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TREE CLEARING IN SUBDIVISIONS ADMINISTRATIVE CHANGE

Summary

The Planning Board is proposing a clarification to the Subdivision Ordinance to explicitly prohibit tree clearing for the purpose of development prior to final subdivision approval. While the Ordinance already prohibits “development” before plan approval, tree clearing occupies a gray area because timber harvesting is otherwise regulated by the Maine Forest Service. This clarification prevents tree removal during the application process, altering site characteristics and complicating the review of stormwater design, wildlife impacts, and “limits of clearing” on the final plans.

Current vs. Proposed Tree Clearing in Subdivisions

Aspect	Current	Proposed
Tree clearing prior to subdivision approval	Ordinance prohibits “development,” but cutting trees is not explicitly included unless in a shoreland or protected district.	Adds specific prohibition on tree clearing for purposes of development, including clearing of road corridors, house sites, utilities, or grading areas prior to final approval.
Ordinance clarity	Does clearing the trees for the roadway and the home sites constitute “development?”	Normal forestry apart from subdivision review is unaffected while tree cutting for development is spelled out and controlled.
Flexibility to deal with specific situations	The Planning Board has no clear authority to deal with the issue.	The Planning Board has special waiver authority to grant exceptions for specific situations, like do tree cutting while the ground is frozen with specific review & authorization.

Why the Change?

Subdivision stormwater analyses assume existing forest cover for runoff modeling and phosphorus loading calculations. Premature clearing invalidates these assumptions and can result in under-designed stormwater systems. The Ordinance requires delineation of clearing limits on subdivision plans to control lot owner expansion of the development area and impacts. If clearing occurs beforehand, the Planning Board loses the ability to evaluate whether the proposal meets performance standards.