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

JANET T. MILLS  
GOVERNOR

AMANDA E. BEAL  
COMMISSIONER  
JUDY C. EAST  
EXECUTIVE DIRECTOR

January 15, 2020

Senator Jim Dill, Senate Chair  
Joint Standing Committee on Agriculture, Conservation and Forestry  
Maine Senate  
3 State House Station  
Augusta, ME 04333

Representative Craig Hickman, House Chair  
Joint Standing Committee on Agriculture, Conservation and Forestry  
Maine House of Representatives  
2 State House Station  
Augusta, ME 04333

***RE: 2019 Annual Performance Report – Maine Land Use Planning Commission (LUPC)***

Dear Senator Dill and Representative Hickman:

Enclosed please find the Land Use Planning Commission's Annual Performance Report for 2019. This report, required by 12 M.R.S. § 685-H:

- Highlights the Commission's efforts over the last calendar year;
- Contains permit processing data, including processing times;
- Provides the status of the Commission's regional planning and zoning initiatives; and
- Identifies the Commission's goals for 2020.

We hope you find this report is informative. If you would like, I am prepared to present the report to the committee and to answer any questions you or your fellow committee members may have. Please contact the Commission's Director, Judy East, if you would like to schedule a report presentation.

Sincerely,

Everett Worcester, Chair  
Land Use Planning Commission

Enclosure

cc: Judy East, Director, Land Use Planning Commission



LAND USE PLANNING COMMISSION  
MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

ANNUAL PERFORMANCE REPORT – 2019

REPORT TO THE JOINT STANDING COMMITTEE ON  
AGRICULTURE, CONSERVATION AND FORESTRY

January 15, 2020

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## SUMMARY

The Land Use Planning Commission enjoyed another productive year in 2019. Following a multi-year public process, the Commission completed revisions to the adjacency principle, a planning tool created by the Commission that serves as an initial screen for identifying where new zones for businesses and residential subdivision may be considered. This screen is the first step. Locations that are consistent with the adjacency principle must undergo the rezoning process and, if rezoning approval is granted, additional development standards – including permitting requirements – must be satisfied before new activities may start on the property.

A parallel effort to refine the Commission’s Subdivision Layout and Design Standards was proceeding with extensive outreach between 2014 and 2017. As the subdivision rules are intrinsically related to the adjacency principle, the rulemaking processes for refinement of the adjacency principle and for revisions of the subdivision standards were joined in 2018. In 2019 the public review and comment period for both was combined into an Adjacency and Subdivision Rulemaking package and adopted in April, 2019.

The Commission believes thoughtful, well-planned refinement of the adjacency principle will better: support local and regional economies, protect the environment, respect private property rights, and ensure what we value about the UT continues for generations to come. The Commission is keenly aware of the significance of the change attendant on the adoption of the revised adjacency and subdivision rules. It has therefore initiated a process and work plan to monitor the impacts of the changes as implementation began in 2019 and will continue to do so in the years to come.

This annual report summarizes these activities and initiatives, as well as other key projects undertaken by the Commission in 2019. The report also summarizes the Commission’s permitting activity. In 2019, the Commission issued 521 permits, representing approval of 98 percent of all complete applications received. Of the permits issued, 392 were building permits and 42 percent of these were approved the same day the application was determined to be complete and 86 percent were approved within a week.

The Commission provides valuable services to residents of and property owners in the unorganized and deorganized areas, as well as to surrounding regions and, more broadly, the entire State. Four short (2-3 minute) videos linked in the text and in the footnote<sup>1</sup> provide insight into the work of the Commission. They describe its work to ensure [early consultation with landowners](#), to find a [balance between conservation and economic development](#), to help a [community as it seeks to take on its own planning and zoning responsibilities](#), and to provide good [management of the 10.4 million acres](#) for which it is responsible. This report provides a high-level overview of the Commission’s work in 2019 and concludes with a look ahead to the Commission’s goals for 2020.

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<sup>1</sup> Kingsbury Plantation – <http://bit.ly/2QT0Dx2>; Meet Al Cowperthwaite - <http://bit.ly/2ReZ4bM>; Don Kleiner - <http://bit.ly/36TPcL1>; Medawisla - <http://bit.ly/2Rf0BP4>

## I. INTRODUCTION

Title 12, section 685-H requires the Commission to provide an annual performance report to the Legislature. This section states:

**1. Report due.** *By January 15, 2013 and by January 15th annually thereafter, the commission shall report to the joint standing committee of the Legislature having jurisdiction over conservation matters regarding the commission's performance under this subchapter for the previous year and goals for the coming year.*

**2. Report components.** *The report must include:*

*A. The number of permits processed for the previous calendar year, by category;*

*B. A summary of preapplication consultation activities;*

*C. The average time for rendering a decision, with goals for improving processing times;*

*D. The status of regional planning and zoning initiatives, with goals for the calendar year; and*

*E. A description of staff and commission training initiatives to ensure increased customer service and consistency in application of commission rules and regulations, with goals for the calendar year ahead.*

**3. Public meeting.** *The chair of the commission shall present the annual performance report to the joint standing committee of the Legislature having jurisdiction over conservation matters at a meeting of that committee. The committee shall give the public an opportunity to comment on the performance report at this meeting.*

This document constitutes the Land Use Planning Commission's annual performance report for calendar year 2019. This is the eighth year in which the Commission has provided the report.

## II. PURPOSE OF THE COMMISSION

The Land Use Planning Commission serves as the planning and zoning authority for the unorganized and deorganized areas of the State. These areas include all townships (424), most plantations (29), and some towns (7). All of these areas, often collectively referred to as the UT, either have no local government or have chosen not to administer land use controls at the local level.

Along with carrying out its planning and zoning responsibilities, the Commission issues permits for smaller development projects, such as home constructions and camp renovations, and for many activities with the potential to impact natural resources, such as waterbodies or wetlands. For larger development projects requiring Department of Environmental Protection (DEP) review under the Site Location of Development Law, the Commission certifies that proposed land uses are allowed and that proposed development activities comply with applicable Commission land use standards not considered by DEP.

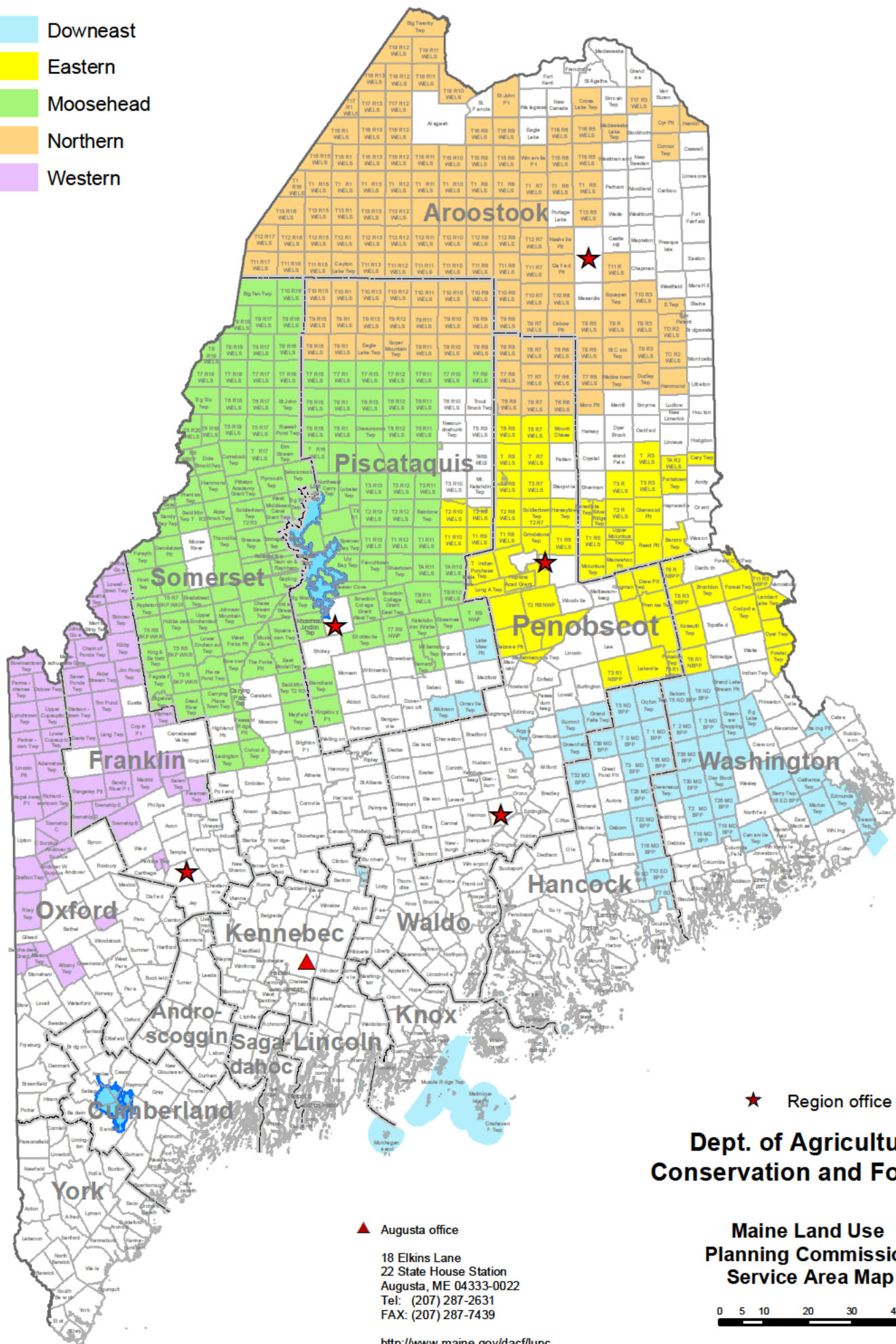
The responsibility of serving the UT and helping guide land use in these areas represents a unique challenge. These areas are diverse and cover over half the State, encompassing approximately 10.4 million acres. The areas served by the Commission include the largest contiguous undeveloped area in the northeast. The UT also includes more than forested areas and timberland. The Commission serves rural communities and villages, farmland area, and coastal islands (*e.g.*, Monhegan and Matinicus). Most of the area in the UT is privately owned. While eight counties (Aroostook, Piscataquis, Somerset, Penobscot, Washington, Franklin, Oxford, and Hancock) account for approximately 97 percent of the geographic area, 13 of Maine's 16 counties include some area served by the Commission. (A map of the area served by the Commission is shown on the following page.)

