

Petition VCH21-15001

**Maine Forest Service
Findings of Fact and Recommendations to the Director**

**Martha St Pierre Petition for Variance from Performance Standards
for Chapter 21 - Statewide Standards for Timber Harvesting and Related
Activities in Shoreland Areas**

- I. Petitioner and responsible parties:
Martha St Pierre P.O. Box 823, Fort Fairfield, Maine 04742 (207) 227-5489
Designated Agent: Bruce Wilkins (Forester) P.O. Box 988 Presque Isle, Maine
04769
Tel: (207)764-4728
- II. The parcel is located in the Town of Fort Fairfield in Aroostook County, Maine.
- III. Martha St Pierre submitted a Chapter 21 variance petition VCH21-15001 to the Maine Forest Service to depart from standards of Maine Forest Service Chapter 21 Rule, Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas, Section 8 (B)(1) and (2) shade and tree retention standards within the 75 foot shore land area, in order to harvest trees.
- IV. Documents in the record include:
 - A. The Petition for Variance VCH21-15001 submitted by Martha St Pierre on January 12, 2014 that requests a variance to exceed the 40% removal limitation and basal area retention standards in the 75 foot shoreland area. The reason stated by the petitioner is that trees are in poor health with a susceptibility to internal decay, and are high wind throw candidates.
 - B. A map and aerial photograph showing the location of the proposed timber harvest areas and the resource to be protected.
 - C. The resource was created by a flood control structure (dam) during the 1960's to prevent flooding and erosion of downstream areas and farmland. The water impoundment area is less than 15 acres in size.
 - D. No comments were received regarding the proposed timber harvest operation.
- V. The Maine Forest Service (MFS) examined the parcel on January 29, 2015 to evaluate harvest site conditions and tree health.
- VI. MFS findings and recommendations:
 - A. The record shows that the applicant has demonstrated by substantial evidence that "[s]trict compliance with the regulations and standards

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would, because of unique conditions of topography, access, location, shape, size, or other physical features of the site or forest condition, cause unusual hardship or extraordinary difficulties." MFS Rule Ch. 20 §6(B)(1).

- B. The unusual hardship and extraordinary difficulties claimed as a ground for variance have not been created by the owner or a predecessor in title. Ch. 20 §6(B)(2).
 - C. The proposed use is in keeping with the purpose and intent of 12 M.R.S. c. 805, Ch. 20 §6(B)(3), and,
 - D. The public interest is otherwise served. Ch. 20 §6(B)(4).
- VII. Variance VCH21-15001 is granted for the duration of the filed Forest Operation Notification or in no event longer than two full calendar years, subject to the following conditions:
- A. Based upon its examination of the parcel, the MFS concurs that the trees growing on these two (2) sites are of poor health, predisposed to decay and are susceptible to wind throw.
 - B. Timber harvesting equipment will not operate within 75 ft. of the normal high water mark of the resource.
 - C. Best Management Practices options will be employed during the harvest operation to protect the resource.
 - D. The petitioner will be required to implement stabilization practices as outlined by the MFS publication, "Best Management Practices for Forestry: Protecting Maine's Water Quality" to limit soil movement and establish vegetation on the site during and after the harvest.
 - E. The petitioner and all responsible parties must comply with all standards in Chapter 21 that apply.

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VIII. The MFS recommends that the Director of the Maine Forest Service approve the variance petition.

