

GORDON R. SMITH
COUNSEL
gsmith@verrill-law.com
207-253-4926

Verrill Dana, LLP
One Portland Square
Portland, ME 04101-4054
Main 207-774-4000

June 30, 2021

Via Electronic Mail
Freeport Town Council
c/o John Egan, Town Council Chair
Town of Freeport
30 Main Street
Freeport, ME 04032

Re: Resolution of 250 Wolfes Neck Road Shoreland Zoning Issues

Dear Members of the Town Council,

I am writing on behalf of Jeff Davis, who owns and lives at 250 Wolfes Neck Road. Mr. Davis has been working in good faith with the Town and Maine DEP for over a year to resolve shoreland zoning issues at his property. Mr. Davis seeks the Council's help in finalizing a consent agreement to bring this matter to a fair conclusion.

Mr. Davis understood that an agreement had been reached in which he has taken or will take significant and costly steps to bring his property into compliance with shoreland zoning standards. That agreement includes Mr. Davis planting 20 trees and 45 saplings pursuant to a replanting plan developed by a licensed Maine forester. The replanting plan was revised three times to incorporate numerous requests made by the Town and the DEP. The cost of implementing the plan is estimated to be \$12,000 to \$15,000. A copy of the agreed-up plan is attached to this letter.

However, on May 5 Mr. Davis received a proposed consent agreement from the Town that, in addition to all the agreed-upon measures, imposed a \$10,000 fine on Mr. Davis. In the dozens of communications with the Town over the past year, no fine had ever been discussed.

I understand that the Town estimates its attorney's fees related to this matter at \$2,500. Mr. Davis offers to reimburse the town for its reasonable out-of-pocket attorney's fees (capped at \$2,500). However, any fine above that is purely punitive. Such punitive fine is not warranted as the violations on Mr. Davis' property were unknowing and accidental.

The principal issue in this matter stems from Mr. Davis cleaning up storm-damaged trees in the shoreland zone on his property. Mr. Davis unfortunately did not understand that he needed

June 30, 2021

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a permit from the Town prior to doing so. Mr. Davis' forester described the area of clearing as follows on page 5 of the attached replanting plan:

“In the untouched sections, many of the balsam fir are near life's end, and many have died and fallen over. Some of the trees that fell due to wind or decay landed on other trees, breaking them off or otherwise damaging them. One large dead white birch in area 13 and noted on the area map fell and destroyed seven trees in area 1, as witnessed by Mr. Davis. Parts of that White Birch remain below the highest annual tide, evidence that the tree did damage or break the seven smaller trees. Except that the owner failed to get a permit, many of the trees removed were done so with good reason.”

Lastly, Mr. Davis has serious financial concerns about his ability to pay the proposed punitive fine to the Town. Mr. Davis operates a sports and educational travel business that was completely shut down by the pandemic. In Mr. Davis' words: “I do not have \$10,000 to pay the Town and then also take on a replanting process. My employees and I have been on state workshare unemployment since June 2020 and I am having a hard time making my mortgage payments and bills each month. I paid my property taxes this year but it wasn't easy.”

As stated above, Mr. Davis offers to pay the Town \$2,500 to cover any attorney's fees it has incurred. Beyond that, Mr. Davis asks that the proposed fine be stayed so that he has funds to complete the replanting process.

Thank you very much for your attention. Mr. Davis and I look forward to discussing this matter with the Council.

Sincerely,



Gordon R. Smith

Cc: Town Manager Peter Joseph
Code Enforcement Officer Nick Adams

Replanting Plan

To address the removal of Trees

Within a shoreland zone, 75 foot buffer

On property owned by

Jeffrey Davis

Located at 250 Wolfe's Neck Road

Freeport, Maine

January 4, 2021

Prepared by Gregory E. Foster
Licensed forester # 595
Timberstate G. Inc.
P. O. Box 157
Gray, Maine 04039
207-272-4270

On behalf of property owner Jeffrey Davis, I have examined the shoreland zoned property located at 250 Wolfe’s Neck Road. Owner Davis has been served with a Notice of Violation by the Freeport Code officer. The replanting plans addressed in this report are in response to the removal of trees and other vegetation within the 75 foot buffer of the shoreland zone.

To create a replanting plan that is based on the “well-distributed stand of trees” point system in the shoreland zoning ordinance, I have located twenty areas, 25 feet by 25 feet, and measured the retained points within each (see attached map). At completion of the work, the determination is that six areas had fewer than eight points. Following is a table of the findings by area.

Retained Points by area as measured on August 4, 2020:

Area #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Existing Points	13	8	10	4	8	11	17	10	0	0	8	14	26	8	10	4	4	0	8	8

In addition, it is determined that the open area created in the canopy is 590 square feet. The limit is 250 square feet.

The recommendation for repair is as follows.

1. Plant 20 trees with a minimum size of two inches in diameter at breast height (“trees”). These trees are to be placed in the areas with the lowest point numbers, which will reduce the canopy opening size to 250 square feet or less. All of the tree locations are marked on the ground using pink flags. The flags are marked, indicating the area number, and a letter designation (A, B, or C) indicating the tree species. Tree planting locations are identified on the attached map.

Planting instructions: Where feasible and appropriate, a small tracked excavator may be used to move each tree to the site, and excavate a hole of the proper size to accommodate the root ball. The root balls are approximately two feet in diameter and two feet in depth. Where use of an excavator is impractical and would cause damage due to the steepness of the slope and the presence of the existing root system, holes will be excavated and trees installed by hand. Upon completion of the planting, the excavated soil will be placed around the base of the planted tree, and graded. Otherwise, if Mr. Davis desires to remove the excess soil and place it outside of the buffer, he may do so.

At the completion of the planting, it will be necessary to secure the site with erosion control measures. Disturbed soil around each planted tree and where the excavator has traveled must be covered with either erosion control mats or raked leaves or other organic matter from areas outside the shoreland zone. Excavation for planting will avoid the removal of stumps and intact root systems to the maximum extent practical.

2. Plant 45 saplings that are three feet or more in height and under two inches in diameter at breast height (“saplings”). Forty one of these saplings are to be interspersed with the replanted trees in the areas with the lowest point numbers. Four of these saplings are to be planted along



TOWN OF FREEPORT, MAINE

Town Manager's Office
30 Main Street
Freeport, ME 04032

Phone: 207-865-4743
Email: pjoseph@freeportmaine.com

MEMORANDUM

TO: Freeport Town Council
FROM: Peter Joseph, Town Manager
DATE: 07/01/21
RE: **Proposed Consent Agreement – Other Business #1 – 07/06/21 Council Meeting**

Attached to this memo you will find documentation regarding violations of local ordinances at 250 Wolfe Neck Road. The property owner and Town staff have developed a proposed administrative consent agreement to address the violations on the property. The course of action proposed under the consent agreement would correct the various violations on the property, meaning that after the prescribed period of time, the property would no longer be considered a violation of the local ordinances in question. Administrative consent agreements that correct violations generally do not require Council action for approval, which is why the proposed consent agreement is not being proposed for Council approval at the 07/06/21 Town Council meeting.

There is general consensus on the terms of the consent agreement, aside from the penalties and costs proposed by Town staff. Town staff, in consultation with the Town Attorney and officials of the Maine Department of Environmental Protection (which has joint jurisdiction with the Town on several of the shoreland violations on the property), have recommended a total amount of \$25,000, with all but \$10,000 suspended. Of the \$10,000, \$7,500 constitutes a civil penalty, and \$2,500 constitutes reimbursement for the Town's costs. If the conditions of the consent agreement are successfully met, the remaining \$15,000 would not be assessed. This amount was proposed by staff among other things to create consistency with other penalties that property owners in similar cases have agreed to. The property owners have requested that only the \$2,500 in costs be assessed in this case.

While staff does not require Town Council approval to execute the proposed agreement, the Council does have the authority to direct staff to reduce the amount sought by the Town by issuance of an Order. As the \$25,000 amount contemplated by the consent agreement is significant, staff did feel that it was fair to put this question before the Council to determine whether there was general agreement as to whether the amount suggested is appropriate.

It is important to note that the property owner does have several other methods to address the violations on the property other than the proposed consent agreement, including challenging the notice of violation (NOV) at the Board of Appeals locally, or ultimately in Superior Court.



JANET T. MILLS
GOVERNER

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

June 10, 2021

Town Council
Town of Freeport
30 Main Street
Freeport, Maine 04032-1209

RE: Jeffrey T. Davis Consent Agreement Penalty, 250 Wolfe's Neck Road

Dear Members of the Town Council,

Code Enforcement Officer Nick Adams contacted the Department of Environmental Protection, Shoreland Zoning Division ("Department") to comment on a request by Mr. Davis for the Town Council to review a proposed penalty included in a proposed consent agreement to resolve violations of provisions of the Town of Freeport's Floodplain Management, Zoning and Coastal Management Ordinances on Mr. Davis's property. The Department reviewed the proposed penalty based on consent agreements involving violations of shoreland zoning provisions in Freeport and other Maine municipalities and submits the following comments for consideration.

Based on the violations noted in the consent agreement and notice of violation issued by the Town the Department finds the proposed penalty as being consistent with consent agreements issued by other municipalities for similar actions. In some cases the proposed consent agreement penalty is less than others that the Department has reviewed over the years that addressed multiple violations. Similarly, after review of the Town of Freeport's recent consent agreements with Toni R & Richard A. Merrick and David & Valerie Stone & Hawkes Tree Service, Inc. the Department finds that the proposed penalty is consistent with these recent consent agreements.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
207-941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

Thank you in advance for thoughtfully considering the Department's comments. Please contact me if you have any questions or seek further clarification in this matter. I may be reached by email at Jeffrey.C.Kalinich@maine.gov or telephone at 207-615-7044.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jeffrey Kalinich". The signature is written in a cursive style with a large initial "J" and "K".

Jeffrey C. Kalinich
Assistant Shoreland Zoning Coordinator

cc: Nick Adams, Code Enforcement Officer
File

OB #1 (B)



TOWN OF FREEPORT
Code Enforcement Office
30 Main Street, Freeport ME 04032
phone: 865-4743 ext. 102 fax: 865-0929

Date: June 15, 2020

Owner: DAVIS, JEFFREY T &, JESSICA REMMES
250 WOLFE'S NECK ROAD
FREEPORT, ME 04032

Via: U.S. Mail and Email

DAVIS, RONALD C
140 KELSEY RIDGE ROAD
FREEPORT, ME 04032

Via: U.S. Mail and Email

Tax Map/Lot: 024056A 001
Located at: 250 WOLFE'S NECK ROAD
Zoning District: Rural Residential -2 (RR-2) and Shoreland Area (SA),

NOTICE OF VIOLATION

Dear Jeffery, Jessica and Ronald,

You are hereby notified that you are in violation of Ch. 21 Art. V § 507. Shoreland Zone Regulations of the Town of Freeport Zoning Ordinance. Please contact this office as soon as possible to correct these violations.

A. Violations Observed: I conducted a site inspection on June 4, 2020 and observed the following site conditions:

1. A significant percentage of the vegetation within two hundred fifty (250') feet of the Highest Annual Tide level (HAT) of the coastal wetland (Ocean) has been removed. The vegetation was removed without permits or consultation with the Codes Enforcement Officer.
2. Some of vegetation that was removed was chipped and broadcasted over existing vegetation within seventy-five (75') feet of the HAT, and also used to create a path over six (6) feet wide.
3. A canopy opening larger than two-hundred fifty (250) sq. ft. was created within seventy-five (75') feet of the HAT, the location of this canopy opening is between the stone patio and the shoreline.

4. Vegetation less than three (3) feet in height was removed within seventy-five (75') feet of the HAT.
5. A footpath was created that exceeds six (6) feet in width within seventy-five (75') feet of the HAT.
6. Eight (8) points worth of trees were not retained in each 25-foot by 25-foot Plot within seventy-five (75') feet of the HAT
7. A minimum of three (3) saplings were not retained in each Plot within seventy-five (75') feet of the HAT.
8. An approximate two hundred (200) sq. ft. stone patio was constructed within seventy-five (75') feet of the HAT.
9. A 6' x 10' wood deck platform was constructed within ten (10') feet of the HAT
10. A 4' x 5' wood deck platform was constructed within ten (10') feet of the HAT
11. A three (3) foot wide wood set of stairs was constructed within seventy-five (75') feet of the HAT
12. A 16" x 140' wood pier system was constructed extending over and within the coastal wetland, the pier was attached to the 6' x 10' wood platform, the pier was supported by two (2) milk crates stacked on top of each other for each section, each section was fastened into the coastal wetland with four (4) grade stakes at each section. In addition, Jeff Davis stated while onsite that the pier structure is seasonal and that the pier system is stored on the wood deck structures in the off season. If permits for the pier system were applied for and granted by the various agencies, the storage of piers in the off season must meet the shore setback requirements for structures.

B. Description of Violations:

1. Ch. 21 Art. V § 507.R.2.b.1 of the Zoning Ordinance prohibits a canopy opening of more than two-hundred (250) sq. ft within seventy-five (75') feet of the HAT and a footpath exceeding six (6) feet in width within seventy-five (75) feet of the HAT: The six (6) foot wide footpath allows the removal of vegetation to create the footpath. This standard does not allow for placement of any structures, impervious areas, or wood chips to be placed within the foot path.

507.R.2.b.1 There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown, however, a footpath or other recreational trail not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.

2. Additionally, Ch. 21 Art. V § 507.R.2.b.4 of the Zoning Ordinance states that all vegetation under three (3) feet in height shall not be removed or covered with wood chips within seventy-five (75') feet of the HAT:

507.R.2.b.4. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover including leaf litter and the forest duff layer shall not be cut, covered or removed except to provide for a footpath or other permitted uses as described in paragraphs 507.R.b.1 above.

3. Furthermore, I have calculated that there are approximately thirty-six (36) 25' x 25' Plots within seventy-five (75') feet of the HAT. It appears that a significant percentage of these plots have had vegetation removed in violation of Shoreland Zoning regulations. Ch. 21 Art. V § 507.R.2.b.2 of the Zoning Ordinance states that each Plot shall maintain a minimum rating score of eight (8) points for maintenance of a well-distributed stand of trees and other natural vegetation, including at least three (3) saplings:

507. R.2.b.2. Selective cutting of trees within the buffer strip is allowed provided that a well distributed stand of trees and other natural vegetation is maintained. For the purposes of this section a "well-distributed stand of trees" adjacent to water bodies, tributary streams, and wetlands, is defined as maintaining a minimum rating score of 8 points as hereinafter defined per 25-foot square area. (625 sq. ft.) as determined on plans prepared by a licensed forester and as determined by the following rating system.

<i>Diameter of Tree at 4 ½ Feet</i>	
<i>Above Ground Level (inches)</i>	<i>Points</i>
<i>2 - 4 in.</i>	<i>1</i>
<i>>4 - <12 in.</i>	<i>2</i>
<i>12 in or greater</i>	<i>4</i>

For the purposes of this section, "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least three (3) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot square

area. If three saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 3 saplings have been recruited into the plot.

4. The stone patio and two (2) wood decks are structures “anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.....” these structures must meet the structure setbacks including the shore setback. Ch. 21 Art. V § 507.H.1 of the Zoning Ordinance states that all structures must setback seventy-five (75) feet from the HAT.

507.H. Principal and Accessory Structures

1. All new principal and accessory structures shall be setback at least seventy-five (75) feet, horizontal distance, from the normal high-water line of a waterbody, tributary stream or the upland edge of a wetland.

5. The wood stairway for access to the shore required a building permit from the Code Enforcement Officer prior to installation, per Ch. 21 Art. V § 507.H.5 of the Zoning Ordinance:

507.H.5. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Codes Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the high water line of a water body or the upland edge of a wetland, , (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A., section 480-C); and the applicant demonstrates that no other reasonable access alternative exists on the property

6. The pier system constructed over and within the coastal wetland required approval from the Town of Freeport Coastal Waters Commission and a building/flood permit from the Code Enforcement Officer. Ch. 31 Art. XIII of the Town of Freeport Coastal Waters Ordinance, states that construction of a pier requires review and approval from the Coastal Waters Commission:

Ch. 31 Art. XIII

Any organization, person or business seeking to build (or modify) a float, wharf or dock (referred to as “float” in this ordinance) shall receive, as a first step, approval from the Freeport Coastal Waters Commission.

7. Like the Coastal Waters Ordinance, Ch. 21 Art V § 507.U.1 of the Zoning Ordinance requires a building permit for a pier constructed within the Shoreland Zone.

Ch. 21 Art V § 507.U.1

Permits Required.....After July 2, 1992, no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the Shoreland Zone in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

8. Furthermore, a flood permit from the Code Enforcement Officer is required for all piers, Ch. 16 Art. II of the

Town of Freeport Floodplain Management Ordinance states the following:

Ch. 16 Art. II, Before any construction or other development (as defined in Article XIV), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer except as provided in Article VII. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Freeport, Maine.

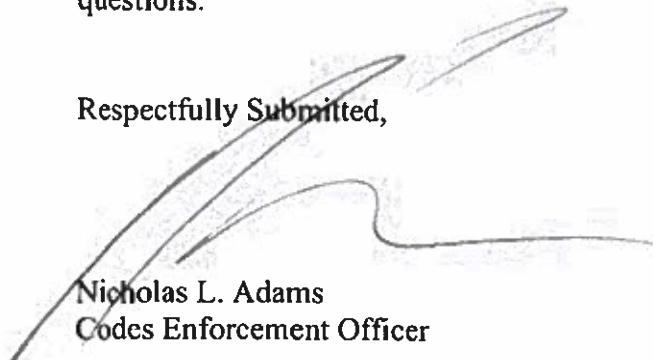
In addition to permits from the Town, you will most likely be required to apply for permits from the Maine Department of Environmental Protection and the Army Corps of Engineers. I would suggest reaching out to a representative from each department to discuss their process.

You have been issued this Notice of Violation (“NOV”) pursuant to Ch. 16 Art. XI of the Town of Freeport Floodplain Management Ordinance, Ch. 21 Art. VI § 601.A of the Zoning Ordinance, and Ch. 31 Art. XIII of the Town of Freeport Coastal Waters Ordinance. You must remove the wood deck and stone patio structures, apply for an after the fact permit for the shoreline stair or remove the stair, remove the pier system, and submit to this office a revegetation plan (Plan) in compliance with Section 15.S of the Department of Environmental Protection Ch. 1000 Guidelines for Municipal Shoreland Zoning Ordinances (attached) within thirty (30) days of the date of this notice. Once the Town has received the Plan, the Town will review it to determine compliance with the revegetation requirements. If the Plan is found not to be in compliance, the Town will notify you of the deficiencies and you will be required to submit a revised plan within fourteen (14) days of such notice. If the revegetation plan has not been submitted by July 15, 2020, this office will refer the matter to the Town’s attorney for legal action and possible civil penalties, as provided in Ch. 16 Art. XI of the Town of Freeport Floodplain Management Ordinance, Ch. 21 Art. VI § 601.B & C, and Ch. 31 Art. XIII of the Town of Freeport Coastal Waters Ordinance and Title 30-A M.R.S. § 4452. Fines of \$100.00 to \$5,000.00 per violation per day may be imposed and the Town is entitled to an award of attorney’s fees and court costs if it is the prevailing party in an enforcement action.