The UT is important to the vitality of both the State and local economies, contains important natural resources, is home to many Mainers, and enjoyed by Maine residents and visitors in pursuit of outdoor recreation activities, including hunting, fishing, boating, hiking, and camping.

The Legislature created the Commission to extend principles of sound planning, zoning and development to the unorganized and deorganized areas of the State to:

- Preserve public health, safety and general welfare;
- Support and encourage Maine's natural resource-based economy and strong environmental protections;
- Encourage appropriate residential, recreational, commercial and industrial land uses;
- Honor the rights and participation of residents and property owners in the unorganized and deorganized areas while recognizing the unique value of these lands and waters to the State;
- Prevent residential, recreational, commercial and industrial uses detrimental to the long-term health, use and value of these areas and to Maine's natural resource-based economy;
- Discourage the intermixing of incompatible industrial, commercial, residential and recreational activities;
- Prevent the development in these areas of substandard structures or structures located unduly proximate to waters or roads;
- Prevent the despoliation, pollution and detrimental uses of the water in these areas; and
- Conserve ecological and natural values.

- Downeast
- Eastern
- Moosehead
- Northern
- Western



★ Region office

**Dept. of Agriculture,  
Conservation and Forestry**

**Maine Land Use  
Planning Commission  
Service Area Map**

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Miles

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### **III. OVERVIEW OF THE COMMISSION'S ACTIVITIES IN 2019**

#### **A. Location of New Zoning Subdistricts and the Adjacency Principle**

In 1971, the Legislature directed the Commission to adopt zoning in its service area in order to improve the health of the State's rural economy, communities, and the environment for the benefit of future generations. 12 M.R.S. § 681. The laws establishing and governing the Commission recognize the importance of development to the economy and that the mountains, lakes, ponds, rivers, and other resources in the Commission's service area add to the quality of life for residents, attract visitors, and are valuable natural resources.

Following a multi-year public process, in 2019 the Commission completed revisions to the adjacency principle, a planning tool created by the Commission that serves as an initial screen for identifying where new zones for businesses and residential subdivision may be considered. This screen is the first step. Locations that are consistent with the adjacency principle must undergo the rezoning process and, if rezoning approval is granted, additional development standards – including permitting requirements – must be satisfied before new activities may start on the property.

The adjacency principle is intended to guide most development toward existing development and away from undeveloped areas. This helps lower tax burdens, ensures land remains available for forestry, agriculture and recreation, and promotes the health of existing communities. Previously, through the Commission's interpretation of this principle, new zones for businesses and subdivisions in the UT had to be located within one road mile of similar existing development, such as an existing business or a cluster of camps. The Commission understood that the adjacency principle could be improved to better achieve the planning objective it is intended to implement.

The one-mile test was a blunt planning tool, long-recognized as needing improvement. Under the previous adjacency system, existing, dispersed development, which may be nowhere near town, could provide a springboard for new development into remote areas or onto undeveloped lake shores. This pattern of development could have affected the cost of providing public services (e.g., fire protection, ambulance) and could have impacted forestry operations, wildlife habitat, and the character of the UT.

Additionally, the economy in the Maine woods is changing. For example, recreation-based businesses are diversifying to cater to mountain biking and adventure travel, in addition to traditional hunting and fishing. New types of wood fiber processing operations are being developed to adapt to a changing forest products market. Under the previous adjacency system, these new uses had difficulty finding suitable locations that were near the resources they need and also within one road mile of similar development. Likewise, existing development may not be in locations needed to support the evolving economy while still protecting the environment.

The Commission recognized that it could do better. Thoughtful, well-planned refinement of the adjacency principle can better: support local and regional economies, protect the environment, respect private property rights, and ensure what we value about the UT continues for generations to come.

Starting in 2016, the Commission began a comprehensive planning process to improve application of the adjacency principle. The process featured many opportunities for people who live, work, and recreate in the towns, townships, or plantations served by the LUPC to participate, including through addressing the Commission at public meetings and public hearings, participating in focus group meetings, and attending numerous local meetings in communities within or near the areas served by the Commission. Additionally, 21,740 post cards were mailed to individual property owners identified in tax records for the UT, inviting them to participate in a survey regarding the Commission's review of adjacency and to provide feedback on what types of locations they saw as suitable for different types of development. The Commission also actively engaged with land owners, neighboring municipalities, county governments, environmental organizations, trade groups, sportsman groups, and planning organizations. (A summary of outreach and opportunity for public input is included as Appendix A.) The result of this outreach and planning effort was a rulemaking package that refined the Commission's application of the adjacency principle.

Key objectives of the rulemaking process were to:

- ***Guide new development near town.*** Instead of basing new zones on existing development – which may be remote and scattered – focus rezonings to areas within one mile of a public road and within seven miles of rural hub communities that provide services. In townships and plantations directly abutting a rural hub, some zones for residential subdivision could locate within five miles of a public road.
- ***Limit new development farther from town, while recognizing the changing economy.*** Limit rezonings that are farther from rural hubs to types that depend on proximity to natural resources or are connected to recreation.
- ***Continue to protect the environment and natural resources.*** New development zones would not be allowed on undeveloped or lightly developed lakes, even if within one mile of existing development. Existing requirements that any rezoning not have an undue adverse impact on natural resources, along with all environmental permitting standards, remain in place.
- ***Improve predictability of rezoning for property owners and the public.*** Locations where rezonings could be considered would be tied to predictable factors such as the location of designated rural hubs and public roads, instead of to a shifting pattern of scattered development. This makes planning for the future easier.

After the second of two public hearings on the proposal was held on January 10, 2019, the Commission completed this multi-year planning project in the spring of 2019. The Commission voted to adopt revised adjacency and subdivision rules at its regular business meeting on April 2, 2019. More information on the Commission's [review of the adjacency principle](#) is available on its website.

The Commission is keenly aware of the significance of the change attendant on the adoption of the revised adjacency and subdivision rules. It has therefore initiated a process and work plan to

monitor the impacts of the changes as implementation began in 2019 and will continue to do so in the years to come. Since their adoption in April of 2019, only one permit has been accepted for processing, and was approved, and several pre-application discussions for hillside sites were initiated.

## **B. Review of the Commission's Subdivision Standards**

In 2014, the Commission began a process of reviewing and revising its rules governing residential subdivision development. As part of this process, the Commission gathered advice and suggestions from property owners, individual stakeholders, consultants, businesses, and other organizations familiar with the development process in the areas served by the Commission. In follow-up to written and online surveys, and a workshop on what makes good subdivision rules, the Commission held four facilitated stakeholder meetings to develop an issues list, prioritize issues that had been identified, and discuss ways the rules could be revised to address the issues.

In late 2015 and early 2016, the Commission began refining possible components of a rule through a series of six focus group meetings. At the conclusion of the focus group process, the Commission intended to immediately start a discussion regarding the appropriate locations for subdivisions. However, it became clear that, the most efficient and effective examination of subdivision location and subdivision development standards, should be integrated with refinement of the Commission's adjacency principle for both subdivisions and other types of development.

