



PAUL R. LePAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
194 MAIN STREET
EAST MILLINOCKET, MAINE 04430

PERMIT

FORESTRY OPERATIONS PERMIT FOP 938 ENFORCEMENT CASE EC 2014-39

The staff of the Maine Land Use Regulation Commission, after reviewing the application and supporting documents submitted by Thornton Land Management for Forestry Operations Permit FOP 938, finds the following facts:

1. Applicants: Colby Grant
1303 County Road
Greenfield, ME 04418

Paul Thomas
69 Thomas Lane
Smithfield, ME 04978
2. Agent: Thornton Land Management
PO Box 529
Milford, ME 04461
3. Date of Completed Application: August 4, 2014
4. Location of Proposal: Greenfield Township, Penobscot County
Lots #65.4 and #65.5 on Plan 01
5. Zoning: (D-RS) Residential Development Subdistrict
(M-GN) General Management Subdistrict
6. Approximate Time Period of Operations: January 2014 – February 2014
7. Zoning: (D-RS) Residential Development Subdistrict
(M-GN) General Management Subdistrict
8. The applicants own a 12.90-acre parcel (Lot 65.4) and a 14.40-acre parcel (Lot 65.5) in Greenfield Township. Approximately 500 feet within the front portion of each lot located on the County Road is within a (D-RS) Residential Development Subdistrict; the remainder of the parcel is located in an (M-GN) General Management Subdistrict.
9. In January and February 2014, Thornton Land Management, harvester and agent for the landowners,

harvested approximately 3 acres in the (D-RS) Residential Development Subdistrict and approximately 10 acres within the (M-GN) General Management Subdistrict on each lot without prior permit approval from the Commission and without filing a Forestry Operations Notification with the Maine Forest Service. A Forestry Operations Notification was later submitted and received on March 14, 2014 for the two lots, Notification #457256 for Lot #65.4 and Notification #457255 for Lot #65.5. The harvest was primarily a total clear cut removal of small, low-grade stems with a residual stand of mature white pines scattered throughout the lots, with the exception of an approximate 30 foot buffer surrounding the seasonal camp located on Lot #65.4 and a single row of trees along the roadway. No structures are located on Lot #65.5. The harvest occurred when grounds were frozen or snow covered. [Reference: Enforcement Case EC-14-39, Resolved with this forestry operations permit]

10. The applicants now seek after-the-fact approval for the timber harvest in a (D-RS) Residential Development Subdistrict.
11. The stand composition on both lots are/were primarily 80% softwood, including 32% spruce/fir, 29% cedar, 11% hemlock, and 8% white pine; and 20% hardwoods, including 8% red maple, 8% quaking aspen, and 4% paper birch. The objective of the harvest was for a seed-tree/crop tree release, removal of dead and poor quality trees, and to gain access to junk/solid waste on the properties for proper disposal.
12. The applicants and applicants' agent state that the area timber harvested is upland, sloping with benches, moderately to poorly drained soils with 30 percent of area covered by outcrops of ledge, and slopes between 5-20 percent.
13. The applicants' agent states the harvest will be visible from County Road, however, it is a sparsely used public dirt road with sparse seasonal & residential dwellings and wood lots. The agent further states the harvest is not visible from any building, occupied structure, waterway, or recreational use area.
14. The timber harvest activities would be conducted in conformance with the Commission's Standards for Timber Harvesting, Section 10.27,E of the Commission's Land Use Districts and Standards.
15. Under the provisions of Section 10.21,J,3,c(19) of the Commission's Land Use Districts and Standards, timber harvesting is an allowed use within the (D-RS) Residential Development Subdistrict.
16. The facts are otherwise represented in Forestry Operations Permit Application FOP 938 and supporting documents.

Based upon the above Findings, the staff concludes that:


1. The proposal complies with the Commission's Standards for Timber Harvesting, pursuant to Sections 10.27,E.
2. 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.A.

Therefore, the staff approves the application of Colby Grant and Paul Thomas with the following conditions:

1. The Standard Conditions (ver. 9/84) for all Forestry Operations Permits, a copy of which is attached.
2. The permittee shall comply with the Standards for Timber Harvesting, Sections 10.27,E of the Commission's Land Use Districts and Standards, a copy of which is attached.
3. Upon completion of the harvest, the permittees shall reestablish and maintain a 50 foot vegetated buffer by allowing the natural regeneration of the forest understory within 50 feet of the public road (County Road) in accordance with the Standards for Vegetation Clearing, Sections 10.27, B of the Commission's Land Use Districts and Standards, a copy of which is attached. Should the lot(s) be sold, offered for sale and/or built upon within the next five (5) years, the permittees shall reestablish a 50 foot vegetative buffer from the road by planting a staggered row of trees and shrubs native to the local area to establish a rating score of 16 or more per 25-foot by 50-foot rectangular area as determined by the Commission's rating system contained in the Standards for Vegetation Clearing.
4. Solid waste removed from the lot(s) must be disposed of in a proper manner, in compliance with applicable state and federal solid waste laws and rules.
5. All operations shall take place in winter, during frozen ground conditions only to avoid impacts to residential and recreational uses.
6. All practicable steps shall be taken to prevent damage to advanced regeneration in order to minimize the adverse aesthetic impacts of the operation.
7. All operations shall be stopped where the continuation of such operations will cause or contribute to the occurrence of erosion or the sedimentation of surface waters, whether such occurrence is precipitated by exceptionally wet weather, the failure of water control measures, or other factors. Adequate steps must be taken immediately to stop any erosion or sedimentation of surface waters and to correct the situation that led to such occurrences. For the purposes of the action erosion is defined as evidence of rill or gully erosion.
8. Nothing in this permit shall be construed to release the permittee from any liability or responsibility arising from any violation, including Enforcement Case EC 14-39, or to be considered a waiver of the authority of the Commission or the state to fully pursue or prosecute such violations.

This permit is approved only upon the above stated conditions and remains valid only if the permittee complies with all of these conditions. 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 EAST MILLINOCKET, MAINE THIS 5TH DAY OF AUGUST, 2014.

By: 

for Nicholas D. Livesay, Executive Director