Prepared by: Tom Whitworth

Date: 2/6/2015

Thomas Whitworth, LF #471
Regional Enforcement Coordinator
Maine Forest Service

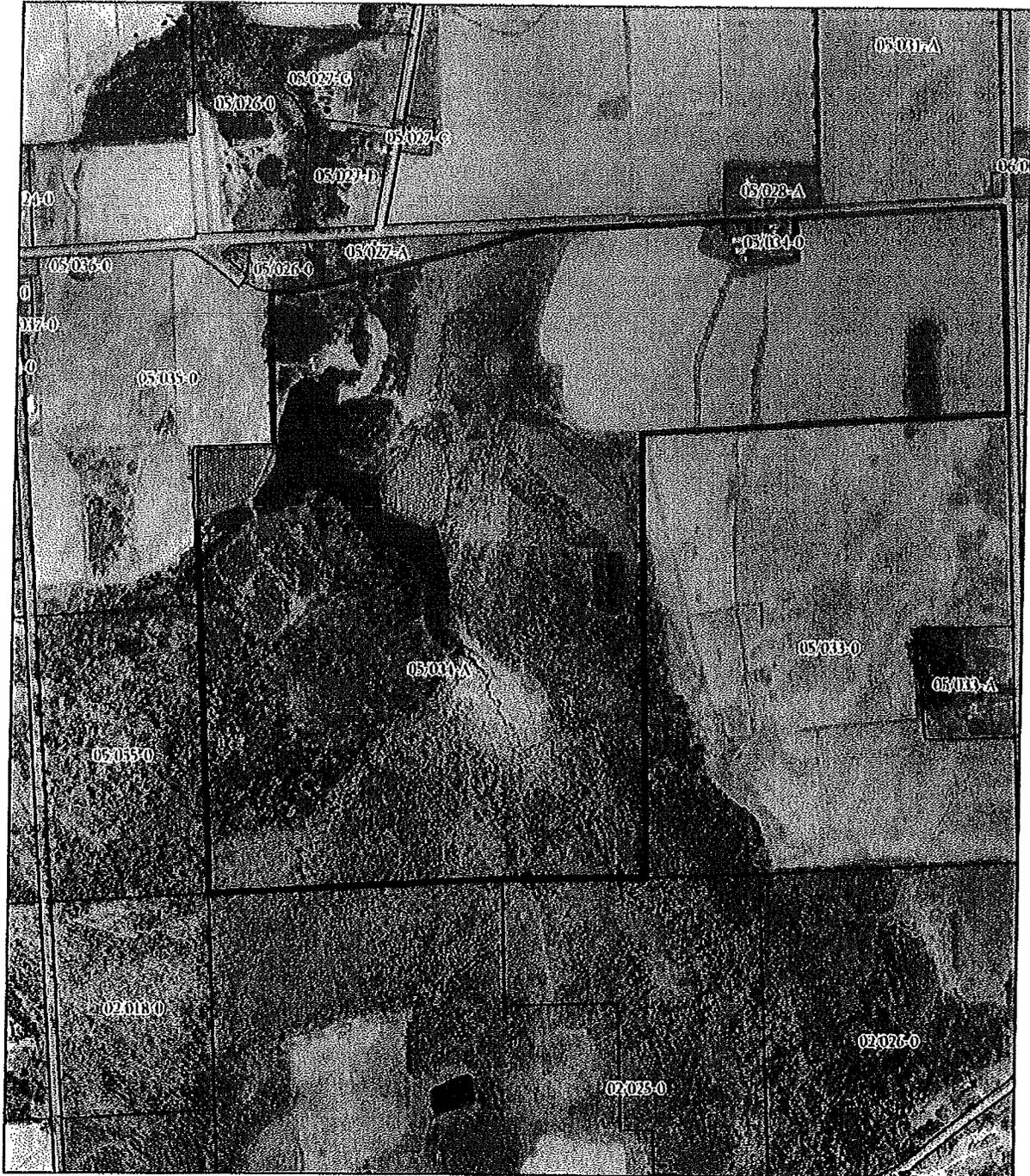
Approved by: Douglas Denico

Date: 2/10/15

Douglas Denico
Director, Maine Forest Service
Department of Agriculture, Conservation & Forestry

**M. St PIERRE
R. HAINES**

Ft. Fairfield; M05 / L034-A



1 in. = 900 ft. ±

**BRUCE WILKINS, ACF
Lic. Forester #778**