



PAUL R. LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
LAND USE PLANNING COMMISSION  
106 HOGAN ROAD, SUITE 8  
BANGOR, MAINE 04401

WALTER E. WHITCOMB  
COMMISSIONER

NICHOLAS D. LIVESAY  
EXECUTIVE DIRECTOR

# PERMIT

## AMENDMENT A TO FORESTRY OPERATIONS PERMIT FOP 870

The staff of the Maine Land Use Planning Commission (LUPC or Commission), after reviewing the application and supporting documents submitted by Wagner Forest Management (Applicant or Permittee) for Amendment A to Forestry Operations Permit FOP 870, finds the following facts:

1. *Landowner.* Christopher S. Cochran  
PO Box 143  
Princeton, Maine 04668
2. *Applicant.* Wagner Forest Management  
Attn: Wade Shorey  
PO Box 933  
Bangor, Maine 04402
3. *Date of Completed Application.* November 21, 2014
4. *Location of Proposal.* Big Lake Township, Washington County, Maine  
Maine Revenue Service Map WA033, Plan 04, Lots 23, 25, and 26  
Washington Registry of Deeds: Book 1885, Page 171
5. *Zoning.* Residential Development Subdistrict (D-RS)
6. *Lot Size.* 43.6 <sup>±</sup> Acres (owned)
7. *Size of Harvest in D-RS Subdistrict.* Lot 23 – 1.75 Acres, Lot 26 – 1 Acre
8. *Approximate Time Period of Proposed Operation.* December 2014 to February 2015
9. The Landowner currently owns 3 contiguous parcels located northeast of West Street in Big Lake Township, Washington County, Maine. Lots 23 and 26 abut West Street and are fronted with D-RS subdistricts; the back portions of both lots are located in a General Management Subdistrict (M-GN). Lot 25 which does not abut West Street is entirely within the M-GN subdistrict. A residential dwelling and garage is located on lot 23.

10. Forest Operations Permit FOP 870, issued to Christopher S. Cochran on January 12, 2009, authorized timber harvesting in the D-RS subdistrict. Only a small portion of the proposed harvest was completed.
11. The Applicant now proposes to timber harvest 2.75 acres in the D-RS subdistrict. The harvest would include the removal of 70% of the basal area and would be considered a commercial clearcut.
  - A. Cut Area 1 would be a 0.45 acre area and a 1.3 acre area located on Lot 23 around the landowners residence. The acreage is comprised of approximately 60 % aspen, and 10 % of each red maple, fir, white spruce and white birch. The aspen and fir are mature and beginning to die and are a concern to the homeowner. A heavy cut is proposed to remove over-mature and defective trees, to mitigate safety hazards on the property, and to eliminate subsequent wind throw caused by tree removal. The cut would allow growth of the remaining trees and regeneration of the understory.
  - B. Cut Area 2 would be a 1.0 acre area located on Lot 26. The area served as a small log landing in the recent past and is primary covered with herbaceous shrubs, raspberries, and a few scattered spruce and white pine. The existing West Street entrance would be utilized to gain access to the back lot, (Lot 25) where a tree length log yard for the entire harvest would be located. The landowner would harvest the shrubs and some of the scattered spruce and white pine. A 50 foot buffer of shrubs would be maintained adjacent to West Street to shield the lot.
12. The Maine Forest Service reviewed the proposed timber harvest and stated that the proposal is within Maine Forest Service standards.
13. Timber harvesting may be allowed within D-RS subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, and subject to the applicable requirements set forth in Sub-Chapter III (*Ch. 10.21, J, 3, c, (19)*).
14. The Applicant states that the timber harvest would be completed in compliance with Section 10.27 of the Commission's Standards.
15. The facts are otherwise as represented in the application for Amendment A to Forestry Operations Permit FOP 870 and supporting documents.

**Based upon the above FINDINGS OF FACT, the staff CONCLUDES that:**

1. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, section 685-B(4) of the Commission's Statutes, 12 M.R.S.

**Therefore, the staff APPROVES the application amendment request of Wagner Forest Management with the following CONDITIONS:**

1. To buffer the Timber Harvesting from residences in the immediate vicinity, timber harvesting shall only be conducted between the hours of 7 am and 7 pm in the D-RS areas subject to this permit.