This NOV constitutes a decision that may be appealed to the Board of Appeals within thirty (30) days of the date of this notice pursuant to Ch. 16 Art. X of the Town of Freeport Floodplain Management Ordinance and Ch. 21 Art. VI § 601.G.2 of the Zoning Ordinance; however, filing an appeal to the Board of Appeals does not relieve you of your responsibility to correct the violations. If you wish to appeal this decision, the applications are available in the Code Enforcement Office located at the Town Office. The office is open Monday through Thursday 7:30AM-6:00PM. Failure to file an appeal may deprive you of your ability to contest this NOV in

any subsequent proceedings. Please feel free to contact me if you wish to discuss the matter or have any questions.

Respectfully Submitted,



Nicholas L. Adams
Codes Enforcement Officer

ECC: Jeffrey C. Kalinich, Maine Department of Environmental Protection
Claire Briggs, Maine Department of Environmental Protection
LeeAnn B. Neal, U.S. Army Corps of Engineers
Peter Joseph, Town Manager
Charlie Tetreau, Harbormaster

Enc: Section 15.S of the Department of Environmental Protection Ch. 1000 Guidelines for Municipal Shoreland Zoning Ordinances

15.S. Revegetation Requirements

When revegetation is required in response to violations of the vegetation standards set forth in Section 15(P), to address the removal of non-native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

- (1) The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.
- (2) Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed:
- (3) If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.
- (4) Revegetation activities must meet the following requirements for trees and saplings:
 - (a) All trees and saplings removed must be replaced with native noninvasive species;
 - (b) Replacement vegetation must at a minimum consist of saplings;
 - (c) If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;
 - (d) No one species shall make up 50% or more of the number of trees and saplings planted;
 - (e) If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
 - (f) A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.
- (5) Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:
 - (a) All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;
 - (b) Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (c) If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;
 - (d) No one species shall make up 50% or more of the number of planted woody vegetation plants; and
 - (e) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years

- (6) Revegetation activities must meet the following requirements for ground vegetation and ground cover:
- (a) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (b) Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
 - (c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

From: [Nick Adams](#)
To: [Peter Joseph](#)
Subject: 250 Wolfes Neck Road NOV/Consent Agreement
Date: Thursday, May 27, 2021 2:21:00 PM
Attachments: [NOV_6.15.2020_SZ_Violations.pdf](#)
[250_wolfes_neck_consent_5.5.2021.pdf](#)
[250_Wolfe's_Neck_Replanting_Plan_11.11.20\(14403711.1\).pdf](#)
[Survey_Plan_Bk215_Pg_78.pdf](#)
[Photos_6.4.2020.docx](#)

Peter,

See attached NOV, Consent Agreement, Replanting plan, survey of property when owner purchased, and photos of some of the violations. The owner of the property bought the property in 2015 and constructed their dwelling in 2016. The dwelling was constructed outside of the shoreland zone (250' From the HAT). Between the time they received their Certificate of Occupancy and last June the owner, cleared a path 10' -15' wide from the dwelling down to about 65' from the HAT, removed over 250 trees within the 75' of the HAT, constructed a wharf over 125' long (After the CWC denied the application), constructed two wood decks at the shore that the wharf connected to, a four foot wide stair from 75' to the wood decks, and a 200 sq. ft. stone patio with fire pit within 75' of the HAT.

On June 4, 2020, Charlie Tetreau, Two DEP staff members, Mr. Davis, His Neighbor, and myself inspected the site and I verbally explained in detail all the violations of the ordinances and told him I would follow up with an NOV which would include civil penalties and attorney's fees. The DEP and I work with the Owner, his counsel, and his forester for over 6 months on a replanting plan, we have all agreed on the replanting plan (attached). Mr. Davis through his counsel, does not agree with the one of the items in the consent agreement:

1. The \$10,000 civil penalty which includes the Town's cost incurred and some future expenses needed to record and enforce the consent.

You have asked me for information for the Town Council that explains how Staff and the DEP arrived at the \$10,000 penalty proposed. Over the past 4 years since I have been here, we have entered into several consent agreements for SZ violations. Last year we entered into 4 consent agreements, 3 for small cutting violations involving a few trees and other vegetation which the parties agreed to replant and pay for all the Town's costs ranging from \$1500 to \$2500. The other violation which was similar to the vegetation removal for this property, but didn't include a wharf that was denied and installed anyways along with several other unpermitted illegal structures, the party agreed to a \$10,000 civil penalty and replanting.

In my opinion, the \$10,000.00 is fair, however DEP, the Town Attorney and myself all discussed and were leaning toward a higher penalty based on their deliberate and clear willingness to disregard the Town's minimum regulations that they were aware of, but staff established this amount based on a previous consent.

There is no set civil penalty set forth in the councils fee schedule, however there are in title 30-A § 4452. If the Town is the prevailing party in enforcement of land use violations, the Town would be awarded \$100-\$5,000 per violation, per day (Dates back to original date of NOV June 2020), the

Towns legal fees, and in addition the court must require the violator to replant. However, instead of seedling/sapling like the Town and State have agreed to in the consent agreement for some areas, the court must require a tree for a tree replanting.

Given that there is over 50 violations on this property of which only one can be resolved with getting an after the fact permit, the Town enters into these administrative consent agreements to ensure the violations get corrected. Based on DEP and my experience a \$500 per violation for these type of violations is justified and been used for years, and because the violator was willing to work with the Town to resolve the violations we usually suspend a portion of the penalty, while always receiving the Town's incurred fees.

Let me know if you have any questions or concerns,

Nicholas L. Adams
Freeport Codes Enforcement Officer
Town of Freeport
30 Main Street
Freeport, ME 04032
207-865-4743
nadams@freeportmaine.com



TOWN OF FREEPORT CONSENT AGREEMENT

This document constitutes an agreement made as of this __ day of _____ 2021 by and between the **Town of Freeport**, Maine (the “Town”) and **Jeffrey T., Jessica Remmes, & Ronald C. Davis** (the “Davises”) of 250 Wolfes Neck Road, Freeport Maine for the purpose of enforcing and resolving violations of the Town’s Shoreland Zone Regulations of the Zoning Ordinance.

WHEREAS, both Davises and the Town agree as follows:

1. The Davises are residents of the Town of Freeport. Jeffrey T. & Jessica Remmes Davis reside at 250 Wolfes Neck Road, Freeport, identified in the Town Assessor’s records as Map 24, Lot 56A-1 and being more particularly described in a deed dated October 30, 2019 and recorded in the Cumberland County Registry of Deeds at Book 36123, Page 112 (the “Property”).
2. The Property is located in the Rural Residential 2 (RR-2) District and the Shoreland Area (SA).
3. On June 4, 2020, Nicholas L. Adams, the Town’s Code Enforcement Officer (“CEO”) observed site conditions on the Property.
4. On June 15, 2020, the CEO issued to Davises a Notice of Violation (“NOV”) of the Town of Freeport Zoning Ordinance. The NOV provided proper notice to Davises that the Town’s Shoreland Zone Regulations were violated by the following:
 - a. Creation of a canopy opening in excess of two hundred and fifty (250) square feet within seventy-five (75) feet of the Highest Annual Tide (“HAT”), in violation of Ch. 21 Art. V § 507.R.2.b.1;
 - b. Removal of vegetation less than three feet in height within seventy-five (75) feet of the HAT, in violation of Ch. 21 Art. V § 507.R.2.b.4.
 - c. Clearing of trees and saplings without retaining a well-distributed stand of trees and other natural vegetation, defined as a stand of trees with a minimum score of eight

- (8) points, and three (3) saplings within each 25' x 25' plot within seventy-five (75) feet of the HAT, in violation of Ch. 21 Art. V § 507.R.2.b.2;
- d. Construction of an approximately two hundred (200) square foot stone patio, two (2) wooden deck structures, and a three (3) foot wide set of wooden stairs, each within seventy-five (75) feet of the HAT, in violation of Ch. 21 Art. V § 507.H.5. The stone patio was subsequently removed, and the decks have been reduced from more than six (6) feet wide to approximately four (4) feet wide to serve as landings for the stairs, for which Davises subsequently sought proper permitting from Town and the Maine Department of Environmental Protection.
 - e. Construction of a pier system over and within coastal wetlands, which had been previously denied by the Town of Freeport Coastal Waters Commission but constructed anyway, in violation of Ch. 31 Art. XIII and Ch. 21 Art. V § 501.U.1. The pier was removed by Davises following the issuance of the NOV.
5. The NOV required the Davises to submit a revegetation plan, remove unpermitted structures and wharf, and apply for a permit for the shore access stair within thirty (30) days of the date of the NOV.
 6. The violations as stated in the NOV and above subject the Davises to fines of \$100.00 to \$5,000.00 per violation per day as provided in Ch. 21 Art. VI § 601.B & C of the Zoning Ordinance and Title 30-A M.R.S. § 4452.
 7. All parties wish to resolve said violations by administrative consent agreement without the time and expense of enforcement litigation.

NOW, THEREFORE, in consideration of the mutual promises and agreements set forth herein, the parties agree as follows:

1. The Town will assess a civil penalty, payable as described in paragraph 3 below, in the amount of Twenty-five Thousand (\$25,000.00) dollars, with all but Ten Thousand

(\$10,000.00) dollars suspended if the Davises comply with all of the requirements of this Consent Agreement.

2. The Davises have voluntarily agreed to pay all costs incurred by The Town in the preparation and execution of this Administrative Consent Agreement, including the Town's attorneys' fees, the amount of which costs and fees is incorporated into Paragraph 3 below.
3. No later than September 30, 2021, the Davises shall pay to the Town a Civil Penalty, which incorporates all costs incurred by The Town as described in Paragraph 2 above, in the amount of Ten Thousand (\$10,000.00) dollars through a bank or certified check payable to the Town of Freeport, ATTN: Peter Joseph, Town Manager, 30 Main Street, Freeport, ME 04032.
4. By no later than July 1, 2021, the Davises or their successors shall cause to be completed the planting in accordance with the Revegetation Plan (the "Revegetation Plan"), a copy of which is attached as Exhibit A and incorporated herein by reference. The completion of planting in accordance with the Revegetation Plan shall be conducted and/or approved by a contractor certified through the State of Maine Department of Environmental Protection in Erosion and Sedimentation Control Practices. If the Revegetation Plan is not completed to the CEO's satisfaction by July 1, 2021, barring unforeseen circumstances beyond the Davises control, the per day penalties described in Paragraph 6 above shall begin to accrue against the Davises or their successors. To prevent the accrual of per day penalties, the Davises or their successors shall submit a written description to the CEO containing evidence of the unforeseen circumstances resulting in delay of the planting.
5. The Davises or their successors shall maintain the plantings so that at least eighty (80%) percent of the plantings survive until July 1, 2026. The Davises may satisfy this requirement through their contractor, with the Town's prior approval of the form and amount of the guarantee. This duty shall run with the land in the event of any transfer

of the Property. On or about the one-year anniversary of the completion of the initial planting, the Davises or their successors shall contact the CEO about inspecting the Property. With reasonable advance notice to the Davises, the CEO shall be allowed to enter the Property as reasonably necessary to quantify the survival rate of the plantings. The CEO shall notify the Davises or their successors in writing of any deficiencies identified during such visits (“Deficiency Notice”). the Davises or their successors shall within a reasonable time, but in no case later than six (6) months after receipt of the Deficiency Notice, ensure that any deficiencies are corrected (“Cure Period”) to the satisfaction of the Town.

6. The Town agrees that, so long as the Davises or their successors complete the Revegetation Plan as required in Paragraph No. 4 above and maintain the survival of no less than eighty (80%) percent of the plantings through July 1, 2026, and so long as the Davises comply with any Deficiency Notice during any applicable Cure Period during that time, the Town will, and hereby does, upon fulfillment of the conditions herein, waive its rights to any additional civil penalties beyond those set forth above, attorneys’ fees and costs related to the specific violations to which the NOV referred.
7. The Davises, or their heirs, successors, and assigns, shall not conduct any other tree or vegetation removal on the Property, except in compliance with all applicable ordinances and statutes. Where the Davises find that vegetation must be removed within the violation area in order to maintain the plantings, prior written approval from the CEO must be obtained.
8. If the Davises or their heirs, successors, and assigns fail to comply with any requirement of this Agreement, the Town then may institute appropriate court proceedings to enforce the requirements of the Zoning Ordinance or to seek enforcement of the terms of this Agreement, including the payment of the total fine amount of twenty-five thousand (\$25,000) dollars plus all costs incurred by The Town in the preparation and execution of this Administrative Consent Agreement, including the Town’s attorneys’ fees.

9. This Agreement shall be recorded by the Town in the Cumberland County Registry of Deeds, shall run with the land, and shall be binding on the Davises or their heirs, successors, and assigns.

ORDER

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date first written above.

Jeffrey T. Davis, Individually

Jessica Remmes Davis, Individually

Ronald C. Davis, Individually

TOWN OF FREEPORT

By: _____
Peter Joseph, its duly authorized
Town Manager

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

_____, 2021

Personally appeared the above-named Jeffrey T. Davis and acknowledged the foregoing instrument to be his free act and deed.

Notary Public/Attorney at Law

STATE OF MAINE
COUNTY OF CUMBERLAND, ss. _____, 2021

Personally appeared the above-named Jessica Remmes Davis and acknowledged the foregoing instrument to be her free act and deed.

Notary Public/Attorney at Law

STATE OF MAINE
COUNTY OF CUMBERLAND, ss. _____, 2021

Personally appeared the above-named Ronald C. Davis and acknowledged the foregoing instrument to be his free act and deed.

Notary Public/Attorney at Law

STATE OF MAINE
COUNTY OF CUMBERLAND, ss. _____, 2021

Personally appeared the above-named Peter Joseph in his capacity as Town Manager of the Town of Freeport, Maine and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Town of Freeport.

Notary Public/Attorney at Law

Replanting Plan

To address the removal of Trees

Within a shoreland zone, 75 foot buffer

On property owned by

Jeffrey Davis

Located at 250 Wolfe's Neck Road

Freeport, Maine

November 11, 2020

**Prepared by Gregory E. Foster
Licensed forester # 595
Timberstate G. Inc.
P. O. Box 157
Gray, Maine 04039
207-272-4270**

On behalf of property owner Jeffrey Davis, I have examined the shoreland zoned property located at 250 Wolfe’s Neck Road. Owner Davis has been served with a Notice of Violation by the Freeport Code officer. The replanting plans addressed in this report are in response to the removal of trees and other vegetation within the 75 foot buffer of the shoreland zone.

To create a replanting plan that is based on the “well-distributed stand of trees” point system in the shoreland zoning ordinance, I have located twenty areas, 25 feet by 25 feet, and measured the retained points within each (see attached map). At completion of the work, the determination is that six areas had fewer than eight points. Following is a table of the findings by area.

Retained Points by area as measured on August 4, 2020:

Area #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Existing Points	13	8	10	4	8	11	17	10	0	0	8	14	26	8	10	4	4	0	8	8

In addition, it is determined that the open area created in the canopy is 590 square feet. The limit is 250 square feet.

The recommendation for repair is as follows.

1. Plant 20 trees with a minimum size of two inches in diameter at breast height (“trees”). These trees are to be placed in the areas with the lowest point numbers, which will reduce the canopy opening size to 250 square feet or less. All of the tree locations are marked on the ground using pink flags. The flags are marked, indicating the area number, and a letter designation (A, B, or C) indicating the tree species. Tree planting locations are identified on the attached map.

Planting instructions: Due to the steepness of the slope, a small tracked excavator is necessary to move each tree to the site, and excavate a hole of the proper size to accommodate the root ball. The root balls are approximately two feet in diameter and two feet in depth. Upon completion of the planting, the excavated soil will be placed around the base of the planted tree, and graded. Otherwise, if Mr. Davis desires to remove the excess soil and place it outside of the buffer, he may do so.

At the completion of the planting, it will be necessary to secure the site with erosion control measures. Disturbed soil around each planted tree and where the excavator has traveled must be covered with either erosion control mats or raked leaves or other organic matter from areas outside the shoreland zone. Excavation for planting will likely cause the removal of stumps in some areas. These stumps will be removed and taken outside of the buffer strip. Additionally, the excavation will cause existing roots to protrude above ground level. For esthetic reasons, Mr. Davis may want to cut these roots off as the work proceeds.

2. Plant 45 saplings that are three feet or more in height and under two inches in diameter at breast height (“saplings”). Forty one of these saplings are to be interspersed with the replanted trees in the areas with the lowest point numbers. Four of these saplings are to be planted along

the downhill edge of the established footpath. All of the sapling locations are marked on the ground using pink flags. The flags are marked, with an X indicating the “taller than three feet and under two inches” size category. Also marked on the flag is the area number, and a letter designation (A, B, or C) indicating the plant species. Tree planting locations are identified on the attached map.

Planting Instructions: Softwood saplings come in pots approximately 8 inches in diameter. Hardwood saplings come in five gallon pots, and may be available in bare root. When planted by hand, it is likely the top duff layer of 3 or 4 inches can be dug out and maintained intact. This duff should be placed to one side, and the soil below the duff layer excavated and placed in a separate pile. After completing the planting, the excess soil can be spread around the tree base, and the intact duff placed on top of the exposed soil. Difficulty will likely occur to be able to save the duff because of the existence of many roots. Where the duff is not able to be kept intact, the erosion control methods mentioned above will be employed.

Replanting Plan by Area:

Area	4	9	10	16	17	18	Path	Total
# of Trees	0	4	2	4	4	6	0	20
# of Saplings	8	12	12	3	3	3	4	45

The plan calls for the maximum number of trees that can practically be planted in the areas that are part of the canopy opening. Planting trees of this size requires holes to be dug by heavy equipment. The steepness of the site limits where a tracked excavator can operate safely. The proposed tree locations are sited at the maximum digging reach of an excavator that would fit on the site. The excavator can access areas 16, 17 and 18 from the existing farm road. The excavator can also travel downhill on the west side of the gully to access areas 9 and 10. Area 4 is inaccessible to the excavator. The hillside east of the gully and below the fire pit is too steep for the excavator to travel safely. There is an existing root system that is stabilizing the slope, which would be disturbed by excavation for tree planting. Shallow ledge in these sectors makes the feasibility of excavation uncertain.

The saplings, which require a much smaller hole than the larger trees, will be planted by hand in locations where the fewest roots exist, and the excavator cannot operate. Planting should be done to minimize disturbance of soil and root systems in order to prevent erosion and runoff problems.

In addition, there are many tree seedlings already established in the cleared areas. During the field examination, poplar, red oak, and soft maple seedlings were noted 2 to 12 inches tall, and are scattered throughout the site. Also noted were many balsam fir seedlings, which appear in a lot more frequency than the hardwood. The Balsam fir are typically an inch or shorter in height. Minimizing soil disturbance will help conserve existing regrowth by maintaining many of the already established seedlings.

Planting can occur anytime, however, a September or early October planting is advised, as potential drought conditions are less significant. These trees and saplings should be ordered or reserved as soon as possible to insure availability. Mr. Davis commits that replanting according to the plan will be complete by the end of October 2021.

The Key to the species of plant is as follows, and subject to change depending on availability. Any species selected will be native. The A, B, C designation will result in three different species by size class and no more than 50% of one species, as per the Freeport ordinance.