Thus, the focus shifted to review of the adjacency principle, and work continued to further develop subdivision layout and design concepts. Additional outreach, including over 23 meetings and telephone calls with design professionals, licensed surveyors, consulting engineers, and wildlife biologists, was conducted. Based on research and the input received, the Commission developed draft concepts for revised subdivision layout and design standards for continued discussion. The Conceptual Subdivision Layouts and Standards document was posted for public comment in June of 2018. In addition to soliciting written comments, the Commission hosted two open conference calls for those interested in asking questions.

The conceptual standards formed the basis for draft rule language to replace the Commission's current subdivision layout and design standards. In August of 2018, the Commission made a pre-rulemaking draft of revised subdivision layout and design standards available for public review and comment. Then, in October of 2018, the Commission voted to move the revised subdivision layout and design standards into a combined Adjacency and Subdivision Rulemaking package. With that vote, the rulemaking processes for refinement of the adjacency principle and for revisions of the subdivision standards were joined. A public hearing on the rulemaking was held January 10, 2019. More information on the Commission's [subdivision rule review](#) is available on its website.

### **C. Fish River Chain of Lakes Concept Plan**

In 2019, the Commission completed its review of the zoning petition from Allagash Timberlands LP, Aroostook Timberlands LLC, and Maine Woodlands Realty Company (collectively Irving). The project involves rezoning a portion of Irving's land in the Fish River Lakes region in Aroostook County in order to implement a concept plan. The Commission approved the concept plan and related zoning petition in September.

Concept plans are landowner-created, long-range plans for the development and conservation of a large area. These plans indicate the areas where development is to be focused, the relative density of proposed development, and the means by which significant natural and recreational resources are to be protected. The Commission established the concept plan process as a flexible alternative to traditional subdivision and development regulation, designed to accomplish both public and private objectives. Concept plans are initiated by a landowner and must be approved by the Commission.

Irving's concept plan involves over 51,000 acres in northeastern Aroostook County. Elements of the 30-year plan include:

- Zoning of approximately 1,900 acres for new development, including up to 330 new dwellings and 43 lots for commercial or light industrial development;
- Sale of approximately 400 existing residential lease lots;
- A 16,700-acre conservation easement; and
- A small network of remote rental cabins or remote campsites and water access sites.

More information on the [Fish River Lakes Concept Plan](#) is available on the Commission's website.

### **D. Deorganizations/Organizations**

The Commission fills a seat on the Maine Commission for Municipal Deorganization, and works with communities that are deorganizing. Title 30-A, section 7205(5) requires that for "municipalities not under the jurisdiction of the Maine Land Use Planning Commission, the Maine Land Use Planning Commission shall prepare a zoning map of the municipality within one year of the effective date of deorganization." The Commission provides land use services and maintains land use guidance maps for plantations, and therefore deorganization of a plantation generally does not require preparation of a new land use guidance map; deorganization of a municipality typically does.

In November 2018, the residents of the Town of Atkinson (Piscataquis County), Cary Plantation (Aroostook County), and Codyville Plantation (Washington County) all voted to deorganize. The deorganization of each became effective July 1, 2019. The Commission worked with community members to draft the proposed zoning map and is in the final stages of adopting the zoning map

for Atkinson Township. The Commission already served Cary and Codyville plantations and will continue to do so now that they have become townships.

In 2019, the Commission continued to assist residents of Kingsbury Plantation in Piscataquis County, who are pursuing assumption of land use responsibilities from the Commission. To assume local jurisdiction over land use, the plantation must create and then adopt land use plans and regulations not less protective of the existing natural, recreational or historic resources than those adopted by the Commission (12 M.R.S §685-A,4-A). Over the course of the year, Commission staff met several times with the Plantation's Acting Planning Board, coordinated communications with other State agencies such as the Maine Floodplain Management Program and the Maine Shoreland Zoning Program, and assisted the Plantation in drafting its own land use ordinance. Review of the Plantation's draft Comprehensive Land Use Plan and draft zoning maps is underway.

#### **E. Assisting Property Owners**

Commission staff routinely answer questions from the public and conduct hundreds of field visits with property owners to discuss their development plans. In addition to meeting on site at the request of property owners, staff conduct pre-construction site visits for projects meeting certain criteria. For example, for proposed development with permanent foundations in shoreland areas or in close proximity to roads or property lines. The goal of these site visits is to help property owners achieve compliance prior to expensive investment and to reduce the need for undesirable and time-intensive enforcement in the future. Staff also conduct follow-up, post-construction site visits, at a randomly selected sub-set of sites. These sites are visited prior to construction, to help ensure compliance with previously issued permits and applicable land use standards.

In 2019, Commission staff completed over 300 site visits. The majority of these were done to assist property owners understand their development options, such as whether they can expand their camp. Seventy-three of these site visits were randomly selected for post-construction inspections to review foundations that were installed between 2017 and the fall of 2019. All of these foundations were located in compliance with the rules or pursuant to a building permit. Although completing pre-construction visits and random follow-up inspections allocates staff time away from office-based permit writing responsibilities, this time appears well spent and successfully helps property owners achieve compliance.

#### **F. Certification of Larger-scale Development**

Since 2012, the Commission has not been responsible for permitting larger development projects within the unorganized and deorganized areas of Maine. The Department of Environmental Protection (DEP) reviews and permits these projects including grid-scale wind energy development and projects triggering the Site Location of Development Law. For these larger projects permitted by DEP the Land Use Planning Commission in many respects fills the role of a municipal planning board and is responsible for certifying to DEP that the development (a) is an allowed use within the subdistricts in which it is proposed and (b) complies with land use standards not considered by DEP in its review.

In 2019, the Commission issued two certifications for larger development projects. One certification was issued for an RV park and family campground in Big Lake Twp., Washington County. The second was issued for a Maine Department of Defense, Veterans, and Emergency Management training facility in T2 R9 NWP, Penobscot County. Also during 2019, the Commission continued its review and analysis of a request for Site Law Certification in the matter of Central Maine Power Company's proposed New England Clean Energy Connect (NECEC) project. The Commission's review commenced in the fall of 2017. In April and May 2019, the Commission held a joint hearing with the DEP and, in September 2019, conducted a deliberative session on the matter. The Commission's final decision will be made in early 2020. Even though the Commission worked efficiently with Maine DEP to coordinate our review process and public consultation with their deliberations, staff have analyzed the cost of the Site Law Certification at ~\$150,000 or ~\$75,000/year for which we do not have the authority to charge fees. In 2020, the Commission may take up the issue of charging the same kind of "extraordinary project processing fee" for Site Law Certifications as it charges for zoning and development permits for projects of similar magnitude and staff demand as experienced by the NECEC project.

In total, since the Commission assumed certification responsibilities in September of 2012, the Commission has issued nine certifications for development of new facilities, four for grid-scale wind energy projects, one for a proposed wood pellet facility in Washington County (that was not constructed), one for an outdoor education campus facility and associated trail system in Penobscot County, one for an RV Park in Washington County, and one for a defense training facility in Penobscot County. In addition, the Commission has issued five certification determinations for development activity at existing or previously certified facilities. A re-certification of the Weaver Wind project was not included in these figures.

### **G. Completed Rulemakings**

In 2019, the Commission amended its Chapter 10 Land Use Districts and Standards to:

- guide the location of zoning subdistricts for new development, including through refinement of the adjacency principle, and that update the standards for how subdivisions may be developed. This rulemaking is intended to improve economic opportunity, encourage the health of communities that provide services to their surrounding regions, and protect the environmental quality and habitat and the unique character of lands in the area served by the Commission, an area that comprises nearly half of the State of Maine.
- update the standards regarding roads and water crossings to be more consistent with the Maine Department of Environmental Protection's (DEP) standards in 06-096 CMR 305, Permit By Rule; to enhance public safety; and to provide for aquatic habitat connectivity in flowing waters. The adopted amendments also reorganize Section 10.27,D, Roads and Water Crossings, to improve readability.
- update the list of lakes and rivers on which the use of personal watercraft is prohibited (Appendix D), in response to a petition requesting rulemaking. Specifically, the revision added Upper Wilson Pond in Bowdoin College Grant West Township to the list, in accordance with 12 M.R.S. §685-C(10).

## **H. The Commission and its Staff**

The Commission is a nine-member, citizen board with both county and gubernatorial appointees. Eight of the seats are filled by the counties with the most acreage within the unorganized and deorganized areas of the State. Each of the following counties (listed from largest to smallest in terms of qualifying acreage) is responsible for filling one seat: Aroostook, Piscataquis, Somerset, Penobscot, Washington, Franklin, Oxford, and Hancock. The final seat on the board is filled by the Governor. All individuals nominated to serve on the Commission are subject to a public hearing held by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the State Senate. The qualifications an individual must possess to serve on the Commission and the appointment process for both counties and the Governor are set in 12 M.R.S. § 683-A. (*See* Appendix B for a list of the Commissioners.)

