLeod III

\_\_\_\_\_  
Avery Seuter

\_\_\_\_\_  
Kathleen Chase

\_\_\_\_\_  
Timothy Roche

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James N. Smith