A: Balsam Fir or White Pine

B: Red Oak or White Oak

C: Sugar Maple or Soft Maple

Alternative species may include Northern White Cedar, White Spruce, Red Spruce, Tamarack, Yellow Birch, Moose Maple, Sumac, Dogwood, or Basswood.

The mixture of trees, saplings and seedlings that will be present at the site following this replanting plan should be comparable to pre-existing forest density and should mitigate the visual impact of the clearing. After replanting and regrowth no openings in the forest canopy will exceed 250 square feet.

Maintenance Schedule

At the time of planting, all trees shall be watered to the point where the soil is damp but not saturated. For the first week, water daily. The larger trees may require up to five gallons per day, and the saplings up to two gallons per day. Watering frequency can be adjusted based on rainfall. Mr. Davis or a qualified person will have to judge when the soil appears to be too dry, and water accordingly. On hot sunny summer days, when no rainfall occurs, the moisture of the soil should be checked daily and watered accordingly. Certainly when the leaves begin to wilt or needles begin to yellow, watering needs to be done immediately. Watering can be done any time of the day, but is most effective if done in the evening. Checking the moisture is done by scratching down into the soil with fingers as deep as one can go. The soil should feel moist like a damp sponge.

After the first year, the tree roots will have grown and adjusted to the new site, and the need to water will be significantly reduced. For the next four years, attention to soil moisture will be more critical during the hotter months of June, July and August, or when drought conditions occur between June and October.

Because of the slope, a watering system that utilizes a soaker hose may be the best method. Mr. Davis might consider looping a section of soaker hose around each tree, connected with standard hose between each soaker section.

If hardwoods, or northern white cedar are planted, they may be subject to deer browsing. Extensive browsing will kill these trees. There are methods of protecting them from deer, one being to encircle the planted area with electric fence.

Hardwoods are also susceptible to mice damage. Surrounding the hardwood sapling trees with a wire mesh tube should prevent mice from girdling the stem. Such a tube can be purchased or made using hardware cloth. These tubes should be at least 12 inches tall. The larger trees are less vulnerable. Protecting them in the same manner should be considered. The wire mesh should be retained until the tree stem fills out the diameter of the tube.

Other Considerations

It is a fact that the limits of tree removal have been exceeded, triggering the ability of the town to enforce the replanting of the site. Although the shoreland zoning ordinance requires replacement trees, it also recognizes environmental considerations. It is my professional opinion that planting 2 inch diameter trees is more detrimental to the site than any of the infractions caused by the owner.

Following is my concern.

1. The planting site is very steep, limiting the area where large balled and burlap trees can be located. Trees that are 2 inches at breast height are heavy enough that each one will have to be transported by machine to the planting site. The repeated traveling to each of the 20 planting sites will cause scarification of the duff layer increasing the potential of erosion.
2. There exist many seedlings throughout the cut site. Digging holes to accommodate the 20 trees will destroy many of them. As per proper Silvicultural standards, the site is completely and adequately regenerated to trees. As per the law, this regeneration is not to be touched, until it is three feet tall.
3. There has been no soil disturbance as a result of the cutting of trees. Planting 20 trees will disturb quite a bit of soil. In addition, digging a hole with an excavator to accommodate a 2 inch Dbh tree will dig up many existing roots that currently are helping to hold the soil in place. This root damage also has the potential to kill or cause decay in trees that are currently healthy.
4. My August 4th visit occurred shortly after a very heavy rainfall. It was observed that nothing, (twigs, wood chips, or soil) moved downhill because of the rain.

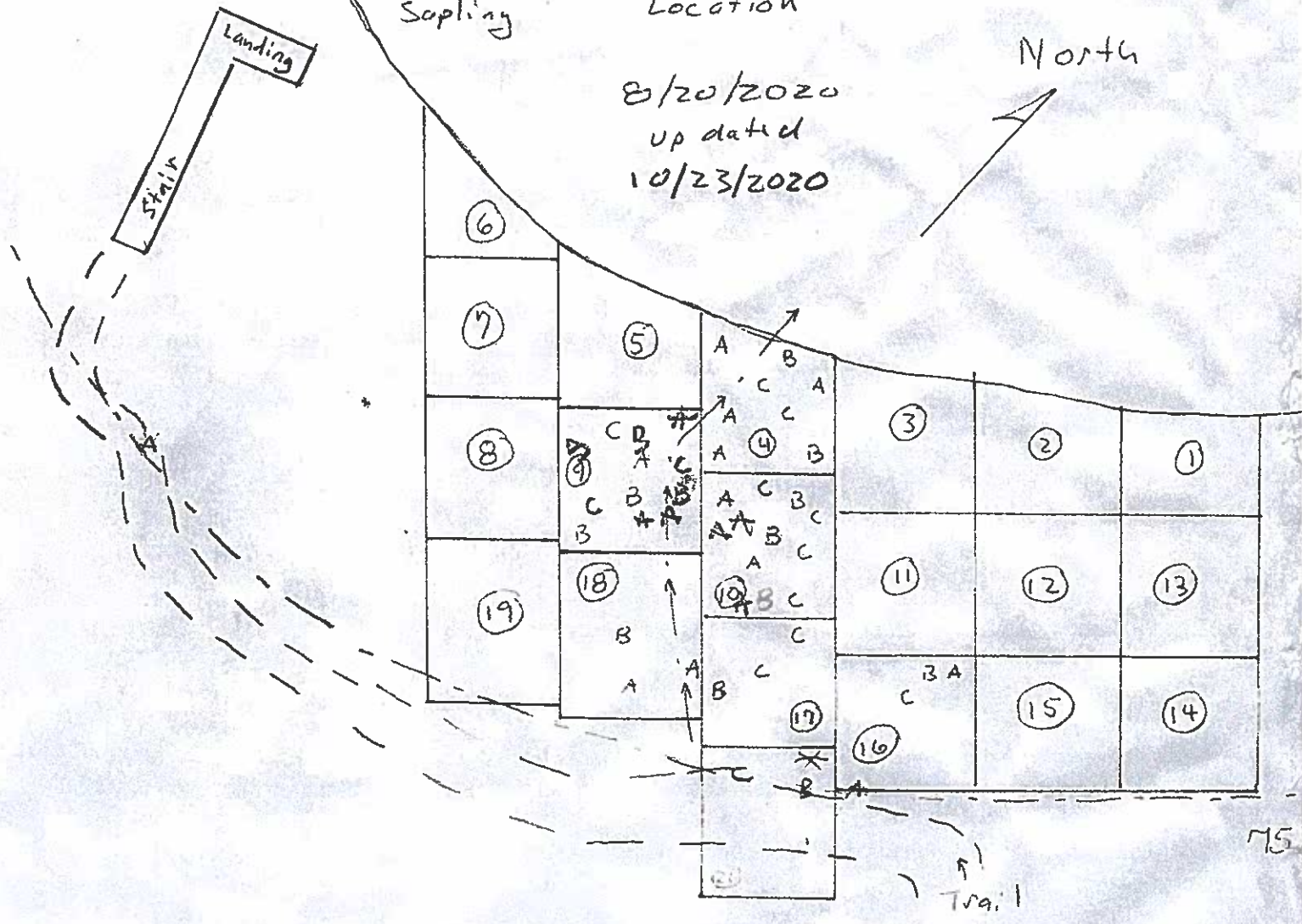
Prior to the cutting, I believe the site looked very similar to the untouched section on either side of the cut area. In the untouched sections, many of the balsam fir are near life's end, and many have died and fallen over. Some of the trees that fell due to wind or decay landed on other trees, breaking them off or otherwise damaging them. One large dead white birch in area 13 and noted on the area map fell and destroyed seven trees in area 1, as witnessed by Mr. Davis. Parts of that White Birch remain below the highest annual tide, evidence that the tree did damage or break the seven smaller trees. Except that the owner failed to get a permit, many of the trees removed were done so with good reason.

The most view obstructive trees are two large hemlock and a large White Pine which remain standing. Mr. Davis's motive was to deal with dead and broken trees.

Map of
 25' x 25' Areas
 in a buffer zone
 @ 250 Wolf's Neck Road, Freeport
 Jeffrey Davis, Owner
 Sapling Location

8/20/2020
 updated
 10/23/2020

North



Approx. Scale 1"=30'

Fire Pit Area *

Gully → . → .

Trail = = =

Area Number ②

A - sapling location

B - Sapling location

C - Sapling location

(Letter indicates species to be planted - see narrative)

Flags on the ground

Blue - corner of Area

Pink - Location of

Larger Trees to be planted

Pink with X -

Location of

sapling to be planted

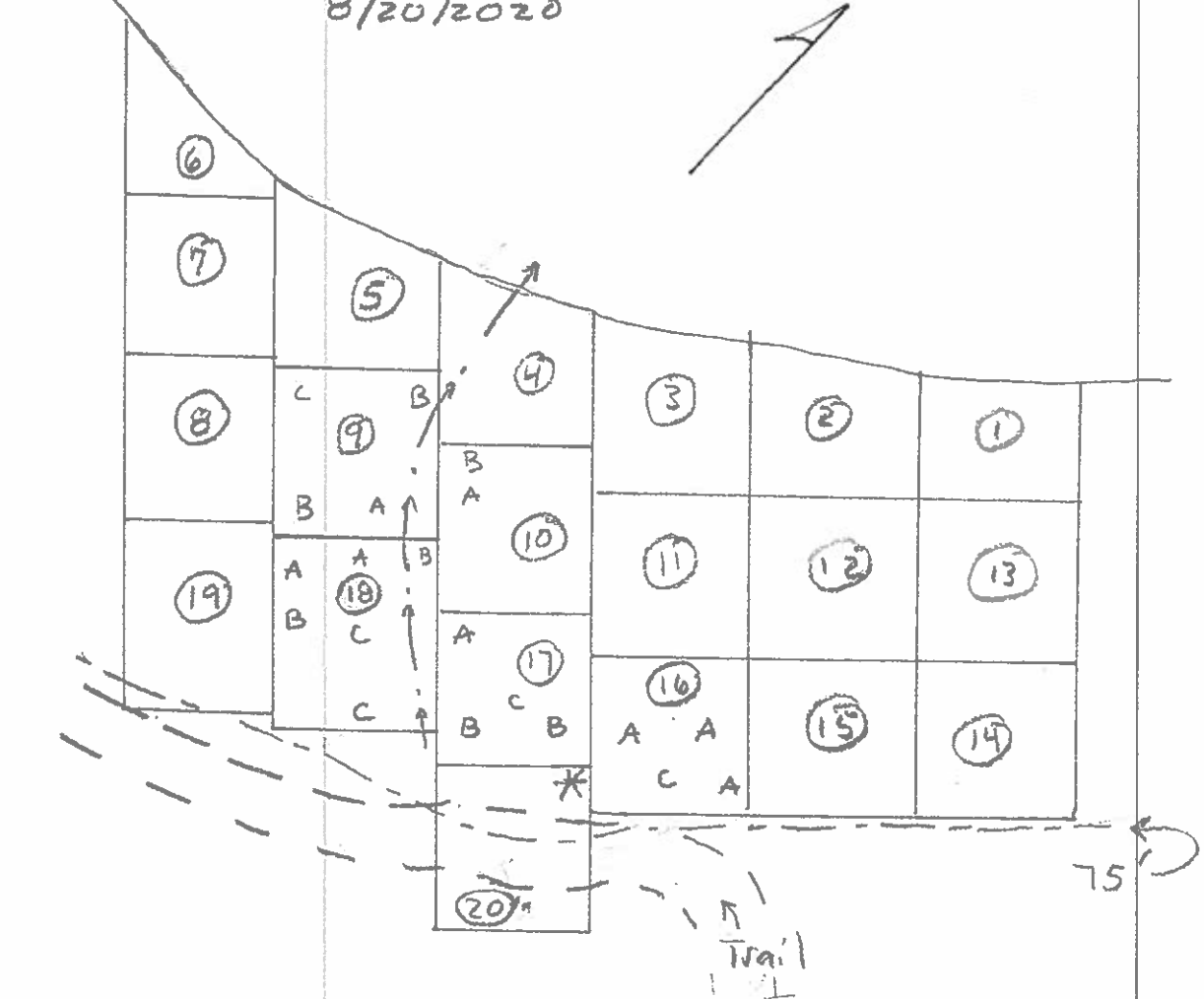
Map of
25'x25' Areas
in a buffer zone

@ 250 Wolf's Neck Road, Freeport

Jeffrey Davis, owner

Balled and Burlap Tree Location North

8/20/2020



Approx. Scale 1" = 30'

Fire Pit Area *

Gully → . → .

Trail ===

Area Number ②

A - Tree Location

B - Tree Location

C - Tree Location

(Letter indicates species
to be planted - See narrative)

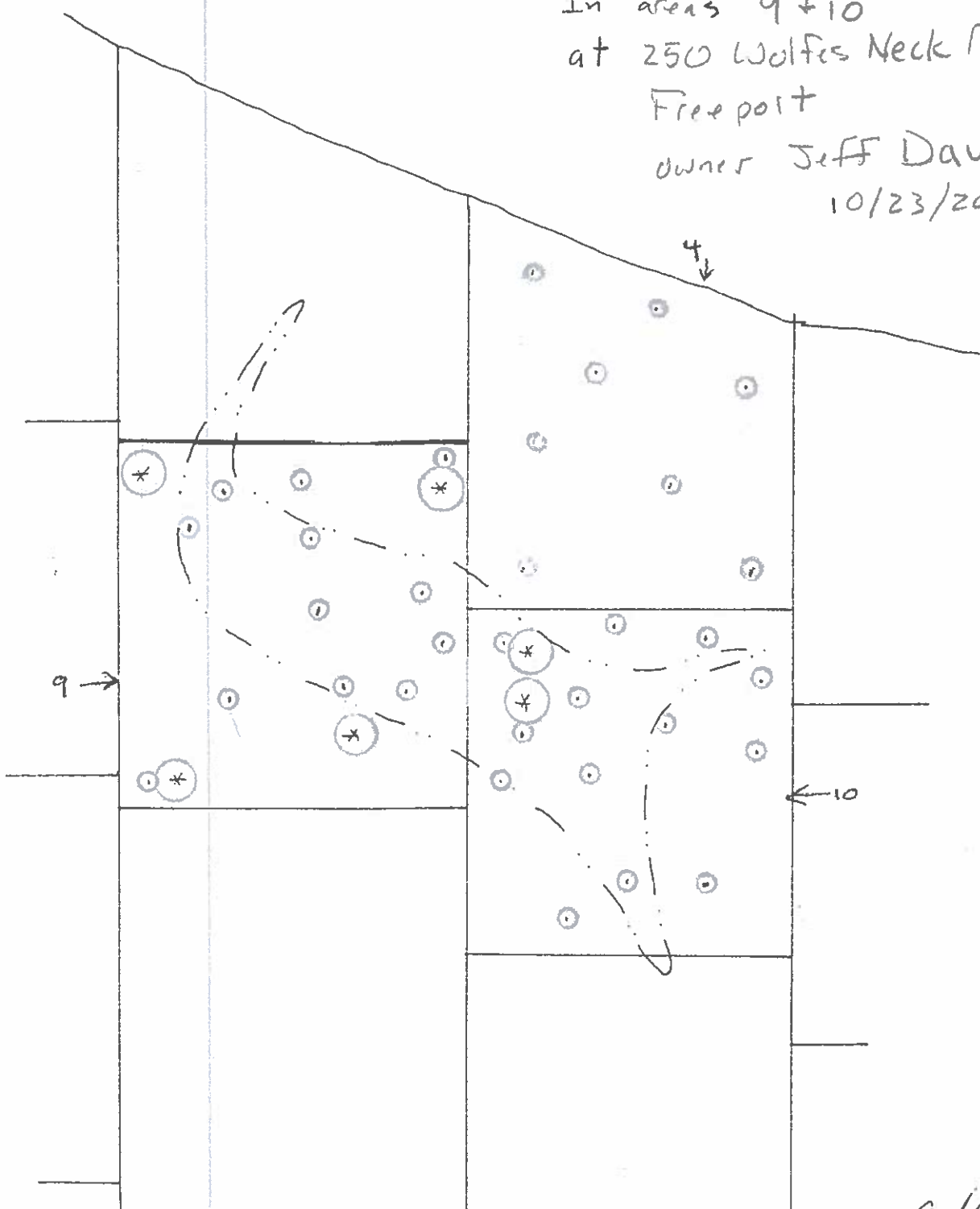
Flags on the ground

Blue - corner of areas

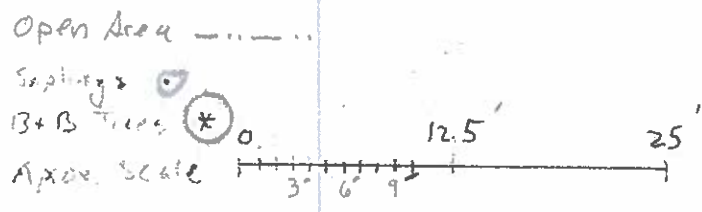
Pink - Location of
Larger Trees

Pink with X - Location
of Seedlings

Crown size of
 Sapling and Larger Trees
 In areas 9+10
 at 250 Wolfes Neck Road
 Freeport
 owner Jeff Davis
 10/23/2020