The Commission typically meets once per month and may meet more regularly if needed. The Commission schedules its meetings in different regions of the State, in or near unorganized or deorganized areas. In selecting meeting locations, the Commission attempts to hold meetings close to geographic areas involving matters of public interest.

The Commission is supported by 21 staff. This includes a director, a permitting and compliance manager, a planning manager, 11 permitting and compliance staff, four full-time planners, one part-time planner, a GIS specialist, and a secretary associate.

The LUPC operates offices in Ashland, Augusta, Bangor, East Millinocket, Wilton, and Greenville.

## **IV. REPORT ITEMS REQUIRED BY SECTION 685-H**

### **A. Number of Permits Processed in 2019 by Category**

In administering its land use standards, the Commission issues permits for a range of activities, including: shoreline alterations, new dwellings, campgrounds, construction of certain roads, subdivisions, and utility lines. While not permitting actions, the Commission also reviews and acts on matters such as zoning petitions. For the purposes of this annual report, these other actions are included in the permitting summary tables. Not all development or Commission assistance, however, is captured in these tables or this report. Many activities are allowed without a permit, such as the development of certain accessory structures and agricultural activities. Although the Commission assists the public with understanding any requirements applicable to these activities, where a permit is not required this activity is not reflected below.

As noted above, since 2012 larger projects within the unorganized and deorganized areas have been permitted by DEP (*i.e.*, projects triggering DEP review under the Site Location of Development Law or qualifying as grid-scale wind energy development). For these projects, the LUPC must certify to DEP the proposed development (a) is an allowed use within the subdistrict or subdistricts in which it is proposed and (b) meets any land use standard established by the Commission not considered in DEP's permit review. A LUPC certification is not a permit. However, for the purpose of this report and calculating the processing times presented in this report,

certifications are included among the permits grouped together under the heading “All Other” in the tables below.

Tables 1 through 4 present the number of permits processed, by permit type. Only complete applications are processed. As a result, if the Commission receives an incomplete application, it will be returned to the applicant. In 2019, the Commission received 26 building permit applications, five development permit applications, and 12 applications in the all other category that were never completed. Incomplete applications are not reflected in the following tables. Tables 1 and 4 also show the type of action (*i.e.*, outcome) on various types of permits. Appendix C describes each type of permit and action listed in these tables.

**Table 1. Permit Processing, 2019<sup>2</sup> by Outcome**

Permit Type	Permit Type Name	Count by Action Type					TOTAL
		Approved	Approved / Denied in-part	Denied	Application Withdrawn	Application Returned	
BP	Building Permit	392			3	3	398
DP	Development Permit	43		1			44
All Other		77			1	1	79
BCP	Bridge Construction Permit						0
FOP	Forest Operation Permit	7					7
GP	Great Pond Permit	46					46
HP	Hydropower Permit	1					1
RP	Road Construction Permit	2					2
SA	Shoreland Alteration Permit	4				1	5
SD	Service Drop Permit	6			1		7
SLC	Site Law Certification	4					4
SP	Subdivision Permit	2					2
ULP	Utility Line Permit	1					1
WL	Wetland Alterations Permit						0
ZP	Zoning Petition	4					4
<b>TOTAL</b>		<b>512</b>	<b>0</b>	<b>1</b>	<b>4</b>	<b>4</b>	<b>521</b>

<sup>2</sup> The LUPC’s permitting data represent activities that required permit approval from the LUPC when applicants sought permit approval. Commission initiated actions, such as Commission initiated rezonings, are not included in permitting data. Generally, approval is sought prior to commencement of the activity requiring a permit. In some instances, individuals apply for after-the-fact permits for activity previously undertaken without the required permit. This table and the following tables include after-the-fact permits in the totals. Additionally, some activities do not require permit approval. Permitting trends only loosely reflect development trends, in that an unknown number of activities permitted by the LUPC may not have been started or may not have been completed. Additionally, some activities may have been completed without a permit where a permit was required.



**Table 2. Permit Processing, 2019 by County**

Permit Type	Permit Type Name	Total Actions by County													
		AR	FR	HA	KE	KN	LI	OX	PE	PI	SA	SO	WA	WL	TOTAL
BP	Building Permit	68	52	14		1	5	21	62	87		53	35		398
DP	Development Permit	7	7		2		1	2	2	11	1	9	2		44
All Other		15	4	1	1			7	9	24		11	7		79
BCP	Bridge Construction Permit														0
FOP	Forest Operation Permit	2	3						1	1					7
GP	Great Pond Permit	8	1					2	5	20		5	5		46
HP	Hydropower Permit							1							1
RP	Road Construction Permit	1						1							2
SA	Shoreland Alteration Permit	1							1			3			5
SD	Service Drop Permit	1						1		2		2	1		7
SLC	Site Law Certification	1		1					1				1		4
SP	Subdivision Permit							2							2
ULP	Utility Line Permit								1						1
WL	Wetland Alterations Permit														0
ZP	Zoning Petition	1			1					1		1			4
	<b>TOTAL</b>	<b>90</b>	<b>63</b>	<b>15</b>	<b>3</b>	<b>1</b>	<b>6</b>	<b>30</b>	<b>73</b>	<b>122</b>	<b>1</b>	<b>73</b>	<b>44</b>	<b>0</b>	<b>521</b>
Towns, Plantations, Townships, and (Islands) served by the LUPC		124	31	16	1	3	2	21	46	91	1	88	36		460
				(71)		(88)	(37)			(109)			(70)	(2)	(308)

Aroostook (AR); Franklin (FR); Hancock (HA); Kennebec (KE); Knox (KN); Lincoln (LN); Oxford (OX); Penobscot (PE); Piscataquis (PI); Sagadahoc (SA); Somerset (SO); Washington (WA); Waldo (WL)

**Table 3. Permit Processing, 2014-2019 Totals**

Permit Type	Permit Type Name	Total Applications Processed					
		2014	2015	2016	2017	2018	2019
BP	Building Permit	411	379	410	438	404	398
DP	Development Permit	32	57	55	42	57	44
All Other		77	93	111	83	132	79
BCP	Bridge Construction Permit	2	0	2	2	0	0
FOP	Forest Operation Permit	6	7	6	8	7	7
GP	Great Pond Permit	29	35	45	43	80	46
HP	Hydropower Permit	1	0	1	3	0	1
RP	Road Construction Permit	4	4	4	2	6	2
SA	Shoreland Alteration Permit	9	13	11	1	7	5
SD	Service Drop Permit	18	14	25	15	17	7
SLC	Site Law Certification	2	2	1	1		4
SP	Subdivision Permit	4	4	6	3	5	2
ULP	Utility Line Permit	2	5	2	2	1	1
WL	Wetland Alterations Permit	2	3	1	0	3	0
ZP	Zoning Petition	6	6	7	3	6	4
	<b>TOTAL</b>	<b>520</b>	<b>529</b>	<b>576</b>	<b>563</b>	<b>593</b>	<b>521</b>

**Table 4. Permit Processing, Annual Average by Outcome Over 30 Years (1990-2019)**

Permit Type	Permit Type Name	Annual Average of Applications Processed					Total
		Approved	Approved / Denied in-part	Denied	Application Withdrawn	Application Returned	
BP	Building Permit	391	381	4	1	0	777
DP	Development Permit	49	47	1	0	0	97
All Other		70	66	2	0	0	138
BCP	Bridge Construction Permit	3	2				5
FOP	Forest Operation Permit	7	7				14
GP	Great Pond Permit	22	21	1			44
HP	Hydropower Permit	1	1				2
RP	Road Construction Permit	3	3				6
SA	Shoreland Alteration Permit	5	5				10
SD	Service Drop Permit	9	9				18
SP	Subdivision Permit	7	6				13
ULP	Utility Line Permit	5	5				10
WL	Wetland Alterations Permit	1	1				2
ZP	Zoning Petition	7	6	1			14
<b>TOTAL</b>		<b>510</b>	<b>494</b>	<b>7</b>	<b>1</b>	<b>0</b>	<b>1,012</b>

In administering its land use standards, the Commission also issues a range of other determinations regarding land uses and development, including: advisory rulings, boat launch notifications, certifications of compliance, coastal zone management area consistency reviews, letters of exemption, review and approval of certain activity permitted by the Maine Forest Service, and water quality certifications. While these actions do not involve the issuance of permits, they are official determinations made by the Commission. Table 5 presents the number of these determinations processed, by type. Appendix C describes each type of action listed in Table 5.

