

# City of Augusta, Maine

## DEPARTMENT OF CITY SERVICES

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### Memo

**To:** City Council  
Bill Bridgeo, City Manager  
Mike Duguay, Director of Development Services

**From:** Matt Nazar, Deputy Director of Development Services

**Date:** April 15, 2010

**Re:** Limiting Hours of Operation for Forestry Activities

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Councilor Grant has requested additional information about any existing limitations on hours of operation for forestry management activities. Abutters to the operations have expressed concern that some operations are starting at 5:00 a.m. and disturbing their sleep.

The city Land Use Ordinance regulates the hours of operation from construction activity, but does not regulate hours of operation for forest management activities. I am still awaiting confirmation from the Maine Department of Conservation, but based on my reading of the Bureau of Forestry rules, the State does not regulate hours of operation for forest management activities.

If the Council would like to regulate hours of operation, via the land use ordinance, the change would be fairly simple. It would require a Planning Board hearing and recommendation, then Council action. Possible changes to the Land Use Ordinance are shown below. The change uses current language in the ordinance which may have a "loophole" if the activity is not "abutting" a residential use, but is still close enough to hear. If the Council wants to eliminate that loophole, that can be achieved with some additional language.

Section 5.1.15.1.1.f states:

(f) No person shall engage in construction activities or forest management activities on a site abutting any residential use between the hours of 10:00 p.m. and 7:00 a.m. Otherwise, the following activities shall be exempt from these regulations:

- (i) Sounds emanating from construction, development and maintenance activities conducted between 7:00 a.m. and 10:00 p.m.
- (ii) Sounds emanating from safety signals, warning devices, emergency pressure relief valves and other emergency activities.