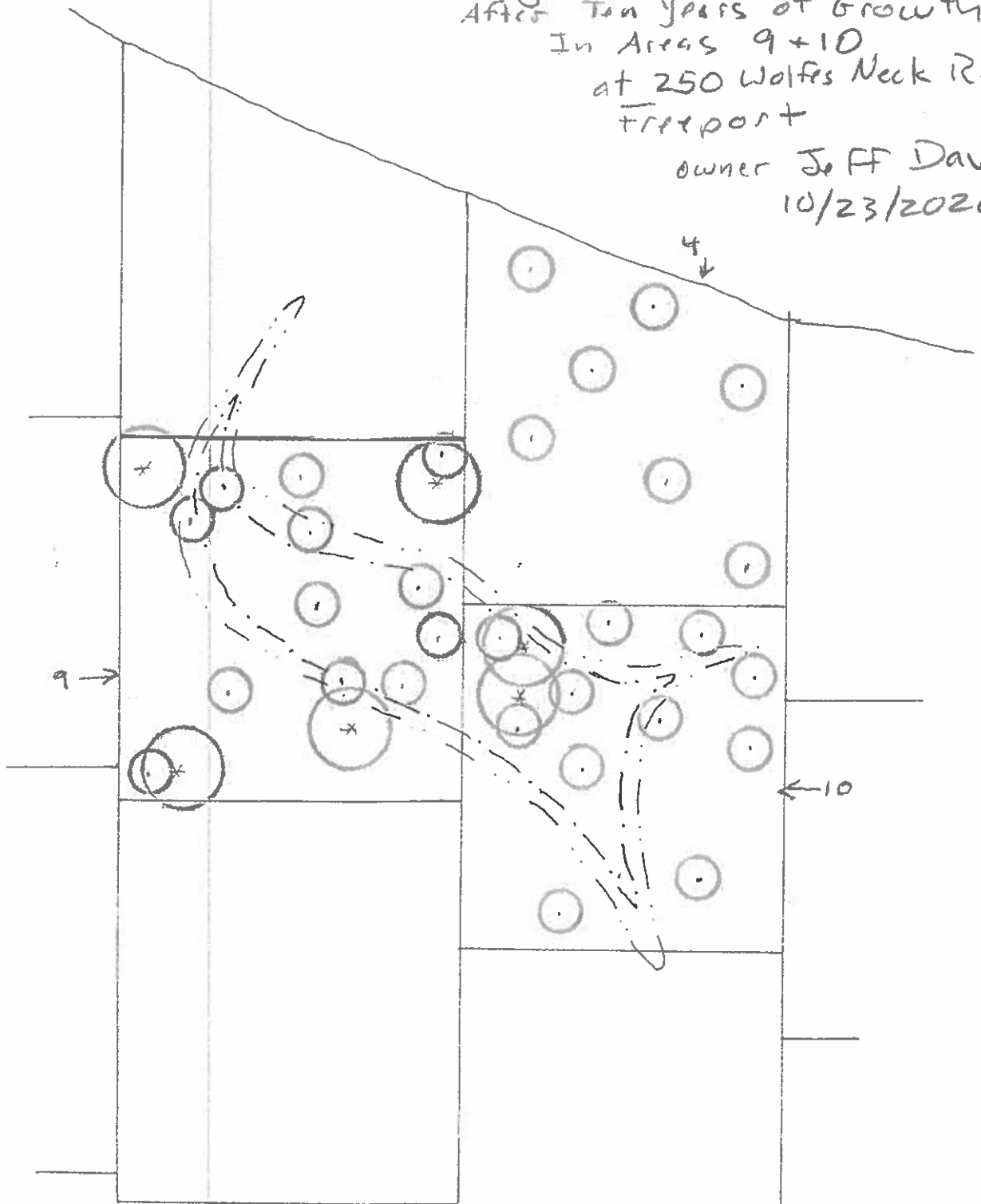
Estimated Crown Coverage After Planting



Timberstate G. Inc.
 P.O. Box 157
 Gray, Maine 04039
 207-657-4441
 Gregory E. Foster
 Professional Forester #595

Crown size of
 Sapling and Larger Trees
 After Ten years of Growth
 In Areas 9+10
 at 250 Wolfes Neck Road
 Freeport

owner Jeff Davis
 10/23/2020

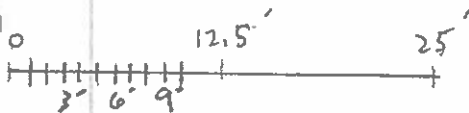


Estimated Crown covering in 2030
 Estimated Open area 2030 - - - -
 Open area 2020

Saplings ⊙

B+B Trees ⊕

Approx. Scale



Gregory E. Foster

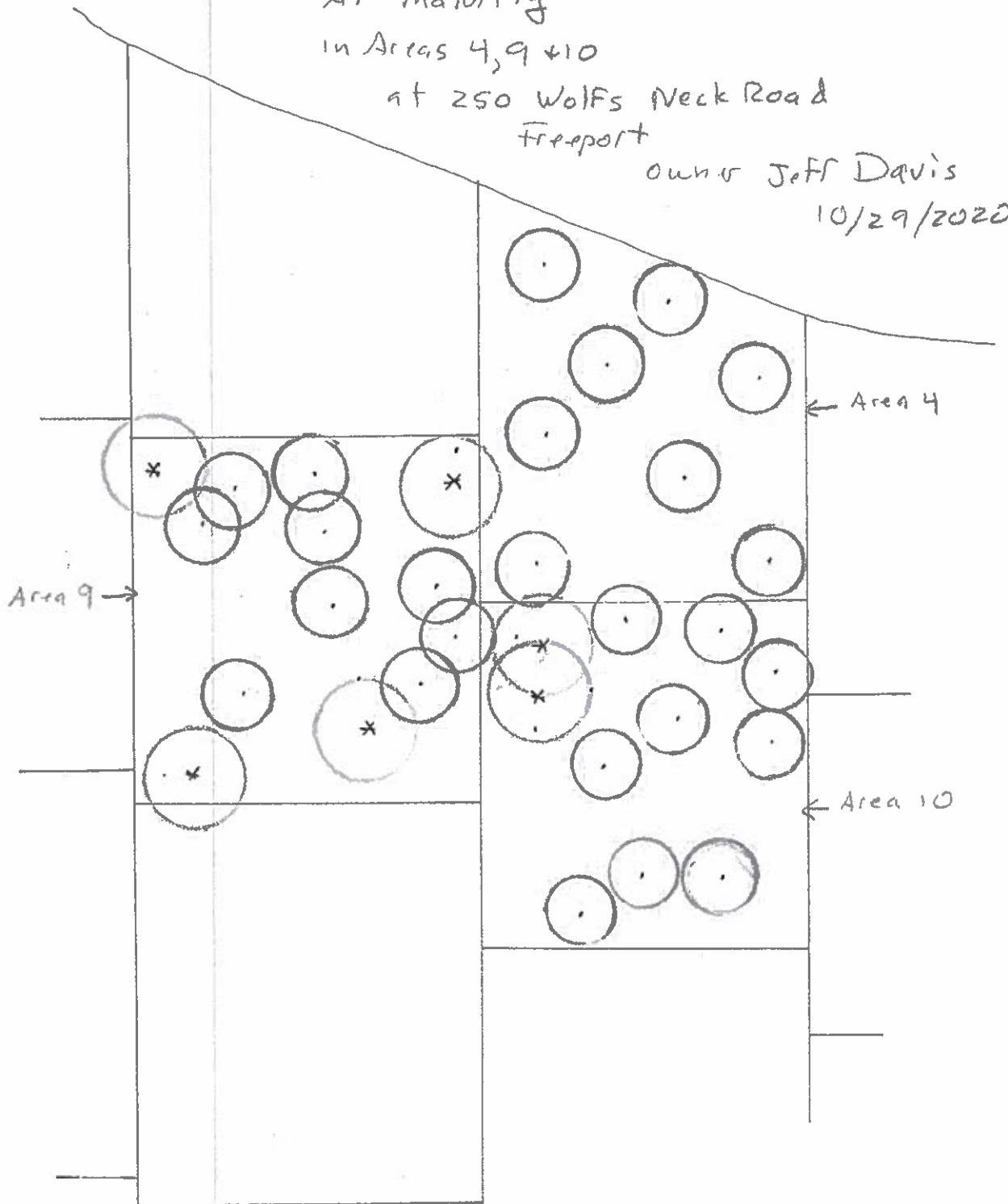
Timberstate G. Inc.
 P.O. Box 157
 Gray, Maine 04039
 207-657-4441
 Gregory E. Foster
 Professional Forester #535

Anticipated Crown Size of
Sapling and larger Tree
At maturity
in Areas 4, 9 & 10

at 250 Wolfs Neck Road
Freeport

owner Jeff Davis

10/29/2020



Estimated flow cover at maturity

Sapling in 2021 (○)
B+B Trees in 2021 (*○)

Approx. Scale
3' 6' 9' 12.5' 25'

Timberstate G. Inc.
P.O. Box 167
Gray, Maine 04039
207-657-4441
Gregory E. Foster
Professional Forester #3895

Inventory of Vegetation Removal

Within a shoreland zone, 75 foot buffer

On property owned by

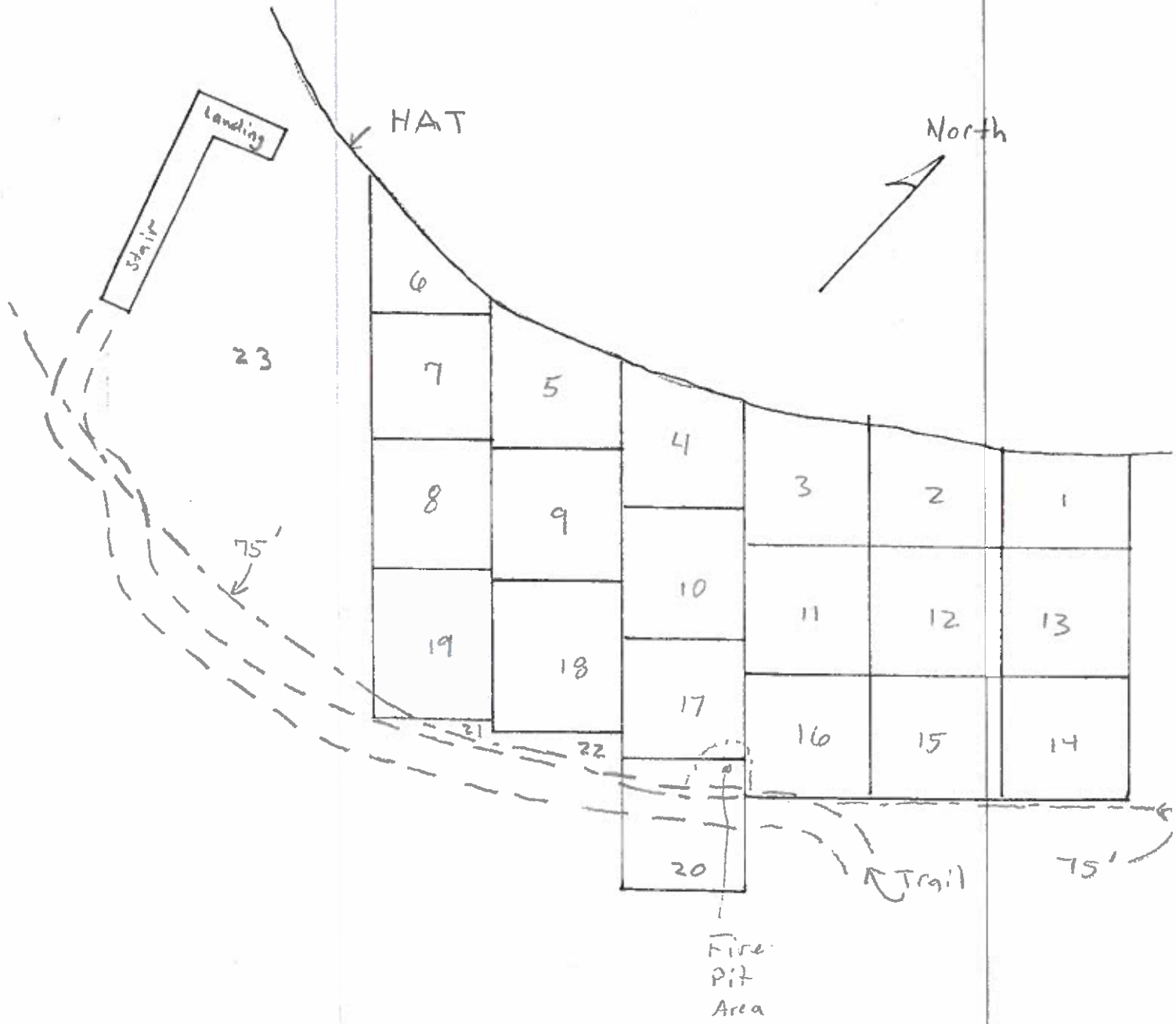
Jeffrey Davis

Located at 250 Wolfe's Neck Road

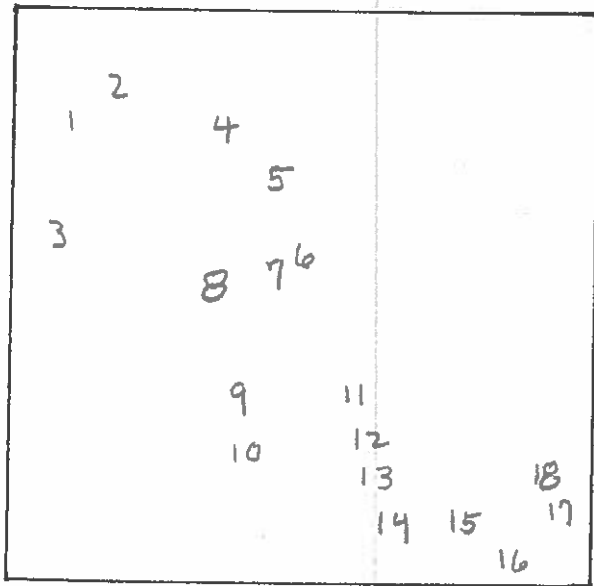
Freeport, Maine

August 27, 2020

**Prepared by Gregory E. Foster
Licensed forester # 595
Timberstate G. Inc.
P. O. Box 157
Gray, Maine 04039
207-272-4270**



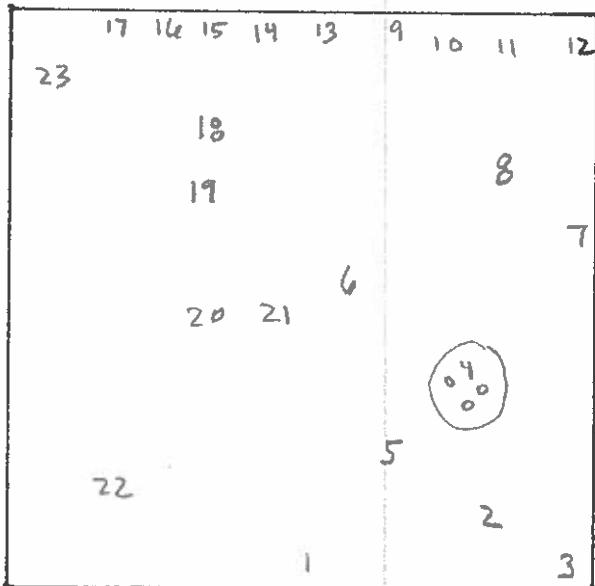
Area 1



Stump #	Diameter	Species	Notes
1	4.5	He	
2	4.0	He	
3	3.5	Fir	
4*	6	Spruce	
5*	3.0	Spruce	
6*	2.5	He	
7*	4.0	He	
8*	2.5	Fir	Dead
9*	4.0	He	
10*	2.5	Fir	Dead
11	2.0	He	
12	1.0	He	Dead
13	2.5	He	
14	3.0	He	
15	1.5	He	Dead
16	3.0	He	
17	2.5	He	Dead
18	1.5	He	

* Trees broken off by large dead white birch in area three (tree # 3) when it fell this spring

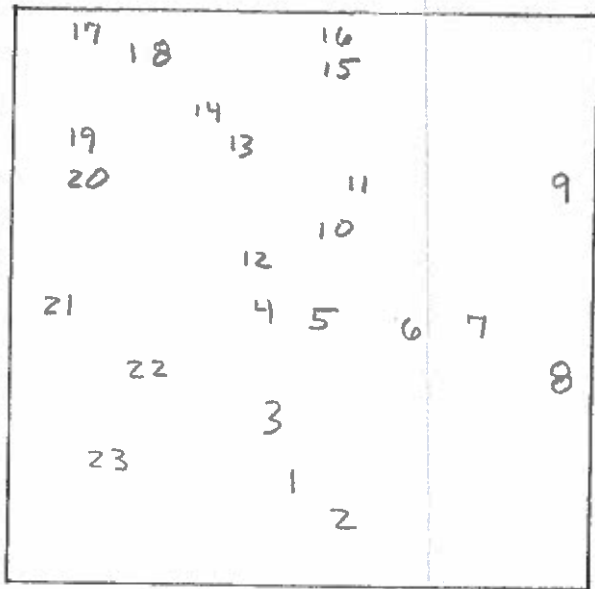
Area 2



Stump #	Diameter	Species	Notes
1	3.0	He	
2	8.0	He	
3	1.5	He	
4**	12.0	He	
5	8.0	He	
6	3.0	He	Dead
7	6.0	He	
8	5.0	He	
9	4.0	He	
10	4.0	He	Dead
11	1.5	He	
12	7.0	Spruce	
13	4.0	Fir	
14	4.0	Fir	
15	6.5	He	
16	1.0	Fir	
17	1.0	Fir	Dead
18	1.0	Fir	Dead
19	4.5	He	
20	8.0	He	
21	2.0	Fir	Dead
22	2.5	Fir	Dead
23	2.5	Fir	Dead

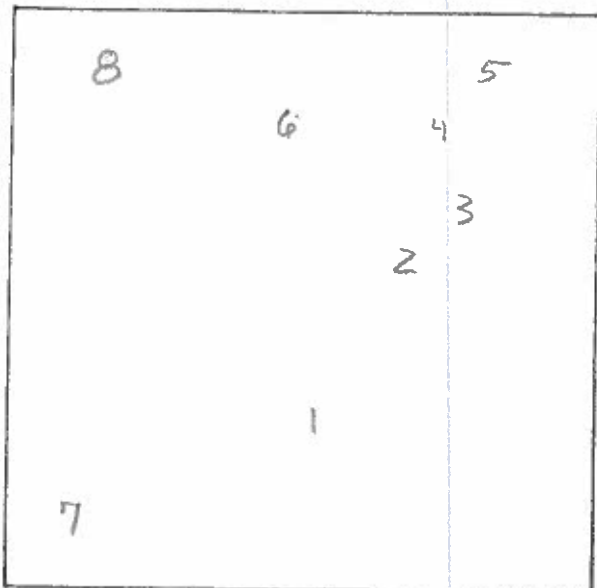
** Three stumps, however, this was one tree, as per Jeff Davis. Diameter is estimated.

Area 3



Stump #	Diameter	Species	Notes
1	3.0	He	
2	2.5	He	
3	5.0	He	
4	1.5	He	
5	2.0	He	
6	3.0	He	
7	2.0	He	
8	8.5	Spruce	
9	2.5	He	
10	4.0	He	
11	1.5	He	
12	3.0	He	
13	4.0	He	
14	2.0	He	
15	3.0	He	
16	3.0	He	
17	2.0	He	
18	2.5	He	
19	2.5	He	
20	3.0	He	
21	7.0	He	
22	3.0	He	
23	2.5	He	

Area 4



Stump #	Diameter	Species	Notes
1	7.5	He	
2	6.0	He	
3	9.0	He	
4	2.0	He	Dead
5	3.0	He	
6	5.0	Fir	
7	6.0	Fir	
8	5.0	He	

Replanting Plan

To address the removal of Trees

Within a shoreland zone, 75 foot buffer

On property owned by

Jeffrey Davis

Located at 250 Wolfe's Neck Road

Freeport, Maine

November __, 2020

Prepared by Gregory E. Foster
Licensed forester # 595
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To create a replanting plan that is based on the “well-distributed stand of trees” point system in the shoreland zoning ordinance, I have located twenty areas, 25 feet by 25 feet, and measured the retained points within each (see attached map). At completion of the work, the determination is that six areas had fewer than eight points. Following is a table of the findings by area.

Retained Points by area as measured on August 4, 2020:

Area #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Existing Points	13	8	10	4	8	11	17	10	0	0	8	14	26	8	10	4	4	0	8	8

In addition, it is determined that the open area created in the canopy is 590 square feet. The limit is 250 square feet.

The recommendation for repair is as follows.

1. Plant 20 trees with a minimum size of two inches in diameter at breast height (“trees”). These trees are to be placed in the areas with the lowest point numbers, which will reduce the canopy opening size to 250 square feet or less. All of the tree locations are marked on the ground using pink flags. The flags are marked, indicating the area number, and a letter designation (A, B, or C) indicating the tree species. Tree planting locations are identified on the attached map.