**Table 5. Other Land Use Determinations, 2019**

Determination Type	Actions Processed
Advisory Rulings	3
Boat Launch Notifications	1
Certifications of Compliance	8
Coastal Zone Management Area Consistency Determinations	2
Letters of Exemption	0
Maine Forest Service Review and Approvals	0
Water Quality Certifications (not incorporated in other permits)	0
<b>TOTAL</b>	<b>14</b>

## **B. Time for Rendering a Decision**

The Commission utilizes a database referred to as the Geographic Oriented Action Tracker (GOAT) to manage and track permitting activities. Many stages of the permit review process are cataloged in GOAT. For example, an action status and date are entered when an application is filed, when an application is complete, when a final action or disposition occurs (*e.g.*, approval, denial, withdrawal of application), and when a certificate of compliance is issued. The permit processing time – the time for rendering a decision – can be calculated by comparing the date

when an application is complete with the date of final action or disposition. The following figures and tables illustrate the processing times for the three main categories of permits – the same categories identified in the tables above:

- A. Building Permits (*i.e.*, residential development);
- B. Development Permits (*i.e.*, non-residential development); and
- C. All Other Permits.

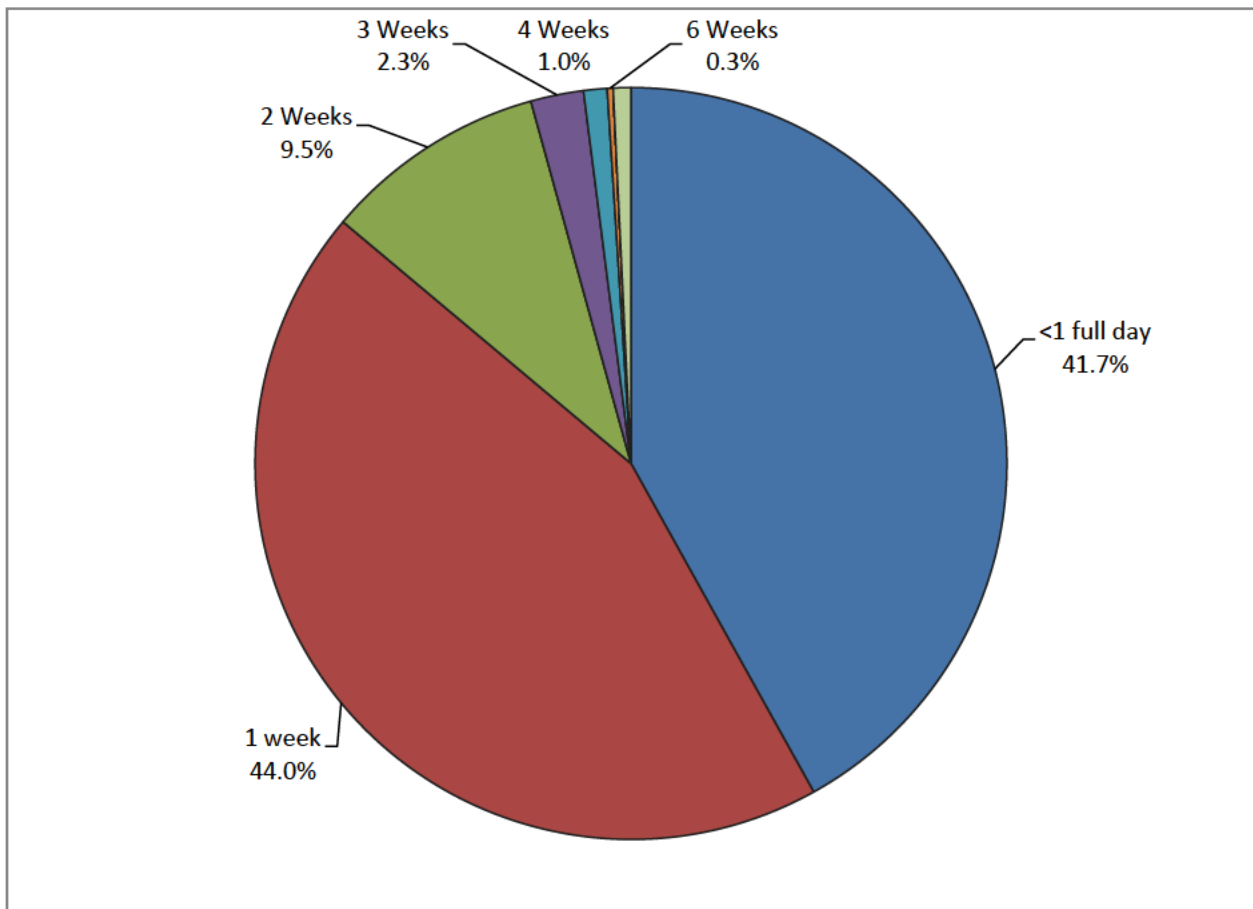
Permit processing times may be impacted by any number of factors. For example, a thorough or well-prepared application may help expedite review. Staff diligence and permitting work load also are factors. Common factors that may add to permit processing times, or otherwise warrant consideration when reviewing processing time data, include the following:

- Some permit actions may be after-the-fact permits, permits sought and issued after the development occurred without proper permit authorization. After-the-fact permits typically require additional review time due to the complexities of resolving components of the development that already exist, yet may not fully comply with the necessary rules and standards.
- Permits that are denied typically involve longer review times due to the effort to identify an approvable project. The same is true for withdrawn applications. In some instances an applicant may choose to withdraw a proposal rather than proceed and obtain a formal denial.
- Permit processing times may include periods when applications were put on hold to await information from the applicant.
- Some permit processing times include time required for review by outside agencies, notice periods preceding public comment, public comment periods, public hearings and the associated notice period, and/or presentation to the Commission for action at a monthly business meeting.

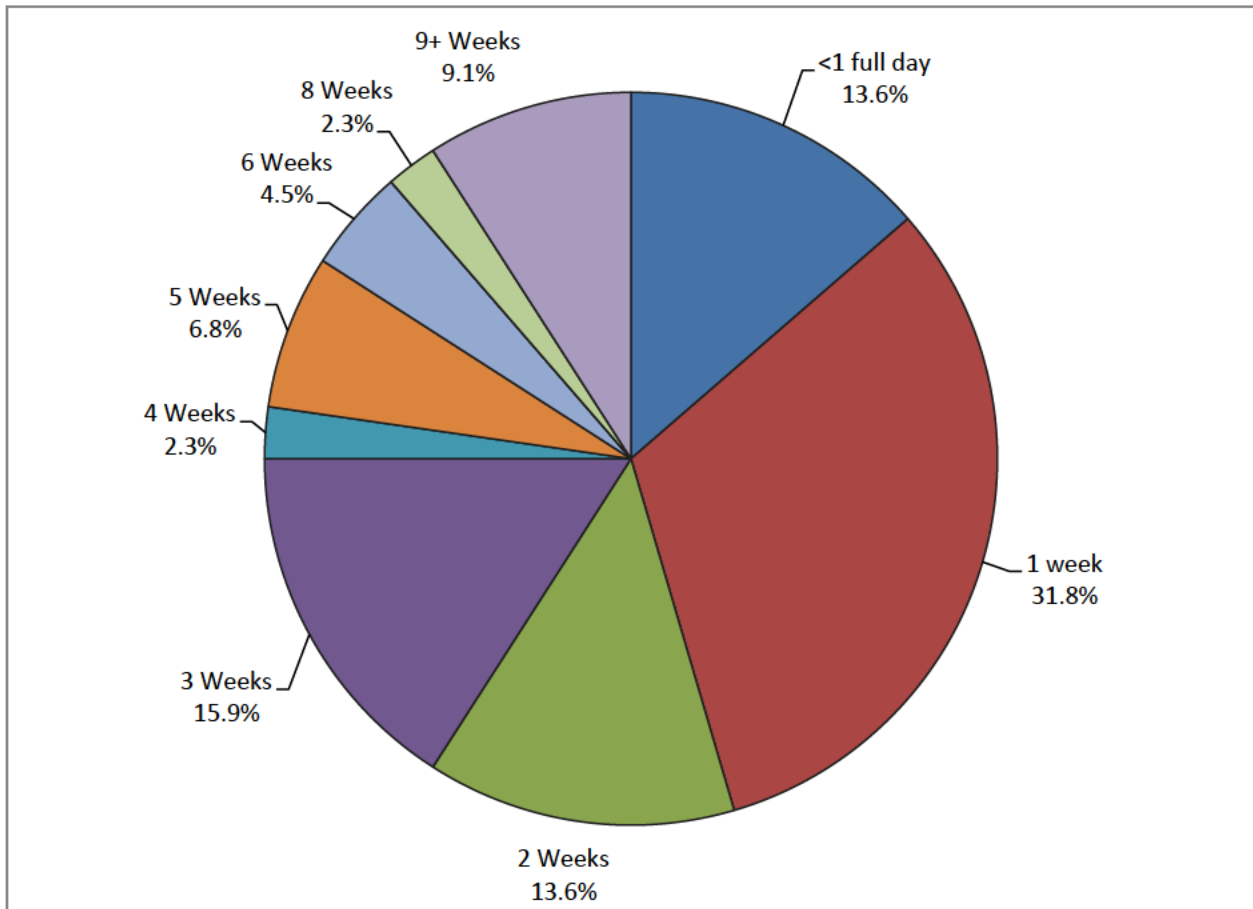
The following Figures A, B, and C show the percentage of permits processed within a given time period. These figures show, for example:

- Building Permits – Of the 398 building permit applications, the Commission processed 42 percent in less than one full day and 86 percent in a week or less.
- Development Permits – Of the 44 development permit applications, the Commission processed 45 percent in a week or less and 77 percent in four weeks or less.
- All Other Permits – Of the 79 permit applications in the all other category, the Commission processed 78 percent in a week or less and 95 percent in four weeks or less.

