

Petition VCH2115005

Maine Forest Service Findings of Fact and Recommendations to the Director

Tony Larrabee Petition for Variance from Performance Standards for Chapter 21 - Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas

- I. Petitioner: Tony Larrabee, 176 Norridgewock Road, Fairfield, Maine 04973
- II. The parcel is located on the west side of Fish Brook in the town of Fairfield, Somerset County, Maine. It comprises approximately 67 +/- acres.
- III. Larrabee submitted to the Maine Forest Service (MFS) a Chapter 21 variance petition #15005 to depart from standards of MFS Chapter 21 Rule, Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas, Section 7 (B), shade and tree retention standards in a 250 foot shoreland zone. The variance request is to remove all of the dead and dying scotch pine on approximately one acre within the 250 foot shoreland zone of Fish Brook.
- IV. Documents in the record include:
 - A. The Petition for CH 21 variance # 15005 submitted on August 17, 2015 that requests a variance to exceed volume removal limitation standards and for cleared openings (size and spacing) within the 250 foot shoreland area. The petitioner states that the scotch pine in the zone are either standing dead or exhibiting signs of extremely weak and thinning crowns indicating that they are in a state of decline due to what appears to be a root rot disease. Generally the area is well vegetated with woody shrubs and scattered red maple sapling and small pole sized stems. The total harvest area in the shoreland zone is approximately one acre.
 - B. A map showing the location of the areas along Fish Brook where the proposed timber harvest will be conducted was provided by the petitioner.
 - C. The Maine Forest Service examined the parcel on August 16, 2015 to evaluate pre-harvest site conditions within the shoreland area.
- V. Comments: The Maine Forest Service received comments by two reviewers of the Application for Variance petition.
 - A. Both the State Soil Scientist and the Code Enforcement Officer for Fairfield urged that the area be replanted. The State Soil Scientist questioned if white pine would contract the same fungal disease as the scotch pine if the area was replanted with white pine seedlings.
 - B. The State Soil Scientist commented that about 3/4th of the area to be harvested is comprised of Scantic soils. Scantic soils are hydric (wetland soils) and are poorly drained. That means they will rut and compact easily and potentially cause soil erosion and sedimentation of the nearby stream. Therefore, skidding should be limited to when the soils are not saturated or to when they are frozen, even though a light vehicle will be used to do the skidding. Slash may also be used to minimize rutting and compaction.

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VI. MFS findings and recommendations:

- A. The record shows that the applicant has demonstrated that in the harvest area greater than 40% of the timber volume consists of dead and dying scotch pine that occupies a portion of the stand in the shoreland area. Timber harvesting that would remove all of these trees would exceed the standards allowed for volume removal and for cleared opening size and spacing. In this situation "strict compliance with the regulations and standards 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 Chapter 20 §6(B)(1).
- B. White pine that are growing in the same soils appear to be healthy and growing well.
- C. The applicant did not claim a financial hardship if the scotch pine were not harvested.
- D. Based upon its examination of the parcel, the MFS concurs that the complete removal of the scotch pine will have minimal impact on the protected resource.
- E. The proposed use is in keeping with the purpose and intent of 12 M.R.S. c. 805, Chapter 20 §6(B)(3), and,
- F. The public interest is otherwise served. Chapter 20 §6(B)(4).

VII. Variance # 15005 is granted for two full calendar years, subject to the following conditions:

- A. To avoid sedimentation of the protected resources, the petitioner must consult and follow the MFS publication, Best Management Practices for Forestry: Protecting Maine's Water Quality." These practices include but are not limited to the following:
 - 1. Ground skidding is not permitted within the 75-feet of the brook to minimize soil exposure and to minimize the potential for movement of sediment through the buffer zone and into Fish Brook.
 - 2. All harvesting will take place at a time when there are dry conditions in the harvest area.
 - 3. There will no removal of any type of vegetation in the harvest area other than the scotch pine.
 - 4. ATV trails will be stabilized with logging debris consisting of tops and limbs if the use of the ATV and attached trailer results in the exposure of bare soil or begins to create ruts.
- B. In the area of scotch pine where Chapter 21, Section 7 (B) standards will be exceeded, only scotch pine can be removed. Stems of other species must be protected and retained. The harvest must be carried out in such a manner as to protect and retain any pre-existing ground vegetation.
- C. The petitioner shall be responsible for replanting the area harvested with seedling sized trees. Although there exists the potential for white pine to contract the same fungal disease as the scotch pine because the soils are poorly drained, the petitioner may replant with white pine. Should the white pine not survive two full growing

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seasons the petitioner must replant with cedar, tamarack, red maple, balsam fir, black spruce or any other native tree species suited to growing in moist soils.