Planting instructions: Due to the steepness of the slope, a small tracked excavator is necessary to move each tree to the site, and excavate a hole of the proper size to accommodate the root ball. The root balls are approximately two feet in diameter and two feet in depth. Upon completion of the planting, the excavated soil will be placed around the base of the planted tree, and graded. Otherwise, if Mr. Davis desires to remove the excess soil and place it outside of the buffer, he may do so.

At the completion of the planting, it will be necessary to secure the site with erosion control measures. Disturbed soil around each planted tree and where the excavator has traveled must be covered with either erosion control mats or raked leaves or other organic matter from areas outside the shoreland zone. Excavation for planting will likely cause the removal of stumps in some areas. These stumps will be removed and taken outside of the buffer strip. Additionally, the excavation will cause existing roots to protrude above ground level. For esthetic reasons, Mr. Davis may want to cut these roots off as the work proceeds.

2. Plant 45 saplings that are three feet or more in height and under two inches in diameter at breast height (“saplings”). Forty one of these saplings are to be interspersed with the replanted trees in the areas with the lowest point numbers. Four of these saplings are to be planted along

the downhill edge of the established footpath. All of the sapling locations are marked on the ground using pink flags. The flags are marked, with an X indicating the “taller than three feet and under two inches” size category. Also marked on the flag is the area number, and a letter designation (A, B, or C) indicating the plant species. Tree planting locations are identified on the attached map.

Planting Instructions: Softwood saplings come in pots approximately 8 inches in diameter. Hardwood saplings come in five gallon pots, and may be available in bare root. When planted by hand, it is likely the top duff layer of 3 or 4 inches can be dug out and maintained intact. This duff should be placed to one side, and the soil below the duff layer excavated and placed in a separate pile. After completing the planting, the excess soil can be spread around the tree base, and the intact duff placed on top of the exposed soil. Difficulty will likely occur to be able to save the duff because of the existence of many roots. Where the duff is not able to be kept intact, the erosion control methods mentioned above will be employed.

Replanting Plan by Area:

Area	4	9	10	16	17	18	Path	Total
# of Trees	0	4	2	4	4	6	0	20
# of Saplings	8	12	12	3	3	3	4	45

The plan calls for the maximum number of trees that can practically be planted in the areas that are part of the canopy opening. Planting trees of this size requires holes to be dug by heavy equipment. The steepness of the site limits where a tracked excavator can operate safely. The proposed tree locations are sited at the maximum digging reach of an excavator that would fit on the site. The excavator can access areas 16, 17 and 18 from the existing farm road. The excavator can also travel downhill on the west side of the gully to access areas 9 and 10. Area 4 is inaccessible to the excavator. The hillside east of the gully and below the fire pit is too steep for the excavator to travel safely. There is an existing root system that is stabilizing the slope, which would be disturbed by excavation for tree planting. Shallow ledge in these sectors makes the feasibility of excavation uncertain.

The saplings, which require a much smaller hole than the larger trees, will be planted by hand in locations where the fewest roots exist, and the excavator cannot operate. Planting should be done to minimize disturbance of soil and root systems in order to prevent erosion and runoff problems.

In addition, there are many tree seedlings already established in the cleared areas. During the field examination, poplar, red oak, and soft maple seedlings were noted 2 to 12 inches tall, and are scattered throughout the site. Also noted were many balsam fir seedlings, which appear in a lot more frequency than the hardwood. The Balsam fir are typically an inch or shorter in height. Minimizing soil disturbance will help conserve existing regrowth by maintaining many of the already established seedlings.

Planting can occur anytime, however, a September or early October planting is advised, as potential drought conditions are less significant. These trees and saplings should be ordered or reserved as soon as possible to insure availability.

The Key to the species of plant is as follows, and subject to change depending on availability. Any species selected will be native. The A, B, C designation will result in three different species by size class and no more than 50% of one species, as per the Freeport ordinance.

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The mixture of trees, saplings and seedlings that will be present at the site following this replanting plan should be comparable to pre-existing forest density and should mitigate the visual impact of the clearing. After replanting and regrowth no openings in the forest canopy will exceed 250 square feet.

Maintenance Schedule

At the time of planting, all trees shall be watered to the point where the soil is damp but not saturated. For the first week, water daily. The larger trees may require up to five gallons per day, and the saplings up to two gallons per day. Watering frequency can be adjusted based on rainfall. Mr. Davis or a qualified person will have to judge when the soil appears to be too dry, and water accordingly. On hot sunny summer days, when no rainfall occurs, the moisture of the soil should be checked daily and watered accordingly. Certainly when the leaves begin to wilt or needles begin to yellow, watering needs to be done immediately. Watering can be done any time of the day, but is most effective if done in the evening. Checking the moisture is done by scratching down into the soil with fingers as deep as one can go. The soil should feel moist like a damp sponge.

After the first year, the tree roots will have grown and adjusted to the new site, and the need to water will be significantly reduced. For the next four years, attention to soil moisture will be more critical during the hotter months of June, July and August, or when drought conditions occur between June and October.

Because of the slope, a watering system that utilizes a soaker hose may be the best method. Mr. Davis might consider looping a section of soaker hose around each tree, connected with standard hose between each soaker section.

If hardwoods, or northern white cedar are planted, they may be subject to deer browsing. Extensive browsing will kill these trees. There are methods of protecting them from deer, one being to encircle the planted area with electric fence.

Hardwoods are also susceptible to mice damage. Surrounding the hardwood sapling trees with a wire mesh tube should prevent mice from girdling the stem. Such a tube can be purchased or made using hardware cloth. These tubes should be at least 12 inches tall. The larger trees are less vulnerable. Protecting them in the same manner should be considered. The wire mesh should be retained until the tree stem fills out the diameter of the tube.

Other Considerations

It is a fact that the limits of tree removal have been exceeded, triggering the ability of the town to enforce the replanting of the site. Although the shoreland zoning ordinance requires replacement trees, it also recognizes environmental considerations. It is my professional opinion that planting 2 inch diameter trees is more detrimental to the site than any of the infractions caused by the owner.

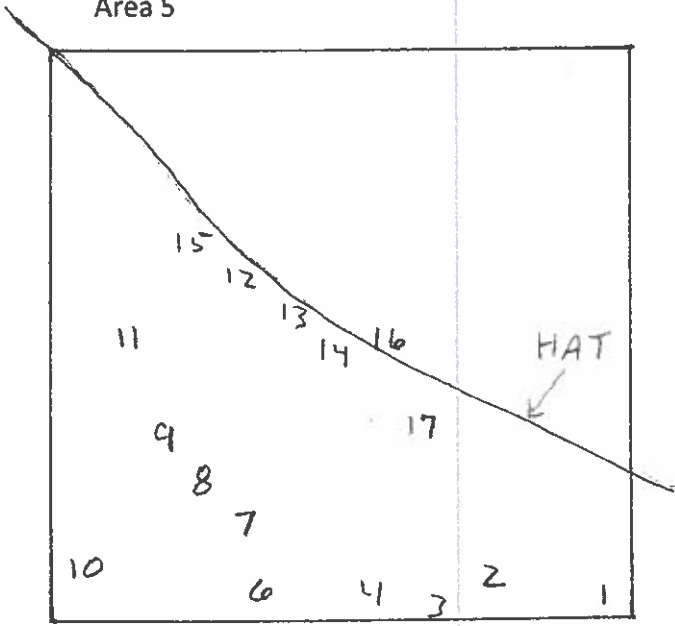
Following is my concern.

1. The planting site is very steep, limiting the area where large balled and burlap trees can be located. Trees that are 2 inches at breast height are heavy enough that each one will have to be transported by machine to the planting site. The repeated traveling to each of the 20 planting sites will cause scarification of the duff layer increasing the potential of erosion.
2. There exist many seedlings throughout the cut site. Digging holes to accommodate the 20 trees will destroy many of them. As per proper Silvicultural standards, the site is completely and adequately regenerated to trees. As per the law, this regeneration is not to be touched, until it is three feet tall.
3. There has been no soil disturbance as a result of the cutting of trees. Planting 20 trees will disturb quite a bit of soil. In addition, digging a hole with an excavator to accommodate a 2 inch Dbh tree will dig up many existing roots that currently are helping to hold the soil in place. This root damage also has the potential to kill or cause decay in trees that are currently healthy.
4. My August 4th visit occurred shortly after a very heavy rainfall. It was observed that nothing, (twigs, wood chips, or soil) moved downhill because of the rain.

Prior to the cutting, I believe the site looked very similar to the untouched section on either side of the cut area. In the untouched sections, many of the balsam fir are near life's end, and many have died and fallen over. Some of the trees that fell due to wind or decay landed on other trees, breaking them off or otherwise damaging them. One large dead white birch in area 13 and noted on the area map fell and destroyed seven trees in area 1, as witnessed by Mr. Davis. Parts of that White Birch remain below the highest annual tide, evidence that the tree did damage or break the seven smaller trees. Except that the owner failed to get a permit, many of the trees removed were done so with good reason.

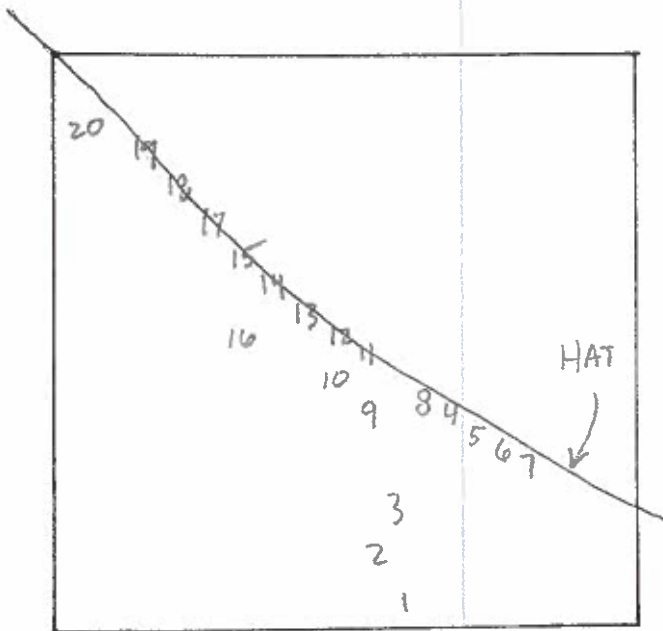
The most view obstructive trees are two large hemlock and a large White Pine which remain standing. Mr. Davis's motive was to deal with dead and broken trees.

Area 5



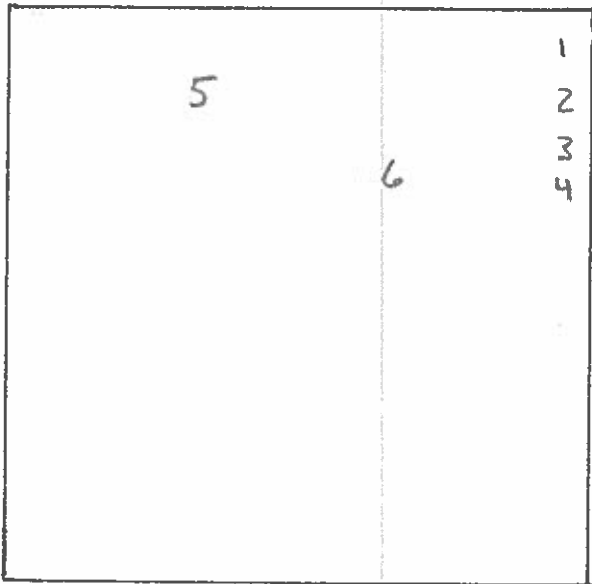
Stump #	Diameter	Species	Notes
1	2.0	He	
2	9.0	Spruce	
3	3.5	Fir	Dead
4	2.0	Fir	Dead
5	2.0	Fir	
6	5.0	Fir	
7	3.0	Fir	
8	4.5	Fir	
9	3.5	Fir	
10	3.0	Fir	
11	10.0	Fir	
12	1.0	Fir	
13	2.0	Fir	
14	6.0	Fir	
15	3.0	Fir	
16	1.0	Fir	
17	7.5	Fir	

Area 6



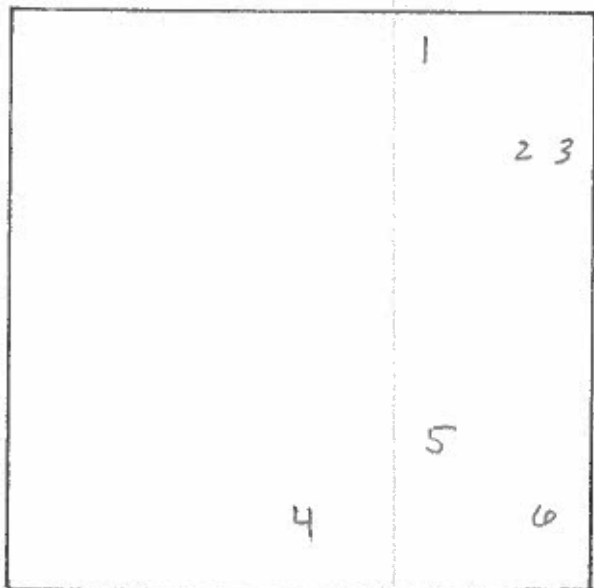
Stump #	Diameter	Species	Notes
1	4.5	Fir	
2	4.0	Spruce	
3	4.0	Fir	
4	2.5	Fir	
5	6.0	Fir	
6	3.5	Fir	
7	2.0	Fir	
8	3.5	Spruce	
9	4.0	Fir	
10	3.5	fir	
11	2.0	Fir	
12	1.0	Fir	
13	1.0	Fir	
14	3.0	Spruce	
15	4.0	Fir	
16	3.0	Fir	
17	4.0	He	
18	1.0	Fir	
19	1.0	Fir	
20	4.0	Fir	

Area 7



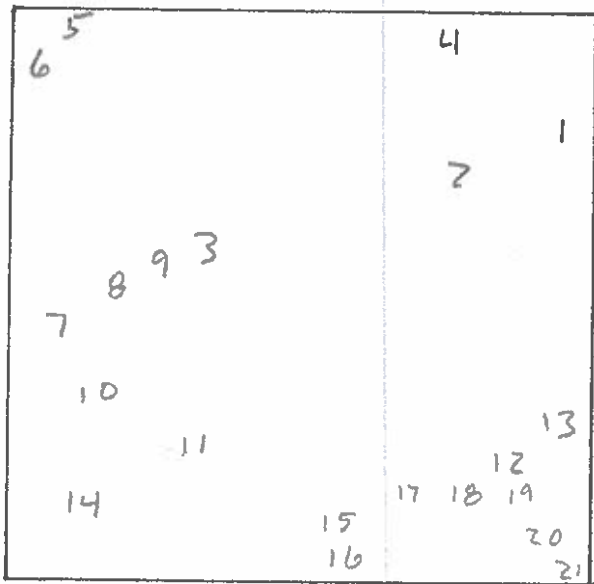
Stump #	Diameter	Species	Notes
1	5.0	Fir	
2	5.0	Fir	
3	5.5	Fir	
4	3.0	Fir	Dead
5	7.0	Fir	
6	3.0	Fir	

Area 8



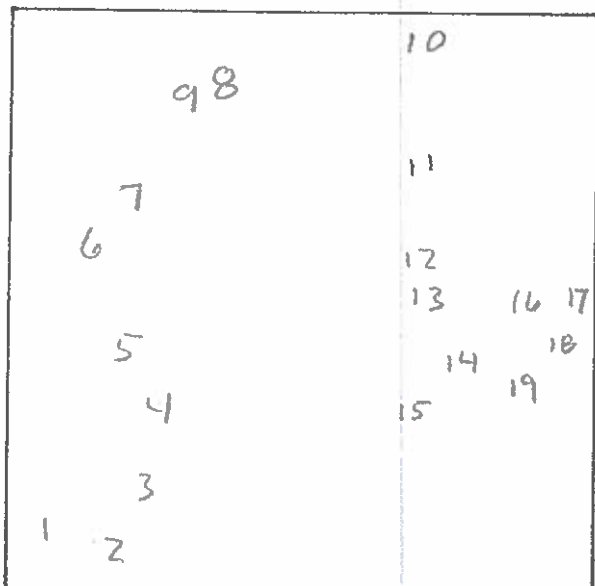
Stump #	Diameter	Species	Notes
1	8.0	Fir	
2	10.0	Fir	
3	4.5	Fir	Dead
4	8.0	Fir	Dead
5	5.0	Fir	
6	5.5	Fir	

Area 9



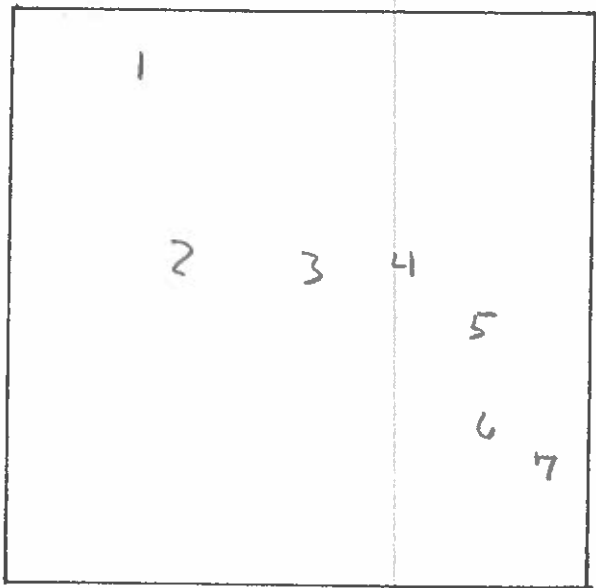
Stump #	Diameter	Species	Notes
1	3.0	He	
2	5.0	Fir	
3	8.0	Fir	
4	8.5	Fir	
5	4.5	Fir	
6	4.5	Fir	
7	11.0	He	
8	5.0	Fir	
9	5.0	Fir	
10	4.0	Fir	
11	5.5	Fir	
12	7.0	Fir	
13	8.5	Fir	
14	3.0	Fir	Dead
15	10.0	Fir	
16	8.5	Fir	
17	10.0	Fir	
18	4.0	Fir	
19	4.0	Fir	
20	5.0	Fir	
21	5.0	Fir	

Area 10



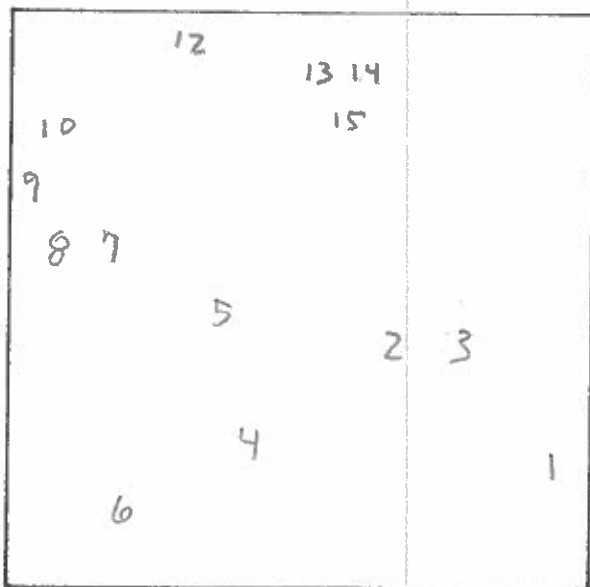
Stump #	Diameter	Species	Notes
1	10.0	He	
2	2.5	Fir	Dead
3	6.0	He	
4	8.0	He	
5	8.0	Po	
6	4.0	Fir	
7	8.0	Fir	
8	7.0	Fir	
9	7.0	Fir	
10	5.0	Spruce	
11	6.0	He	
12	4.0	Fir	
13	4.0	Fir	Dead
14	5.0	Fir	Dead
15	7.0	Fir	
16	3.0	Fir	Dead
17	7.0	He	
18	5.0	Fir	
19	6.0	He	