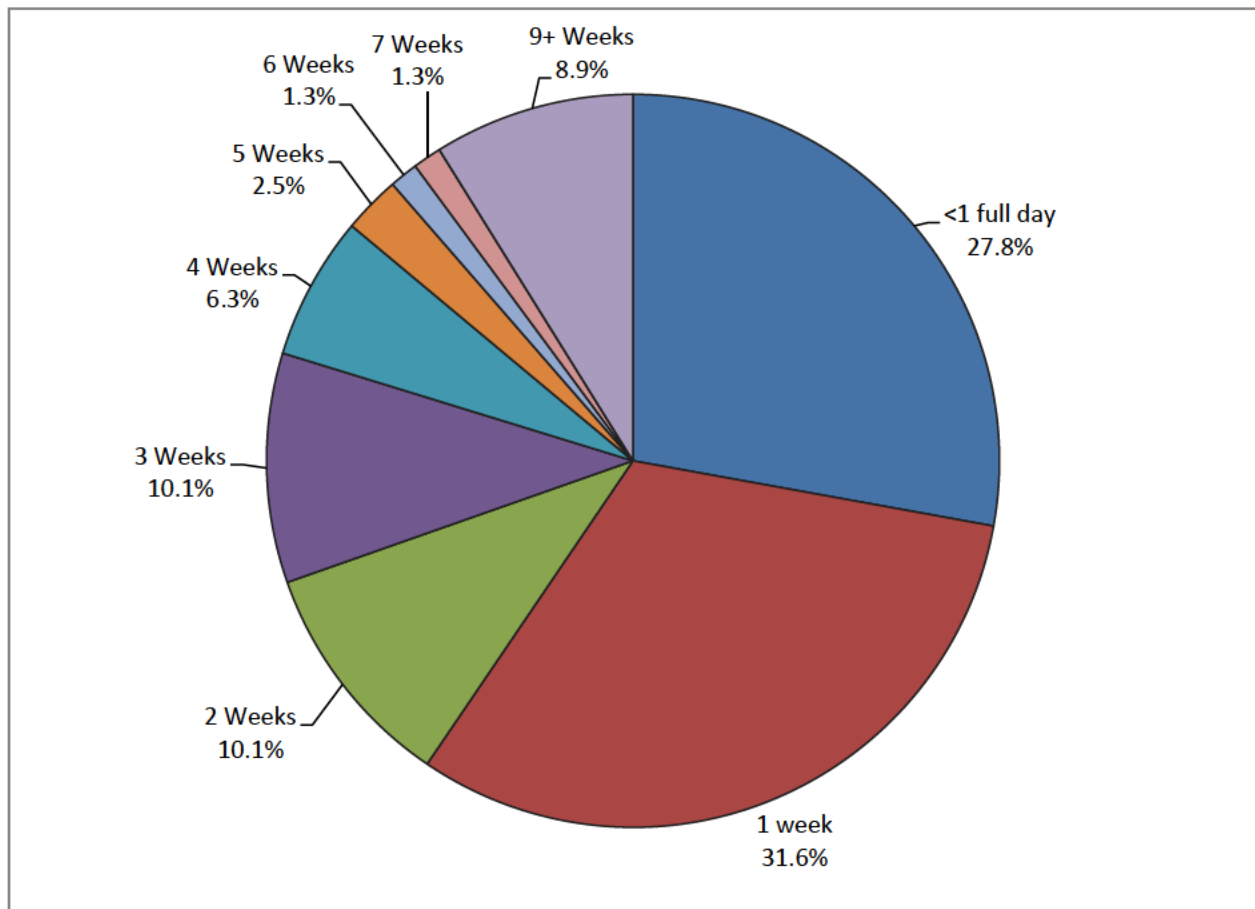
**Figure A. Permit Processing Times, 2019 – Building Permits**



**Figure B. Permit Processing Times, 2019 – Development Permits**



**Figure C. Permit Processing Times, 2019 – All Other Permits**



Tables 6 and 7 present the average and median processing times for 2019 and, to provide context, for the preceding five years. The data for the Table 6 calculations are the same data reflected in Figures A, B, and C above. In each of the following three tables, for the specified category of permit:

- Average = the sum of the processing time for all permit actions divided by the number of actions
- Median = the processing time in the middle of the of the range of processing times for all permit actions

Where the Commission determined an application was complete and made a final permitting decision the same day, the processing time is less than one full day. In calculating the average and median permit processing times, permitting decisions made in less than one full day are assigned a processing time of zero days. A median processing time of less than one full day (*i.e.*, <1) means the Commission made a final permitting decision on at least half of the applications on the same day the application was deemed complete.

**Table 6. Permit Processing Times, 2019**

Permit Type	Processing Times (Days)	
	Average	Median
Building Permit (BP)	3.9	1
Development Permits (DP)	18.8	8
All Other Permits	24	6

**Table 7. Annual Permit Processing Times, 2014-2018**

Permit Type	2014		2015		2016		2017		2018	
	Average (Days)	Median (Days)	Average (Days)	Median (Days)	Average (Days)	Median (Days)	Average (Days)	Median (Days)	Average (Days)	Median (Days)
Building Permit (BP)	2.8	<1	2.5	<1	2	<1	2	<1	2	<1
Development Permits (DP)	8.9	3	23.1	17	29	19	18	14	18	9
All Other Permits	13.5	2	14.6	3	13	<1	9	<1	11	<1

### C. Preapplication Consultation Activities

The Commission has developed procedures by which an applicant may request a public pre-application consultation meeting with the Commissioners to discuss a project. This is an option provided for in Public Law 2011, chapter 682 and staff notify potential applicants of this option. In 2019, the Commission did not hold any formal preapplication meetings.

Additionally, Commission staff routinely meet with prospective applicants in order to provide assistance and guidance regarding the application processes. Staff also provide opportunities for unofficial but documented staff opinion through advisory rulings and letters of exemption. In 2019 the staff issued three advisory rulings.

#### **D. Regional Planning and Zoning Initiatives**

Legislation enacted in 2012 directed the Land Use Planning Commission to “initiate prospective zoning in the unorganized and deorganized areas of the State” and to “coordinate prospective zoning in cooperation with efforts of local planning organizations and regional planning and development districts.” P.L. 2011, ch. 682, § 34. Over the past six years the Commission has worked to fulfill this mandate.

After conducting extensive outreach, in 2012 the Commission sought to identify those interested in participating in Community Guided Planning and Zoning (CGPZ) – the prospective zoning directed by the Legislature. Six distinct regions emerged from the letters of interest submitted by County Commissioners, non-profits, citizen groups and others from across the jurisdiction. On February 1, 2013, the Commission selected Aroostook County as the first regional project. Western Maine (including both Somerset and Franklin counties) was selected on May 8, 2014. Washington County began its Community Guided Planning and Zoning process in May 2015.

CGPZ initiatives are prospective zoning projects that are locally driven and collaborative in nature. Throughout the Community Guided Planning and Zoning process, Commission staff assist sponsoring or convening agencies and each regional steering committee by providing information and highlighting relevant statutory requirements to help ensure that the results of each region’s commitment of time and resources both achieve local goals and are consistent with the Commission’s statutory review criteria and statutory purpose, as well as with the guiding principles adopted by the Commission at the outset of this prospective planning and zoning process.