2. Vegetation within 50 feet of the right-of-way of West Street shall be retained in compliance with the Commission's *Vegetation Clearing Standards*, Section 10.27,B, revised September 01, 2013, a copy of which is attached.
3. The period of timber harvesting operations covered under this permit shall be from December 2014 to February 2014. The Permittee is responsible for filing a Forestry Operations Notification with the Maine Forest Service.
4. All practicable steps shall be taken to prevent damage to regeneration in order to minimize the adverse aesthetic impact of the operation.
5. All operations shall be halted where the continuation of such operations will cause or contribute to the occurrence of erosion or sedimentation to surface waters, whether such occurrence is precipitated by exceptionally wet weather, the failure of water control devices, or other factors. Adequate steps must be taken immediately to stop any erosion or sedimentation to surface waters and to correct the situation which led to such occurrences. For the purposes of this action erosion is defined as evidence of rill or gully erosion.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the Permittee complies with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT BANGOR, MAINE, THIS 4<sup>TH</sup> DAY OF DECEMBER, 2014.

By: Karen E. Balstard  
for Nicholas D. Livesay, Executive Director

## B. VEGETATION CLEARING

Vegetation clearing activities not in conformance with the standards of this section may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of this section, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

The following requirements shall apply to vegetation clearing activities for any purpose other than road construction, road reconstruction and maintenance, wildlife or fishery management, forest management, agricultural management, public trailered ramps or hand-carry launches:

1. A vegetative buffer strip shall be retained within:
  - a. 50 feet of the right-of-way or similar boundary of any public roadway,
  - b. 75 feet of the normal high water mark of any body of standing water less than 10 acres in size, or any tidal water or flowing water draining less than 50 square miles, and
  - c. 100 feet of the normal high water mark of a body of standing water 10 acres or greater in size or flowing water draining 50 square miles or more.
2. Within this buffer strip, vegetation shall be maintained as follows:
  - a. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath is permitted, provided it does not exceed six (6) feet in width as measured between tree trunks, and, has at least one bend in its path to divert channelized runoff.
  - b. Selective cutting of trees within the buffer strip is permitted 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 a body of standing water 10 acres or greater in size shall be defined as maintaining a rating score of 24 or more in a 25-foot by 50-foot rectangular area as determined by the following rating system.

Near other water bodies, tributary streams and public roadways a “well-distributed stand of trees” shall be defined as maintaining a rating score of 16 or more per 25-foot by 50-foot (1250 square feet) rectangular area as determined by the following rating system.

<b>Diameter of Tree at 4-1/2 feet Above Ground Level (inches)</b>	<b>Points</b>
2.0 to < 4.0	1
4.0 to < 8.0	2
8.0 to < 12.0	4
12.0 +	8

Table 10.27,B-1. Rating system for a well-distributed stand of trees.

The following shall govern in applying this rating system:

- (1) The 25-foot x 50-foot rectangular plots shall be established where the landowner or lessee proposes clearing within the required buffer;
- (2) Each successive plot shall be adjacent to but not overlap a previous plot;
- (3) Any plot not containing the required points shall have no vegetation removed except as otherwise allowed by these rules;
- (4) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by these rules; and
- (5) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of this section, “other natural vegetation” is defined as retaining existing vegetation under 3 feet in height and other ground cover and retaining at least 5 saplings less than 2 inches in diameter at 4½ feet above ground level for each 25-foot by 50-foot rectangular area. If 5 saplings do not exist, the landowner or lessee may not remove any woody stems less than 2 inches in diameter until 5 saplings have been recruited into the plot. In addition, the soil shall not be disturbed, except to provide for a footpath or other permitted use.

- c. In addition to Section 10.27,B,2,b above, no more than 40% of the total basal area of trees 4.0 inches or more in diameter, measured at 4½ feet above ground level, may be removed in any ten (10) year period.
  - d. Pruning of live tree branches is prohibited, except on the bottom 1/3 of the tree provided that tree vitality will not be adversely affected.
  - e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings in excess of 250 square feet, these openings shall be established with native tree species.
3. At distances greater than one hundred (100) feet, horizontal distance, from the normal high water mark of a body of standing water greater than 10 acres, no more than 40% of the total basal area of trees four inches or more in diameter, measured at 4½ feet above ground level, may be removed in any ten (10) year period. In no instance shall cleared openings exceed, in the aggregate, 10,000 square feet, including land previously cleared. These provisions apply to areas within 250 feet of all bodies of standing water greater than ten (10) acres, and to the full depth of the P-AL zone. This requirement does not apply to the development of uses allowed by permit.
  4. Cleared openings legally in existence as of June 7, 1990 may be maintained, but shall not be enlarged except as permitted by these regulations.

In all subdistricts where natural vegetation is removed within the required vegetative buffer strip of a flowing water, body of standing water, tidal water, or public roadway, it shall be replaced by other vegetation (except where the area cleared is built upon) that is effective in preventing erosion and retaining natural beauty.





**STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
LAND USE PLANNING COMMISSION  
22 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0022**

**ADMINISTRATIVE POLICY:**

**STANDARD CONDITIONS OF APPROVAL TO BE ATTACHED  
TO ALL FORESTRY OPERATIONS PERMITS:**

1. This permit is limited to the proposal as set forth in the application and as modified by the conditions of approval. All changes must be reviewed and approved by the Commission. Any variance from the application or the conditions of approval undertaken without review and approval of the Commission constitutes a violation of the Land Use Planning Commission law.
2. The recipient of this permit must secure and comply with all applicable licenses, permits and authorizations of all federal, state and local agencies, with particular regard to the water pollution regulations of the Maine Department of Environmental Protection, the Maine Department of Inland Fisheries and Wildlife and the Maine Forest Service.
3. The Commission or its authorized representatives may inspect the operation during and upon completion of activities to assure compliance with the provisions of this permit.
4. The recipient of this permit shall designate a person experienced in Forestry who is responsible for seeing that the operation is properly conducted according to these conditions of approval, and who may be contacted by the Commission with regard to inspection of the operation.
5. The area of the project covered by this permit must be kept free of litter, trash, junk cars, and any other obvious eyesores or unsanitary deposits.

*Administrative Policy Revised 09/84*



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106 HOGAN ROAD, SUITE 7  
BANGOR, MAINE 04401

WALTER E. WHITCOMB  
COMMISSIONER

NICHOLAS D. LIVESAY  
EXECUTIVE DIRECTOR

December 04, 2014

*Via U.S. Mail*

Christopher S. Cochran  
PO Box 143  
Princeton, Maine 04668

Wagner Forest Management  
Attn: Wade Shorey  
PO Box 933  
Bangor, Maine 04402

Subject: Amendment A to Forest Operations Permit FOP 870, Big Lake Township, Washington County, Maine.

Dear Mr. Cochran and Wagner Forest Management:

I am pleased to enclose Amendment A to Forest Operations Permit FOP 870 issued by the Commission for timber harvest activities on your property in Big Lake Township (No. 21 Township). This permit is your authorization to proceed with the permitted activities, as limited by the terms and conditions of the permit. Please read the permit carefully since the permit is valid only if you comply with its terms and conditions, including the timber harvest timing and expiration date.

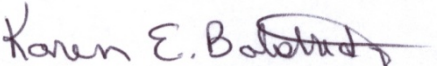
It is noted that Lot 23 is developed with a residential dwelling and garage and that the timber harvest application indicates that in the near future you may apply for a permit to construct a residential dwelling on Lot 26. Further, staff wants to remind you and your harvester that there is a pending utility facility (telecommunications tower) application on file with the Commission. The utility facility would be accessed through Lot 23 and located on a portion of Lot 25.

While the vegetation clearing standards outlined in Ch. 10.27,B do not specifically apply to forest management (timber harvesting), they do apply to residential dwellings and utility facilities. Both uses require a vegetative buffer strip be retained within 50 feet of the right-of-way boundary of any public road, such as West Street, unless the applicant for a permit shows by a preponderance of evidence that the clearing shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area. The application provided little evidence supporting no undue adverse impact. To that end, as a precaution against corrective plantings, staff conditioned the permit such that the timber harvesting within 50 feet of the right-of-way of West Street be conducted in compliance the vegetation clearing standards of Ch. 10.27,B, a copy of which is attached.

Thank you for your cooperation throughout this process. If you have any questions regarding the forest operation permit, the vegetation clearing standards, any other Commission's Standards, or if I may be of any

other assistance, please contact me at the Bangor Office at 207-941-4052 or via e-mail at: karen.bolstridge@maine.gov.

Sincerely,

A handwritten signature in purple ink that reads "Karen E. Bolstridge". The signature is fluid and cursive, with the first name "Karen" and last name "Bolstridge" clearly legible.

Karen E. Bolstridge  
Downeast Regional Representative  
Permitting and Compliance Division

Enclosure(s): Amendment A to Forest Operations Permit FOP 870

xc: FOP 870 File, DP 4944 File and Via E-mail - Jim Hebert ([jrhebert@blckdiamond.net](mailto:jrhebert@blckdiamond.net)),  
Chad Hebert ([cjhebert@blckdiamond.net](mailto:cjhebert@blckdiamond.net)), and Richard Trafton ([rtrafton@traftonandmatzen.com](mailto:rtrafton@traftonandmatzen.com))