Area 11



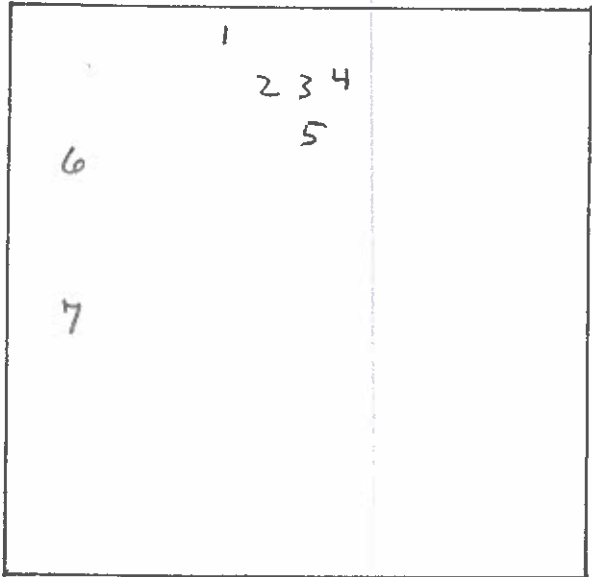
Stump #	Diameter	Species	Notes
1	4.0	He	
2	8.5	He	
3	6.0	He	
4	7.0	He	
5	5.5	He	
6	9.5	He	
7	5.0	He	

Area 12



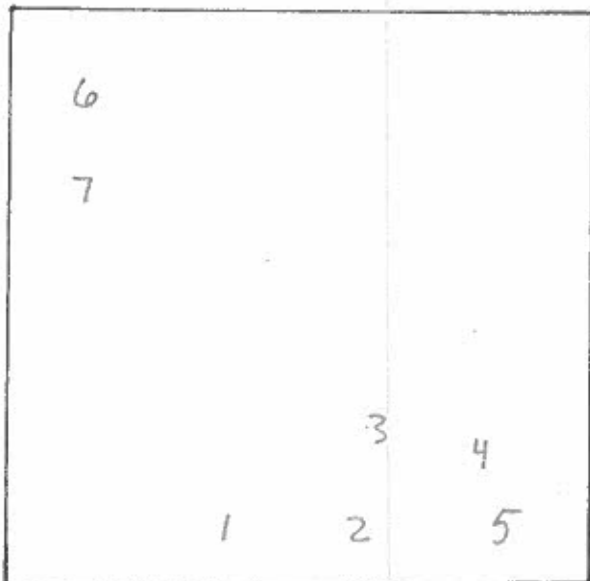
Stump #	Diameter	Species	Notes
1	10.0	He	
2	10.0	He	
3	4.0	He	
4	6.0	He	Dead
5	8.0	Fir	
6	3.0	He	
7	5.0	He	
8	3.0	Po	
9	3.0	He	
10	3.0	Fir	Dead
11	3.0	He	
12	3.0	He	
13	4.0	Ro	
14	3.0	Ro	
15	3.0	Ro	

Area 13



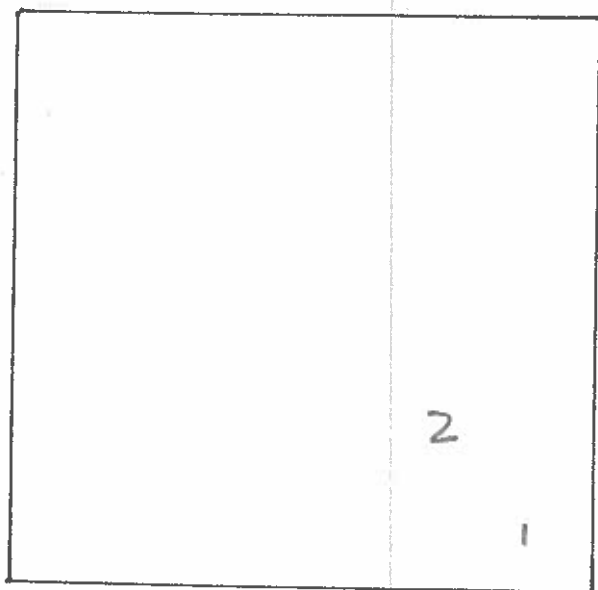
Stump #	Diameter	Species	Notes
1	4.5	He	Dead
2	9.0	W. Birch	Dead
3	16.0	W. Birch	Dead
4	2.5	He	Dead
5	6.0	He	
6	4.0	He	
7	4.5	He	

Area 14



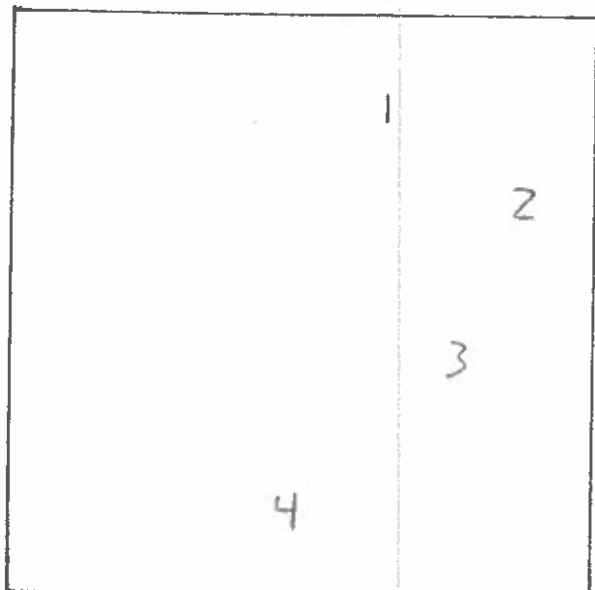
Stump #	Diameter	Species	Notes
1	5.0	Ro	
2	3.0	Fir	
3	4.0	Fir	Dead
4	1.5	He	
5	2.5	Ro	
6	5.0	He	
7	5.0	He	

Area 15



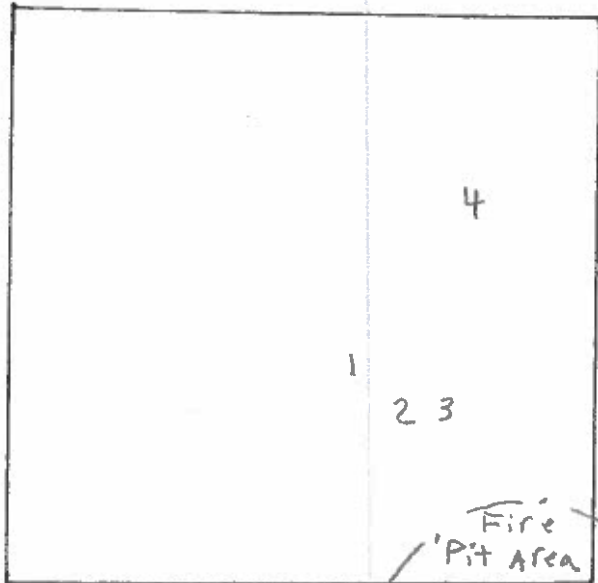
Stump #	Diameter	Species	Notes
1	4.5	Po	
2	2.5	He	

Area 16



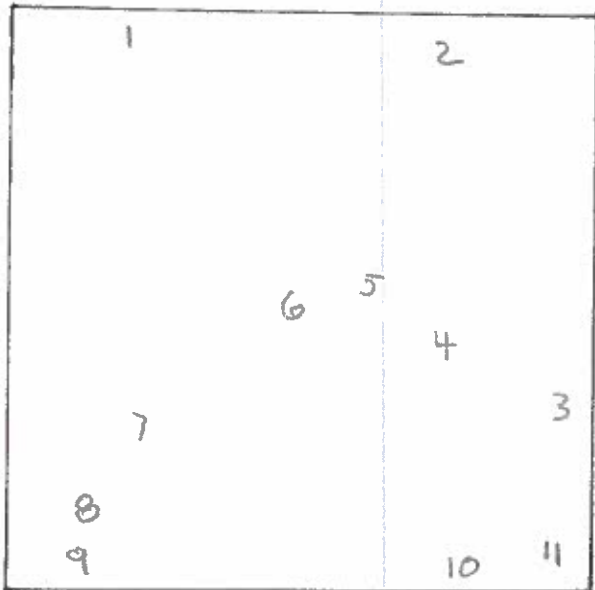
Stump #	Diameter	Species	Notes
1	8.0	Fir	
2	7.0	Fir	Dead
3	4.5	Po	Dead
4	3.0	Fir	

Area 17



Stump #	Diameter	Species	Notes
1	10.0	He	
2	1.0	He	
3	1.0	He	
4	6.0	Fir	Dead

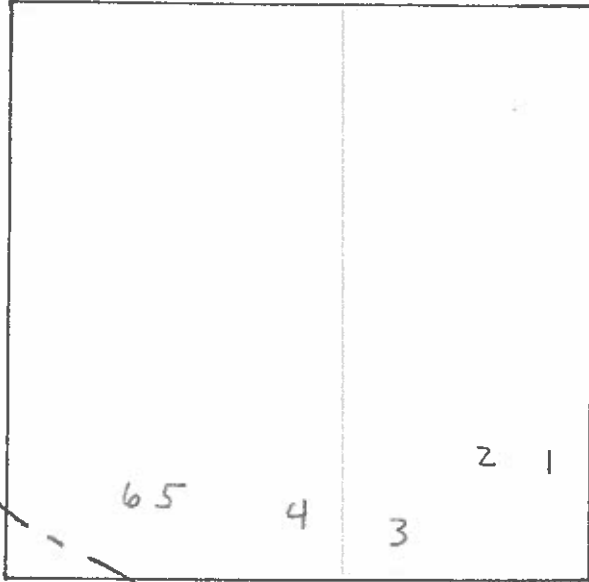
Area 18



Stump #	Diameter	Species	Notes
1	8.0	Fir	
2	8.0	Fir	
3	3.0	Fir	
4	12.0	Fir	
5	1.0	Fir	
6	7.0	Fir	
7	7.0	Fir	
8	4.0	Fir	Dead
9	6.0	Ro	
10	7.5	He	
11	7.5	Spruce	

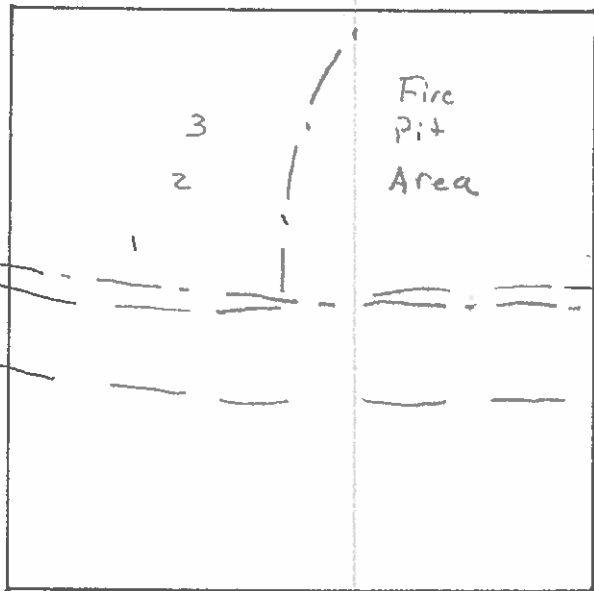


Area 19



Stump #	Diameter	Species	Notes
1	5.5	Fir	
2	3.0	He	
3	3.0	He	Dead
4	8.0	Fir	Dead
5	5.0	Fir	
6	5.5	Fir	

Area 20

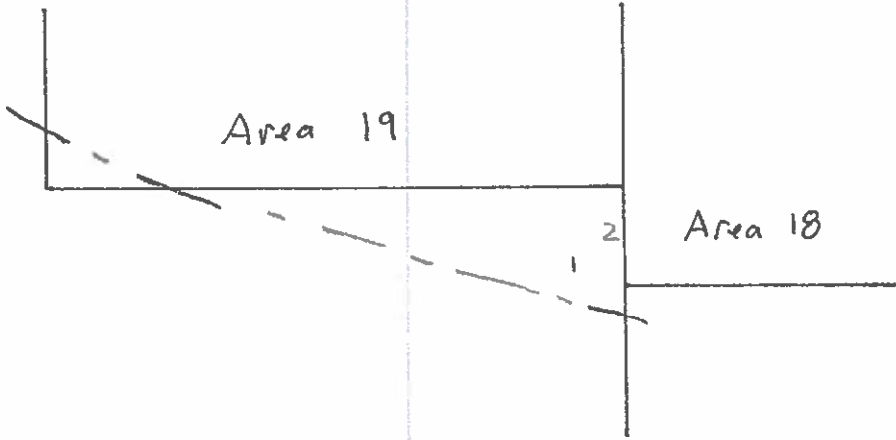


Stump #	Diameter	Species	Notes
1	5.0	He	
2	2.0	He	
3	10.0	He	Dead

Area 21

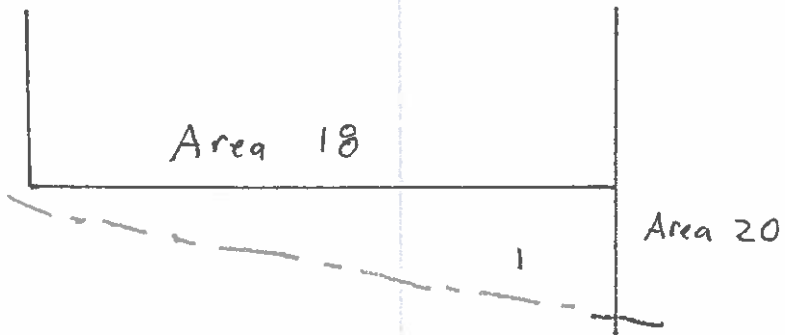


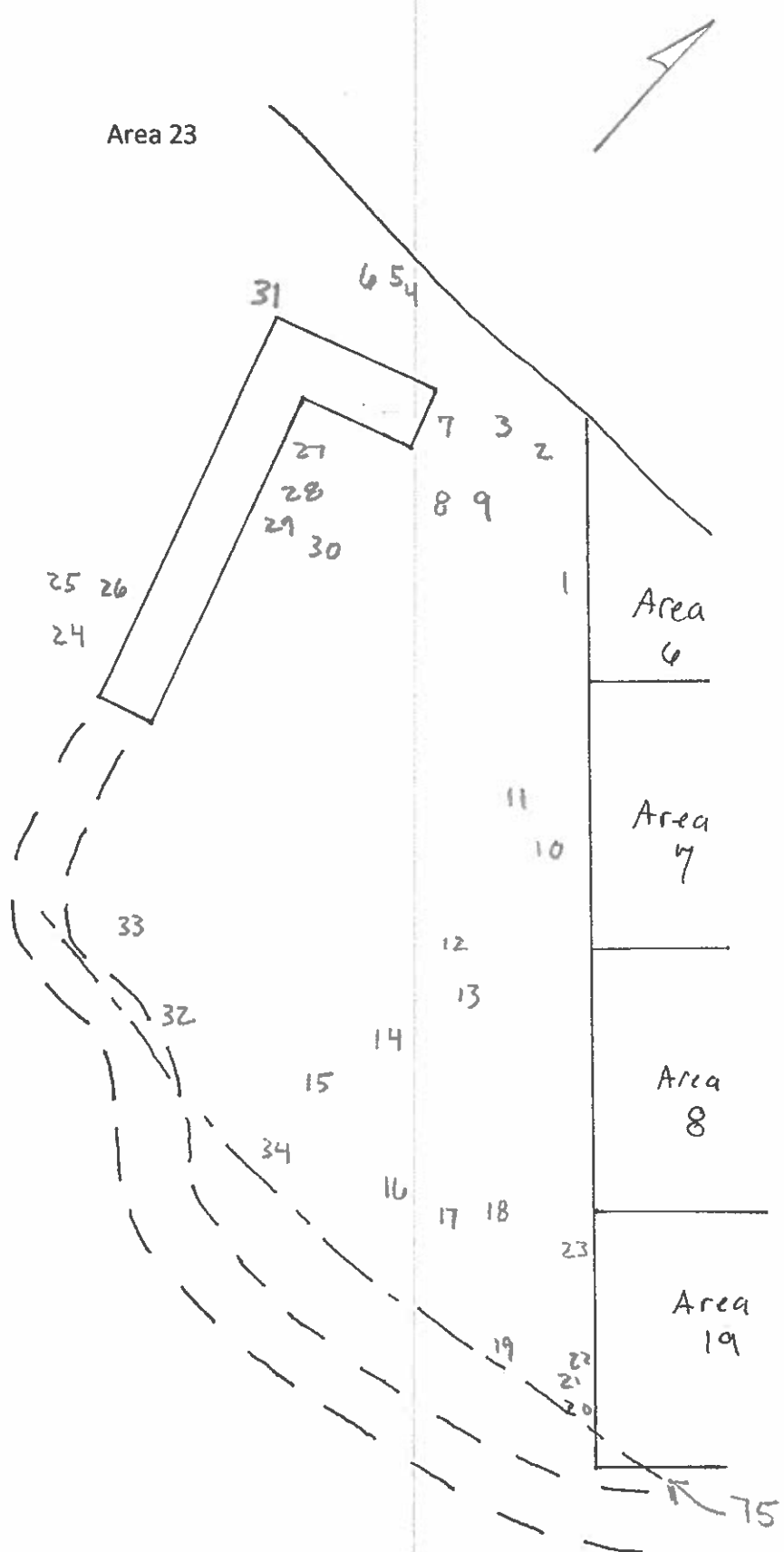
Stump #	Diameter	Species	Notes
1	4.5	Fir	
2	6.0	Fir	Dead