Prospective planning and zoning in Aroostook County, led by the convening agency Northern Maine Development Commission, was completed in 2015, with rule changes implementing the region’s recommendations going into effect in 2016. (See the Commission’s 2016 Annual Report.) In Western Maine, Stage 1 of the CGPZ initiative was completed in 2015. This regional effort was led by convening agencies Androscoggin Valley Council of Governments (AVCOG) and Kennebec Valley Council of Governments (KVCOG), with support from the Somerset Economic Development Corporation (SEDC). Following completion of the Stage 1 report, which was reviewed and endorsed by the Franklin and Somerset County Commissioners and the executive boards of AVCOG and KVCOG, it was determined that Stage 2 planning by the convening agencies would resume when funding became available. To date, the Western Maine regional planning effort remains dormant, although the Commission through its own planning efforts and review of its adjacency principle may be able to help address the needs identified by the region during its Stage 1 efforts, particularly those associated with the evolving recreation economy. Finally, the CGPZ initiative in Washington County, led by the Washington County Council of Governments, was completed in 2017 (see the Commission’s 2017 Annual Report), with recommended rule changes going into effect in early 2018.

Insights gained by the Commission through the CGPZ initiative across multiple regions helped inform the Commission’s review of the adjacency principle. All of the regional planning efforts to date identified shortcomings in the Commission’s application of this principle through the one-mile rule of thumb – shortcomings the Commission has worked to address. Now that the



Commission has completed review of the adjacency principle, it will evaluate where best to focus its planning efforts in the year and years to come.

2020 will be an exciting time for planning in rural Maine, with several regionally-driven economic development planning projects enthusiastically underway, and increased attention to rural issues within the planning profession and at the state government level. This is an ideal time for the Commission to engage with key local and regional groups and officials that are involved in land use and economic development planning for rural Maine. By furthering the dialog begun within the CGPZ and adjacency projects, the Commission will identify how to best direct its time and focus in providing services to the unorganized and deorganized areas. One key component of that future-focused work is building on the success of the first Community Guided Planning and Zoning projects by assessing next steps for regional prospective planning and zoning. There is an impressive level of forward momentum right now, and the Commission is poised to play a constructive role as rural residents shape their future.

## **E. Staff and Commissioner Training**

### **1. Staff Training and Customer Service**

In 2019, Commission staff attended both internal and external training sessions and workshops intended to help with the delivery of quality customer service. For example, some of the training focused directly on ways to educate the public on how to identify hillsides, and properly install erosion control devices and water crossings, along with staff education on how to identify certain soil types that may be better suited for septic systems and how to work with and interpret the new subdivision and adjacency rules. Other sessions focused on security awareness training, in addition to training that will help to promote consistency across regional offices and provide staff with the substantive knowledge to be best positioned to answer questions and address challenges individual property owners may have or face. The training helps position staff to deliver the quality service the Commission strives to provide.

External staff training in 2019 included:

- *Maine Sustainability and Water Conference* – On March 28, planning staff attended this annual conference that dealt with many different water-related topics such as water quality data collection, habitat restoration efforts, and climate change policy and initiatives.
- *Advanced Sediment Control Practices* – On March 28, May 7, and May 14, permitting and compliance field staff attended the *Advanced Sediment Control Practices Training* as part of the *Basic Contractor Certification Training* that was held in Augusta and Brewer. This training provided an introduction into the Maine DEP Contractor Certification Program, discussed the BMPs for sediment and erosion control, and discussed the laws and regulations requiring erosion and sediment control. It also covered erosion control planning and designing, along with maintaining water quality during stream crossing installations.

- *Subsurface Wastewater Disposal Training* – On April 24, permitting and compliance field staff attended an in-depth all-day training on *Subsurface Wastewater Disposal Rules*. The class was administered by the Department of Health and Human Services. This training further helps staff to better understand how site evaluations, permitting, and compliance inspections are performed.
- *Active Threat Training* – On May 6, Bangor staff attended *Active Threat Training* put on by the Bangor Police Department to raise awareness to potential office situations that could arise and to educate staff on how to respond to those situations.
- *Maine Association of Planners Annual Meeting and Conference* – On May 17, planning staff attended this conference that included sessions on planning related law updates and current issues in planning, the deorganization process for Maine communities, and issues relating to sea level rise.
- *County Soils and Natural Resources Workshop* – On August 15, permitting and compliance staff from the Ashland office participated in the *County Soils and Natural Resources Workshop* held in Presque Isle. The workshop training included stream identification, vernal pool identification, wetland determinations, soil suitability for septic systems, and the required setbacks from streams, ponds and wetlands of special significance.
- *National Park Service Visual Resource Inventory Training* – On August 22 and 23, planning staff attended this two day interactive training on a visual resource inventory method developed by the National Park Service.
- *Reid State Park Soils and Natural Resources Workshop* – On September 4, permitting and compliance staff attended the *Reid State Park Soils and Natural Resources Workshop*. This workshop combined soil evaluation with natural resource identification, wetland determinations and stream identifications, and included discussion of regulatory issues faced by the Commission and other agencies with permitting responsibilities.
- *Maine Municipal Association Convention* – On October 2, planning staff attended and participated in this annual convention. Sessions at the convention included Teamwork and Managing Risk, the ABC's of Economic Development, Tools That Help Communities Grow, and Regional Planning and Development. Planning staff participated on the panel for the Regional Planning and Development session.
- *Northeast ARC User Group and Maine GIS User Group Fall Annual Meeting and Educators' Conference* – On October 21, 22, and 23, the Commission's GIS Coordinator attended this conference. Sessions at the conference included Local Government, Emerging Technologies Natural Resources, Asset Management and ESRI Training. There were also informative sessions relating to mobile use, organizing GIS data, new landcover products, LiDAR, and new improvements to the ESRI software platform such as ArcGIS Pro and Survey 123.

- *Watershed Managers Round Table* – On October 29, planning staff attended this meeting that convenes regulators and others from New England to discuss current issues in watershed science and regulation.

Internal training in 2019 included:

- *Wetland, Visual Impact, and Other Training* – On January 16, permitting and compliance field staff attended a staff training day that included an update on the adjacency rule changes, along with discussions on the removal of hazardous trees, riprap design, wetland rule changes, visual impact assessments, and various other topics.
- *Adjacency, Subdivision, and Water Crossing Training* – On May 2, permitting and compliance field staff attended a training that included an update on the adjacency and subdivision rule changes, an update on the wetland rule changes, and a review of the proposed changes to road and water crossings.
- *Hillside Standards Discussion and Training* – On June 5 in Bangor and on June 6 in Wilton, staff attend a round table meeting which involved a detailed discussion on the new Hillside Standards. This in-depth discussion gave staff the opportunity to look at the new rules, and it allowed them time to ask questions and think about best practices for implementing the new rules.
- *Hillsides Training* – On September 18, all staff attended an all-day hands-on staff training day held in Lily Bay State Park and surrounding areas. The training included visiting different types of hillside areas and evaluating the hillsides as they would relate to potential proposed developments.
- *Subdivision and General Training* – On December 12, all staff attended a training held in the Bangor office. The training was a discussion and update on the implementation and interpretation of portions of the subdivision rules, along with a staff discussion on and review of various other rules and standards.
- *Security Training* – During the month of December, LUPC staff completed the 2019 SANS Security Awareness Training. This training helps staff to better recognize and avoid any potential security threats to not only the computer and online files, but also to the organization as a whole.

## **2. Commissioner Orientation and Continuing Education**

All new Commissioners receive an orientation/training session prior to their first meeting. This orientation involves a discussion of the controlling statutory and regulatory provisions, the functions served by the Commission and its staff, and the various resources that a Commissioner may refer to for assistance. In addition, orientation also includes a discussion of the legal roles and responsibilities of Commissioners lead by an Assistant Attorney General.

Over the course of a year, the Commission also schedules agenda items at its regular, monthly meetings that serve as annual continuing education on Title 12, chapter 206-A, Commission

rules, and planning and regulatory processes. For example, in 2019 topics presented to the Commission included discussion on the new marijuana rules, and road and water crossings, along with comparable standards applied by other regulatory bodies and the science that informs and underlies these standards.

## **V. COMMISSION GOALS FOR 2020**

Throughout each year, the Commission reviews its goals and priorities in order to best focus its efforts and most efficiently use its resources. Presently, the Commission's goals for 2020 include:

- Develop and implement a reporting system to track outcomes of the 2019 Adjacency and Subdivision Rulemaking including outreach to stakeholders involved in development of the revised rules
- Complete review of the Weyerhaeuser Company Zoning Petition to terminate the Concept Plan for the Moosehead Lake Region.
- Complete the process for adoption of new zoning for the township of Atkinson as it deorganizes and joins the LUPC service area.
- Continue assisting Kingsbury Plantation to complete the drafting of a land use ordinance so they may take over land use controls for the Plantation and leave the LUPC service area.
- Complete a Staff initiated petition to rezone the Whetstone Pond, Foss Pond, and Hilton Ponds Concept Plan concept plan area in Kingsbury Plantation due to pending expiration of the plan.
- Engaging with key local and regional groups and officials that are involved in land use and economic development planning for rural Maine.
- Building on the success of the first Community Guided Planning and Zoning projects by assessing next steps for regional prospective planning and zoning, particularly in the Moosehead Lake Region.
- Create new activity specific standards for marijuana establishments.
- Develop a new format for Commission application forms to simplify and improve useability of the format.
- Redesign the Commission's Geographically Oriented Action Tracker database to improve functionality, particularly relating to the connectivity of geographic locations and Commission actions.