D. The petitioner must comply with all other standards in Chapter 21.

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

Prepared by: 
James P. Ecker, JF #612
Regional Enforcement Coordinator
Maine Forest Service

Date: 09/17/2015

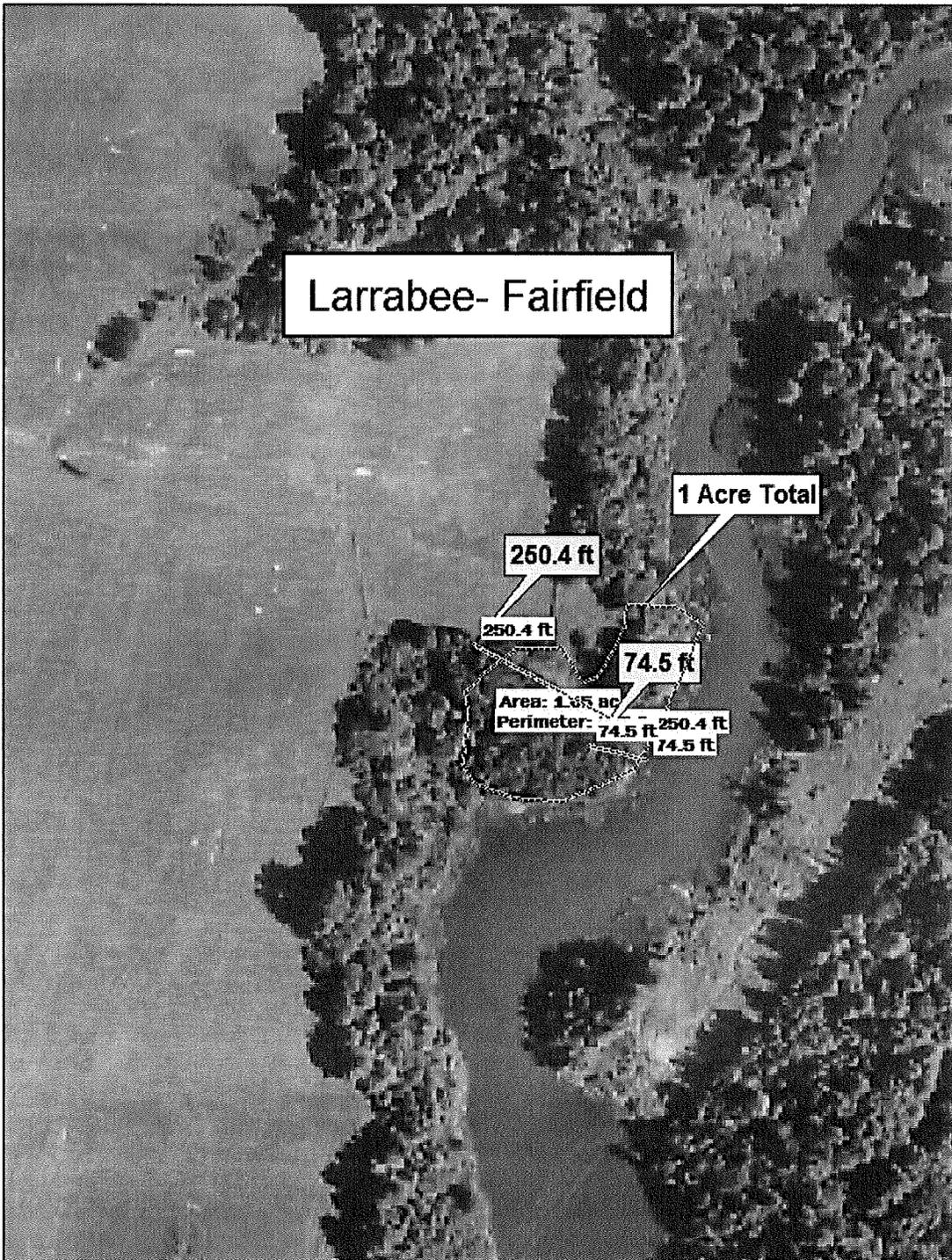
Approved by: 
Douglas Denico
Director
Maine Forest Service

Date: 18 September 2015

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