Area 22

Stump #	Diameter	Species	Notes
1	7.0	Ro	



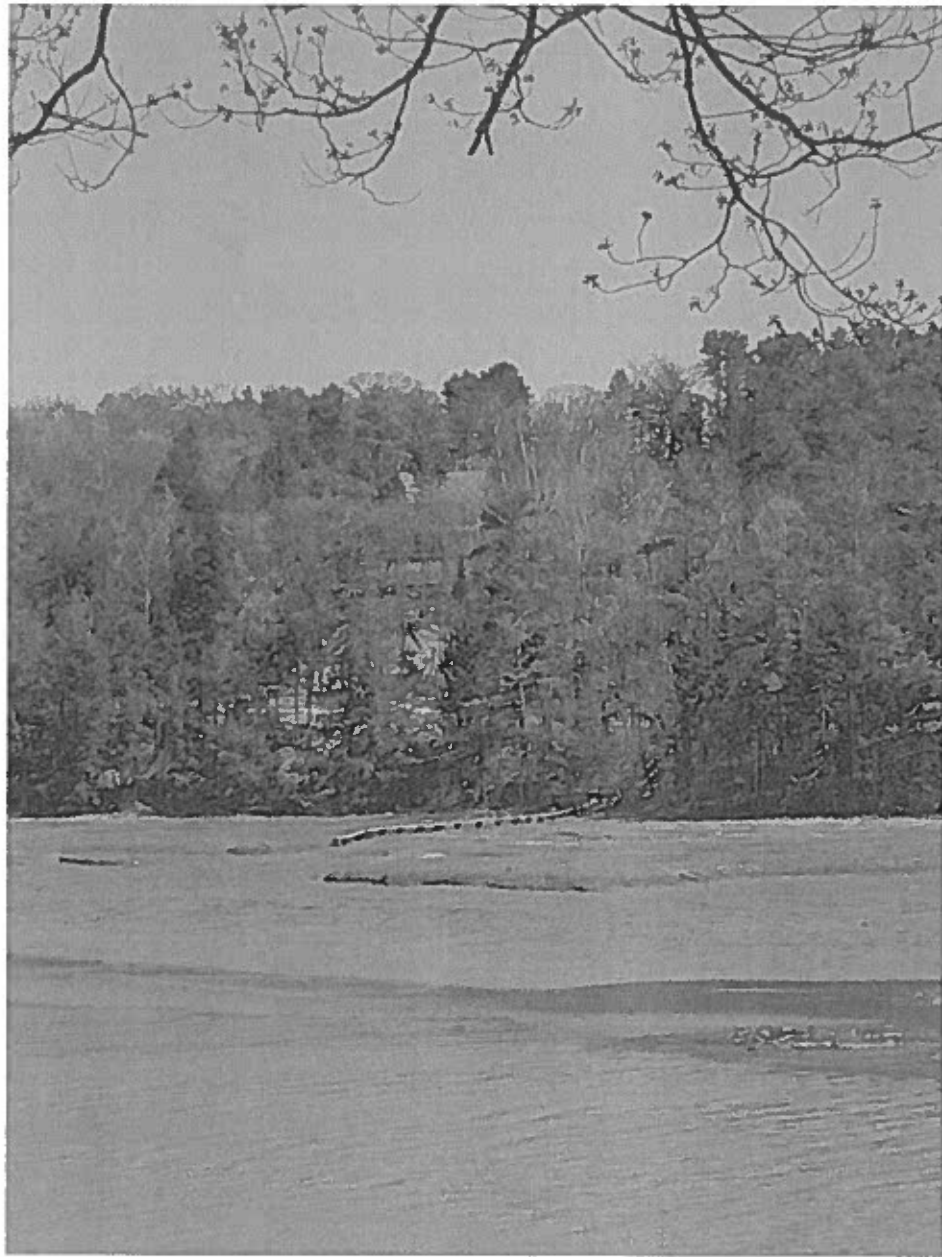


Stump #	Diameter	Species	Notes
1	3.0	Spruce	
2	3.0	Fir	
3	3.0	Fir	
4	1.0	Fir	
5	1.0	Fir	
6	2.0	Fir	
7	3.0	Ro	
8	3.0	Fir	
9	1.0	Fir	
10	2.0	Fir	
11	5.0	Fir	
12	3.0	Fir	
13	2.0	Fir	
14	5.0	Fir	
15	4.0	Ro	
16	2.0	Fir	
17	4.0	Fir	Dead
18	5.0	Fir	Dead
19	2.5	Fir	Dead
20	6.0	Fir	Dead
21	4.0	Fir	Dead
22	3.0	Fir	
23	10.0	Fir	Dead
24	5.5	Fir	
25	4.0	Fir	
26	4.5	Fir	
27	2.0	Fir	
28	2.0	Fir	
29	.0	Fir	
30	4.0	Fir	
31	6.0	Fir	Dead
32	12.0	Fir	Dead
33	3.0	Ro	
34	3.0	Fir	Dead













the downhill edge of the established footpath. All of the sapling locations are marked on the ground using pink flags. The flags are marked, with an X indicating the “taller than three feet and under two inches” size category. Also marked on the flag is the area number, and a letter designation (A, B, or C) indicating the plant species. Tree planting locations are identified on the attached map.

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2. There exist many seedlings throughout the cut site. Digging holes to accommodate the 20 trees will destroy many of them. As per proper Silvicultural standards, the site is completely and adequately regenerated to trees. As per the law, this regeneration is not to be touched, until it is three feet tall.
3. There has been no soil disturbance as a result of the cutting of trees. Planting 20 trees will disturb quite a bit of soil. In addition, digging a hole with an excavator or by hand to accommodate a 2 inch Dbh tree will likely dig up many existing roots that currently are helping to hold the soil in place. This root damage also has the potential to kill or cause decay in trees that are currently healthy.
4. My August 4th visit occurred shortly after a very heavy rainfall. It was observed that nothing, (twigs, wood chips, or soil) moved downhill because of the rain.

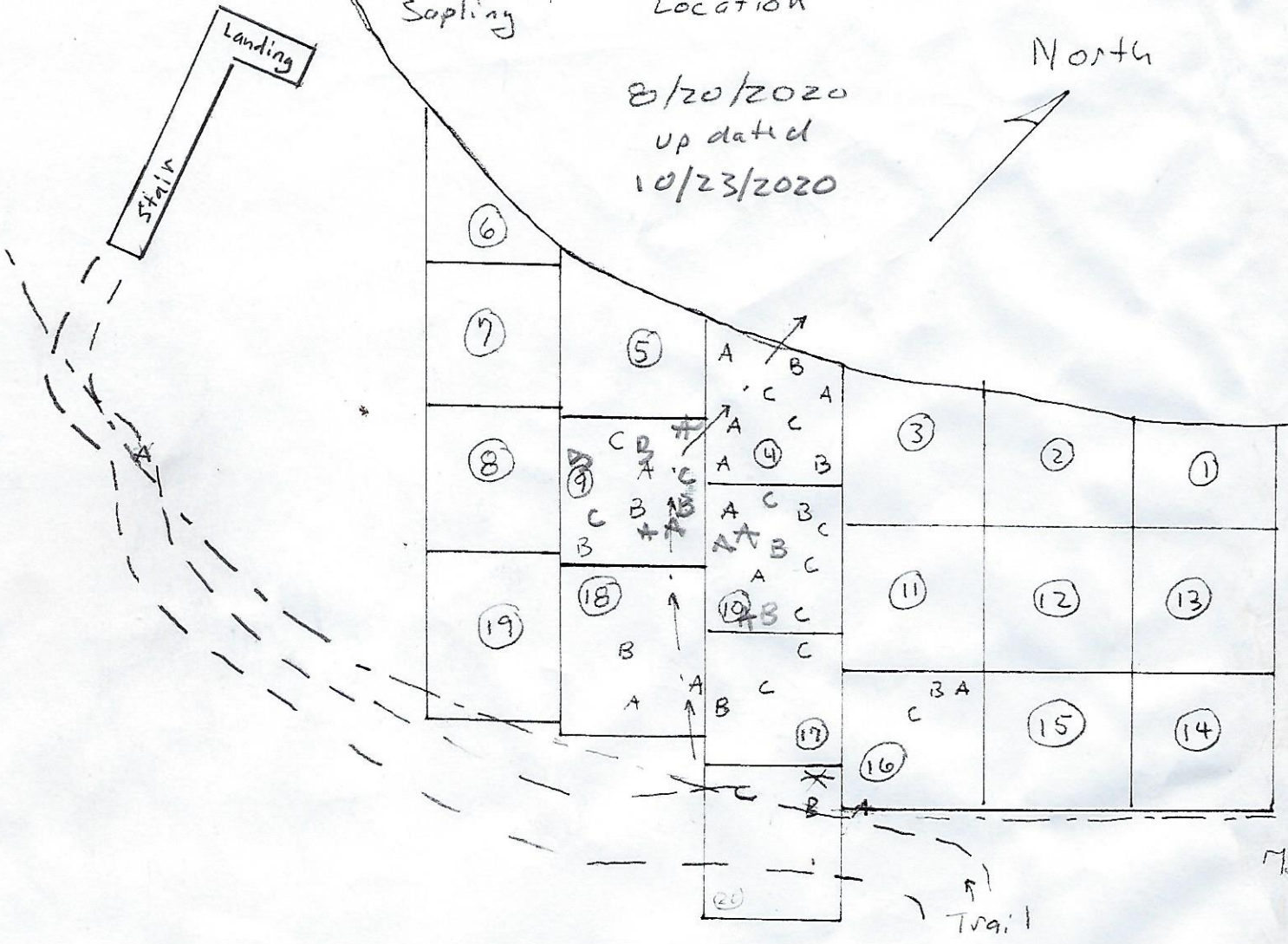
Prior to the cutting, I believe the site looked very similar to the untouched section on either side of the cut area. In the untouched sections, many of the balsam fir are near life's end, and many have died and fallen over. Some of the trees that fell due to wind or decay landed on other trees, breaking them off or otherwise damaging them. One large dead white birch in area 13 and noted on the area map fell and destroyed seven trees in area 1, as witnessed by Mr. Davis. Parts of that White Birch remain below the highest annual tide, evidence that the tree did damage or break the seven smaller trees. Except that the owner failed to get a permit, many of the trees removed were done so with good reason.

The most view obstructive trees are two large hemlock and a large White Pine which remain standing. Mr. Davis's motive was to deal with dead and broken trees.

Map of
 25' x 25' Areas
 in a buffer zone
 @ 250 Wolf's Neck Road, Freeport
 Jeffrey Davis, Owner
 Sapling Location

8/20/2020
 updated
 10/23/2020

North



Approx. Scale 1"=30'

Fire Pit Area *

Gully → . → .

Trail = = =

Area Number (2)

A - Sapling Location

B - Sapling Location

C - Sapling Location

(Letter indicates species to be planted - see narrative)

Flags on the ground

Blue - Corner of Area

Pink - Location of

Larger Trees to be planted

Pink with X -

Location of

sapling to be planted

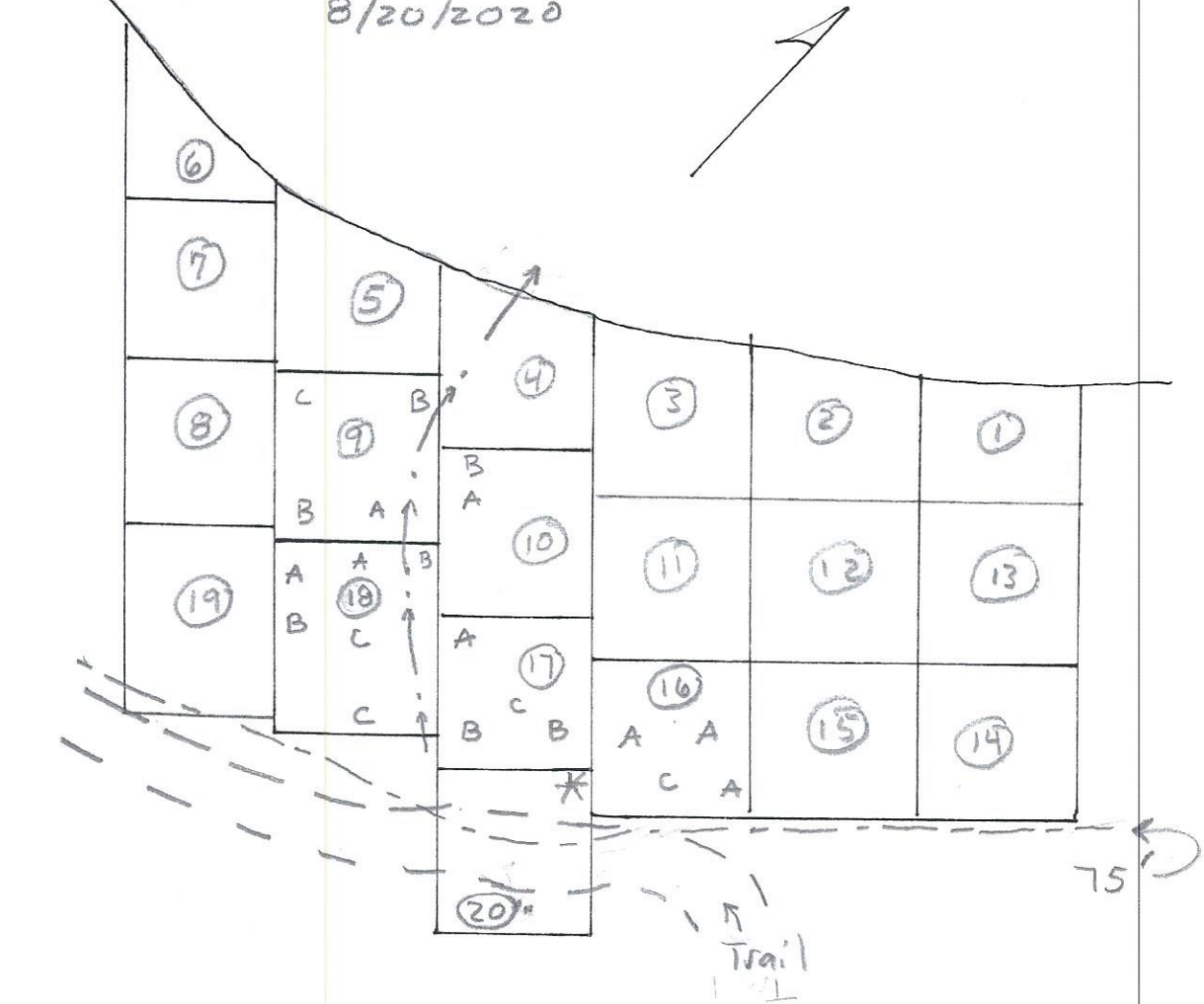
Map of
25'x25' Areas
in a buffer zone

@ 250 Wolf's Neck Road, Freeport

Jeffrey Davis, owner

Balled and Burlap Tree Location North

8/20/2020



Approx. Scale 1"=30'

Fire Pit Area *

Gully →.→.

Trail ===

Area Number ②

A - Tree Location

B - Tree Location

C - Tree Location

(Letter indicates species
to be planted - See narrative)

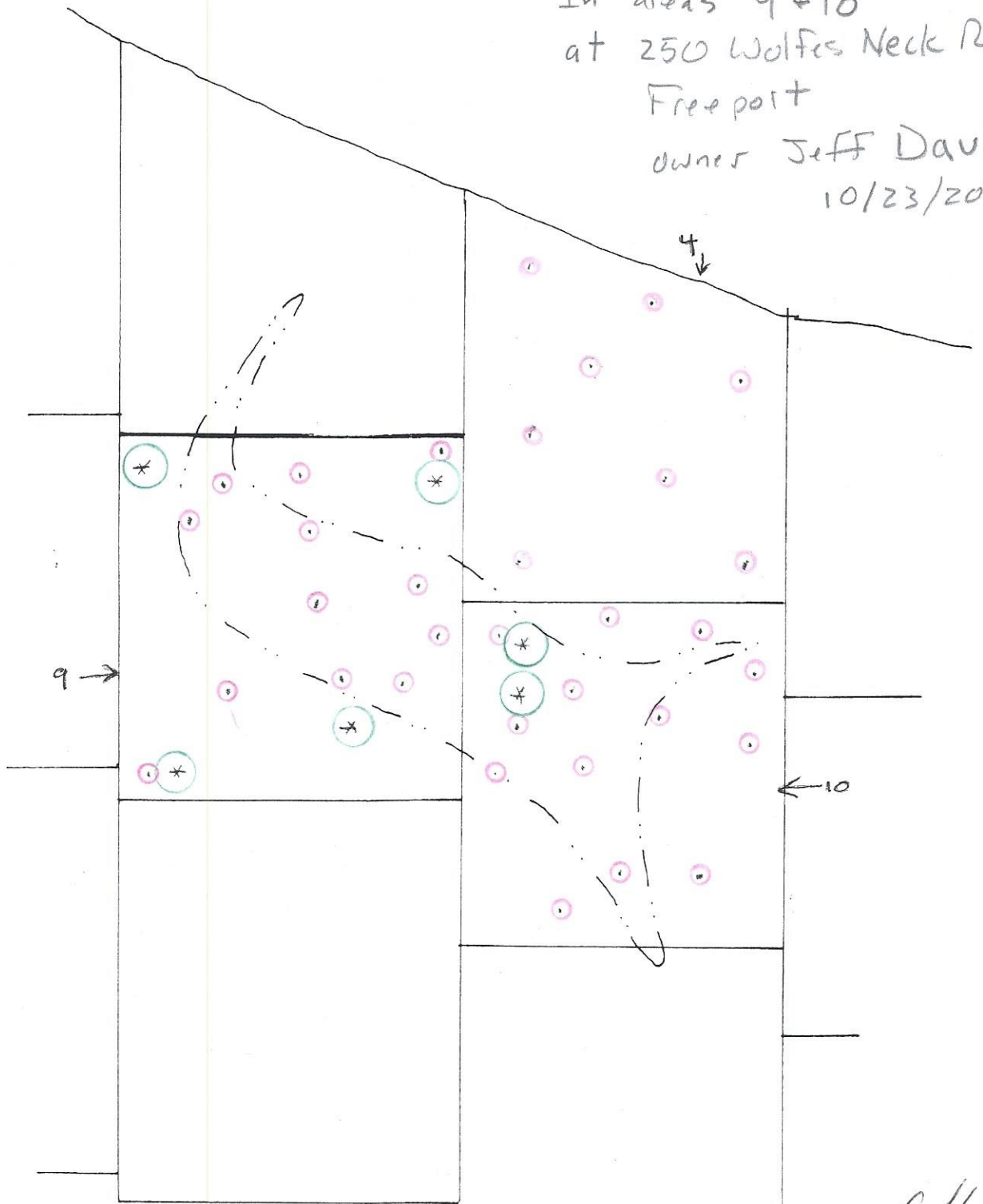
Flags on the ground

Blue - corner of areas

Pink - Location of
Larger Trees

Pink with X - Location
of Saplings

Crown Size of
 Sapling and Larger Trees
 In areas 9 + 10
 at 250 Wolfes Neck Road
 Freeport
 owner Jeff Davis
 10/23/2020



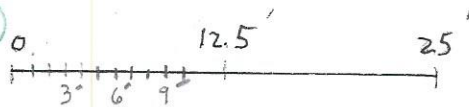
Estimated Crown Coverage After Planting

Open Area - - - - -

Saplings

B+B Trees *

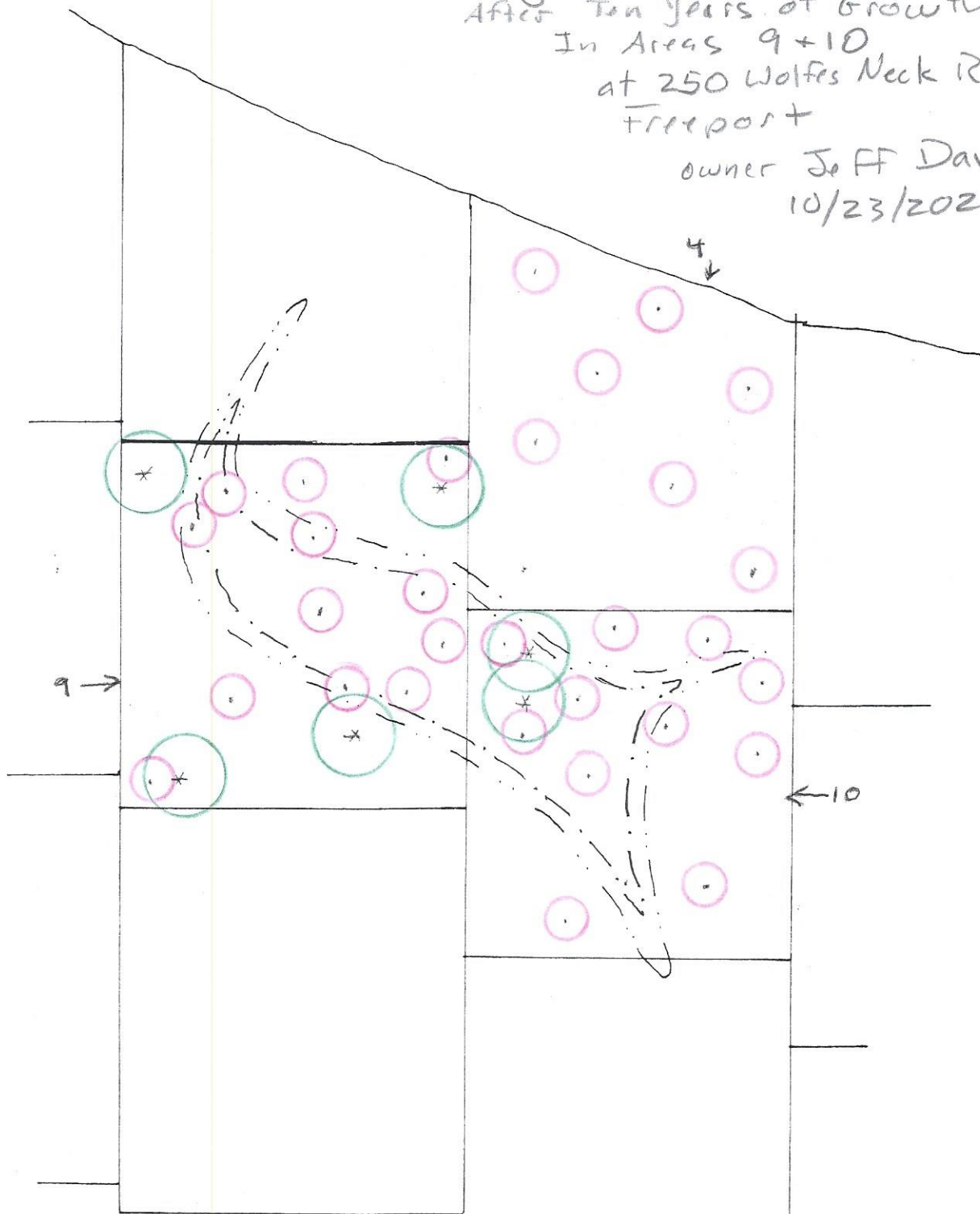
Approx. Scale



Gregory E. Foster
Timberstate G. Inc.
 P.O. Box 157
 Gray, Maine 04039
 207-657-4441
 Gregory E. Foster
 Professional Forester #895

Crown Size of
 Sapling and Larger Trees
 After Ten years of Growth
 In Areas 9+10
 at 250 Wolfes Neck Road
 Freeport

owner Jeff Davis
 10/23/2020



Estimated Crown covering in 2030
 Estimated Open area 2030 - - - -
 Open area 2020
 Saplings ●
 B+B Trees ⊕
 Approx. Scale 0 3' 6' 9' 12.5' 25'

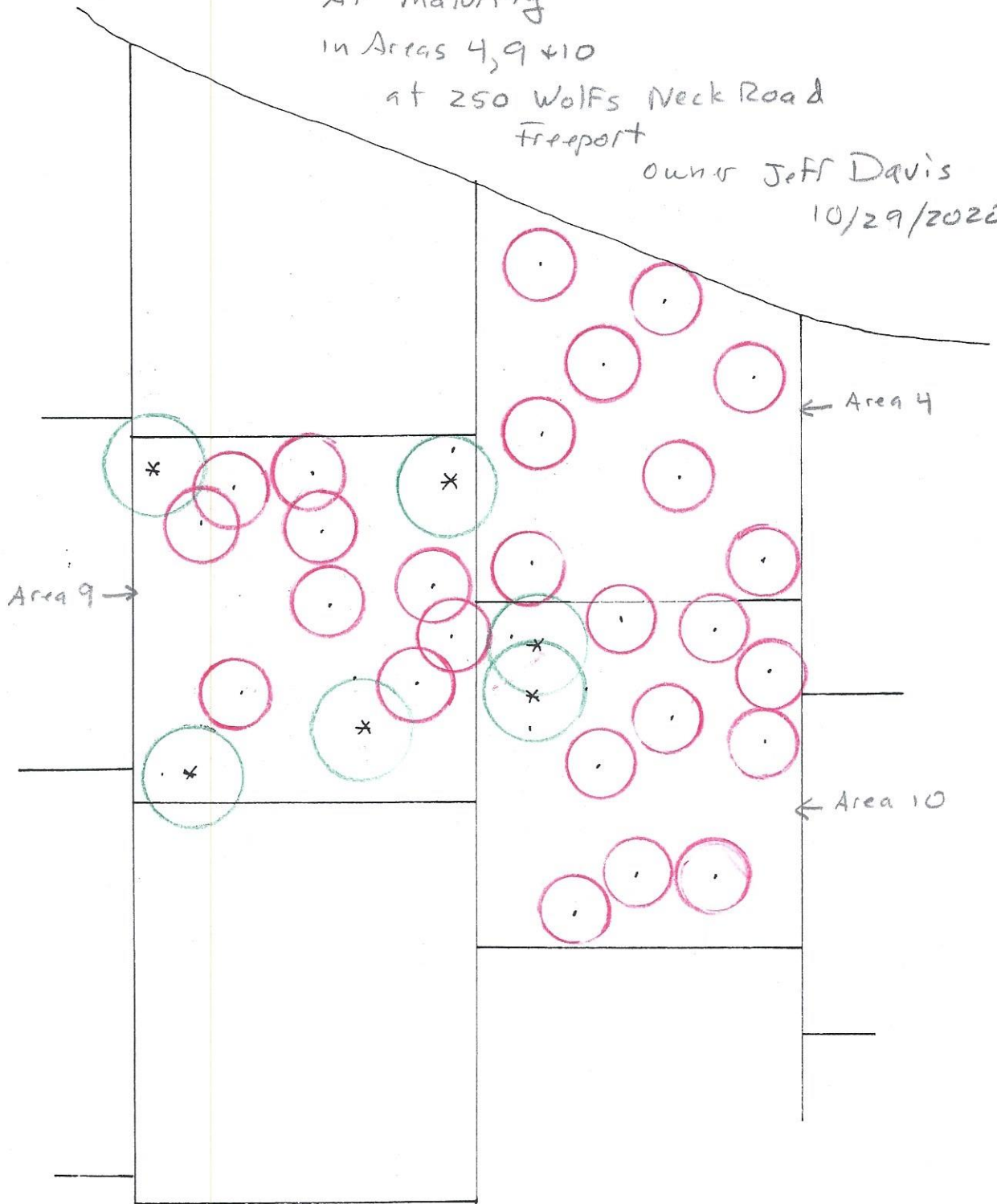
Gregory E. Foster
 Timberstate G. Inc.
 P.O. Box 157
 Gray, Maine 04039
 207-657-4441
 Gregory E. Foster
 Professional Forester #005

Anticipated Crown Size of
 Sapling and larger Tree
 At maturity
 in Areas 4, 9 & 10



at 250 Wolfs Neck Road
 Freeport

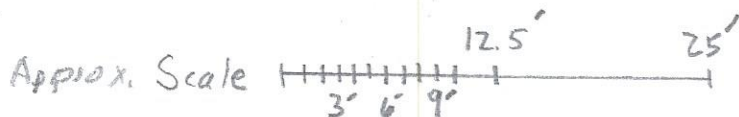
owner Jeff Davis

10/29/2020



Estimated Crow Cover at Maturity

Sapling in 2021 
 B+B Trees in 2021 





Timberstate G. Inc.
 P.O. Box 157
 Gray, Maine 04039
 207-657-4441
 Gregory E. Foster
 Professional Forester #596

Inventory of Vegetation Removal

Within a shoreland zone, 75 foot buffer

On property owned by

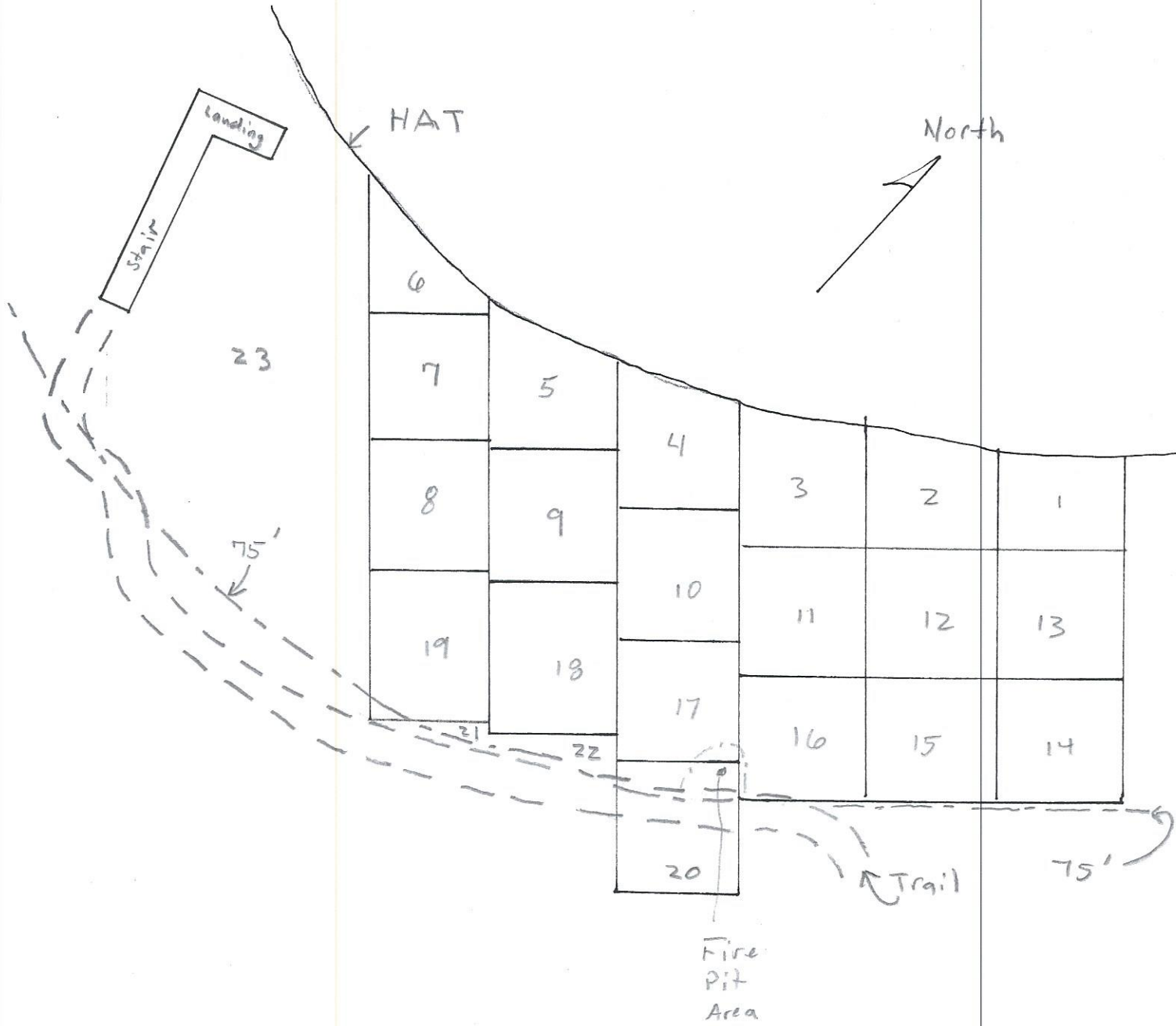
Jeffrey Davis

Located at 250 Wolfe's Neck Road

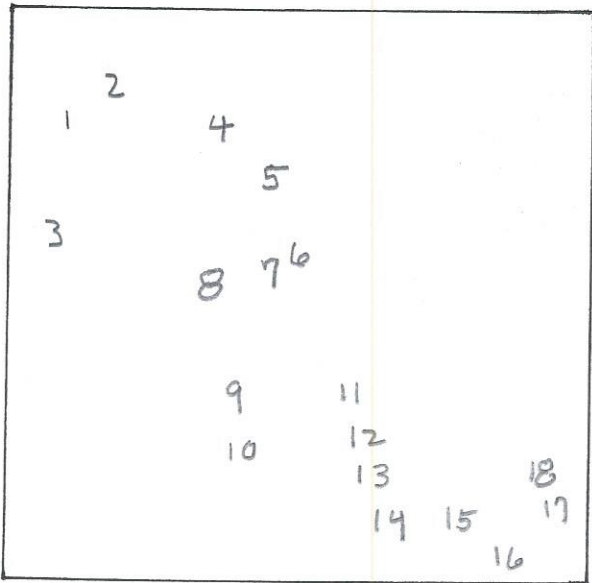
Freeport, Maine

August 27, 2020

Prepared by Gregory E. Foster
Licensed forester # 595
Timberstate G. Inc.
P. O. Box 157
Gray, Maine 04039
207-272-4270



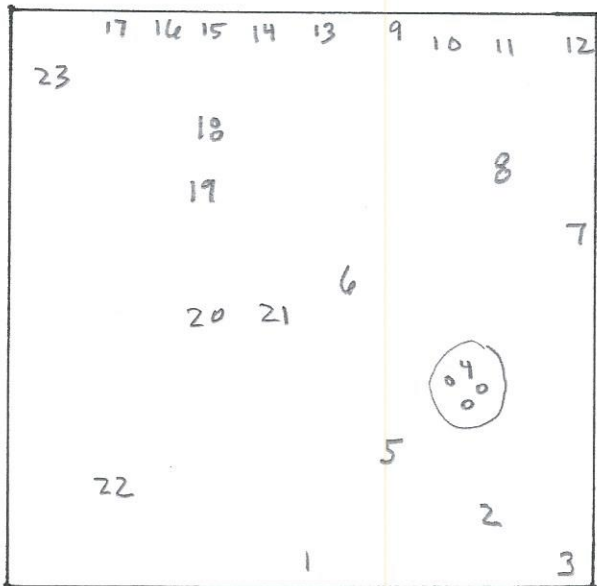
Area 1



Stump #	Diameter	Species	Notes
1	4.5	He	
2	4.0	He	
3	3.5	Fir	
4*	6	Spruce	
5*	3.0	Spruce	
6*	2.5	He	
7*	4.0	He	
8*	2.5	Fir	Dead
9*	4.0	He	
10*	2.5	Fir	Dead
11	2.0	He	
12	1.0	He	Dead
13	2.5	He	
14	3.0	He	
15	1.5	He	Dead
16	3.0	He	
17	2.5	He	Dead
18	1.5	He	

* Trees broken off by large dead white birch in area three (tree # 3) when it fell this spring

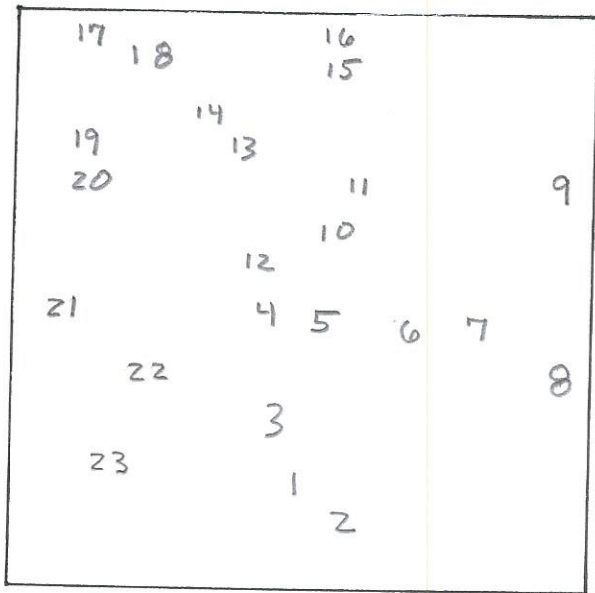
Area 2



Stump #	Diameter	Species	Notes
1	3.0	He	
2	8.0	He	
3	1.5	He	
4**	12.0	He	
5	8.0	He	
6	3.0	He	Dead
7	6.0	He	
8	5.0	He	
9	4.0	He	
10	4.0	He	Dead
11	1.5	He	
12	7.0	Spruce	
13	4.0	Fir	
14	4.0	Fir	
15	6.5	He	
16	1.0	Fir	
17	1.0	Fir	Dead
18	1.0	Fir	Dead
19	4.5	He	
20	8.0	He	
21	2.0	Fir	Dead
22	2.5	Fir	Dead
23	2.5	Fir	Dead

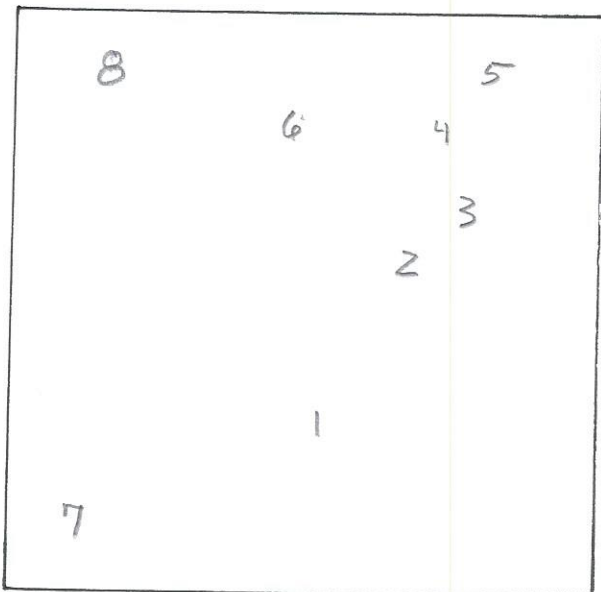
** Three stumps, however, this was one tree, as per Jeff Davis. Diameter is estimated.

Area 3



Stump #	Diameter	Species	Notes
1	3.0	He	
2	2.5	He	
3	5.0	He	
4	1.5	He	
5	2.0	He	
6	3.0	He	
7	2.0	He	
8	8.5	Spruce	
9	2.5	He	
10	4.0	He	
11	1.5	He	
12	3.0	He	
13	4.0	He	
14	2.0	He	
15	3.0	He	
16	3.0	He	
17	2.0	He	
18	2.5	He	
19	2.5	He	
20	3.0	He	
21	7.0	He	
22	3.0	He	
23	2.5	He	

Area 4



Stump #	Diameter	Species	Notes
1	7.5	He	
2	6.0	He	
3	9.0	He	
4	2.0	He	Dead
5	3.0	He	
6	5.0	Fir	
7	6.0	Fir	
8	5.0	He	