The Commission anticipates adding to this list as the year progresses and new issues emerge.

Finally, throughout the year and in addition to its list of goals and policies, the Commission and its staff are committed to working to provide efficient, quality service to the people with whom they interact and the people of this State.

**Appendix A:  
Summary of Outreach and Opportunity for Public Input  
Adjacency Review**

In February 2016, the Commission initiated review of its adjacency principle. The following is a summary of some of the public outreach and discussion the Commission has engaged in since that time as it has sought to gather public input and improve its application of the adjacency principle.

**Commission Meeting Discussion**

Since its February 2016 meeting when the Commission began its present review, the discussion of adjacency has been a common agenda item for the Commission. The Commission meets most months and all of its meetings are open to the public with the agenda available in advance of each meeting. Through the date of this report, the Commission has discussed adjacency at 15 meetings:

- i. 2016 – March, April, and September
- ii. 2017 – February, May, August, and December
- iii. 2018 – February, April, May, June, August, October, and November
- iv. 2019 – January

**Local, Regional, and County Meetings**

Commission staff have attended public meetings, making a presentation at each, hosted by local governments, county governments, and regional planning organizations, including:

- i. Greenville Select Board (August 2018)
- ii. Jackman Select Board (December 2018)
- iii. Millinocket Town Council (July and December 2018)
- iv. Aroostook County Commissioners (September 2018)
- v. Hancock County Commissioners (June 2018)
- vi. Penobscot County – attended a public meeting requested by county commissioners and coordinated and noticed by the county for the purpose of discussing adjacency review (September 2018)
- vii. East Millinocket – attended a regional meeting with interested members of the public and individuals engaged in economic development planning in the region (organized with partner Our Katahdin) (September 2018)
- viii. Greenville – attended regional meeting with interested members of the public and individuals engaged in economic development planning in the region (organized with partners Maine Municipal Association and Piscataquis County Economic Development Corporation) (August 2018)

## **Outreach**

- i. Tribal consultation – Commission staff sent letters to the Houlton Band of Maliseets, Penobscot Indian Nation, Aroostook Band of Micmacs, the Passamaquoddy Tribe at Sipayik, and the Passamaquoddy Tribe at Motahkmikuk and invited consultation; followed up with phone calls (August 2018); met with representatives of the Penobscot Indian Nation (October 2018).
- ii. Public survey – notice mailed to all identified property tax payers in the UT (21,740 different addresses) and provided to individuals on the Commission’s email distribution lists (September 2016-March 2017).
- iii. Stakeholder focus group meetings to discuss economic development, issues important to property owners, conservation and wildlife, and provision of public services (June-July 2017).
- iv. Bingham public information meeting – Commission staff hosted a meeting where interested members of the public could learn about the Commission’s ongoing review and proposed conceptual changes, and offer input before the Commission began preparing draft rule language (April 2018).
- v. Millinocket public information meeting – a meeting similar to the one in Bingham was hosted in Millinocket, as well (April 2018).
- vi. Maine Municipal Association – coordinated with MMA so the organization could contact interested members about the Commission’s ongoing review of the adjacency principle, including providing notice to municipalities identified as “rural hubs” in the Commission’s proposal (July – December 2018).
- vii. Commission website – the Commission has maintained a [website](#) devoted to its review of the adjacency principle and provided regular email notice to interested members of the public about the ongoing project.

## **Public Hearings and Comment Opportunities**

In addition to the opportunity for public input at many of the meetings noted above and the Commission’s active solicitation of comment since February 2016, the Commission designated four separate, formal comment opportunities:

- i. August 2017 public comment period – the Commission received oral comment at a noticed meeting on the proposed new planning framework and overall direction of the policy review; a written comment period followed.
- ii. April 2018 public comment period – the Commission received oral public comment at a noticed meeting on proposed adjacency rule concepts published by the Commission; a written comment period followed.
- iii. June 2018 public hearing – the Commission held a public hearing on proposed rule changes, with a written comment period and written rebuttal comment period.
- iv. January 2019 public hearing – the Commission held a public hearing on revised proposed rule changes, with a written comment period and written rebuttal comment period.

## **Meetings with Organizations and Interested Individuals**

In the years the Commission has been reviewing the adjacency principle, Commission staff have participated in numerous meetings with numerous individuals and organizations. In individual or group meetings staff have met with representatives of the following:

American Forest Management  
Androscoggin Valley Council of Governments  
Appalachian Mountain Club,  
Appalachian Trail Conservancy  
Axiom  
Backcountry Hunters and Anglers, Maine Chapter  
Design Labs  
Downeast Lakes Land Trust  
Family Forestry LLC  
Freeman Ridge Bike Park  
Friends of Baxter State Park  
Gardner Companies  
GrowSmart Maine  
HC Haynes Inc.  
Huber Resources Corp  
Island Institute  
Katahdin Region Chamber of Commerce  
LandVest Inc.  
Lexington Township property owners  
Mahoosuc Land Trust  
Maine Appalachian Trail Club  
Maine Appalachian Trail Land Trust  
Maine Audubon  
Maine Bureau of Parks and Public Lands Off-road Vehicle Division  
Maine Coast Heritage Trust  
Maine Department of Inland Fisheries and Wildlife  
Maine Department of Transportation  
Maine Forest Products Council  
Maine Huts and Trails  
Maine Municipal Association  
Maine Office of Tourism  
Maine Professional Guides Association  
Maine Wilderness Guides  
Maine Woodland Owners  
McPherson Timberlands  
Natural Resources Council of Maine  
Next Phase Energy  
North Maine Woods  
North Woods Real Estate  
Northern Forest Center

Piscataquis Economic Development Council  
Prentiss & Carlisle  
Rangeley Region Guides and Sportsmen's Association  
Red River Camps  
Seven Islands  
Sportsman's Alliance of Maine  
Sunrise County Economic Development Commission  
Trout Unlimited  
The Nature Conservancy  
Wagner Forest Management  
Weyerhaeuser

Commission staff also have met with interested individual members of the public, including individuals with professional planning experience, small business experience, and state and local government experience, as well as former Commission members.

In addition to the individuals and organizations Commission staff have met with, staff have communicated with other individuals from other government bodies and organizations to discuss and answer questions about the ongoing review of the adjacency principle, including:

Agriculture Council of Maine  
Beaver Cove Select Board, member  
Dover-Foxcroft Planning Board, member  
Forest Society of Maine  
Maine DACF, Bureau of Agriculture, Food and Rural Resources  
Maine Farmland Trust  
Mapleton, Castle Hill and Chapman Town Manager  
Mars Hill Town Manager  
Medway Select Board, chair  
Northern Maine Development Commission  
Old Canada Road Scenic Byway Committee  
Sherman Town Manager  
Washington County Council of Government  
Weston Town Manager  
Western Maine Community Guided Planning and Zoning group members



**Appendix B:  
LUPC Commissioners as of December 31, 2019**

The Land Use Planning Commission is a 9-member, citizen board with both county and gubernatorial appointees. Eight of the seats are filed by the counties with the most acreage within the unorganized and deorganized areas of the State. Each of the following counties (listed from largest to smallest in terms of qualifying acreage) is responsible for filling one seat: Aroostook, Piscataquis, Somerset, Penobscot, Washington, Franklin, Oxford, and Hancock. The final seat on the board is filled by the Governor.

The qualifications an individual must possess to serve on the Commission and the appointment process for both counties and the Governor are set in statute, 12 M.R.S. § 683-A.

The following table shows who currently fills each seat on the LUPC and who has appointed this individual. (Note, seat #8 has been removed; it used to be filled by the LUPC Director.)

<b>Seat No.</b>	<b>Commissioner</b>	<b>Appointing Authority</b>	<b>Appointed</b>	<b>Term Expiration</b>	<b>Comments</b>
1	James May	Governor	4/20/17	7/9/20	
2	Millard Billings	Hancock	8/23/16	7/9/20	
3	Peter Pray	Penobscot	5/08/19	7/9/21	
4	Betsy Fitzgerald, Vice-chair	Washington	7/10/17	7/9/21	
5	Robert Everett	Oxford	11/19/15	11/4/19	vacant at 12/31/19
6	William Gilmore	Franklin	11/23/15	8/20/19	Reappointment in process at 12/31/19
7	Gwendolyn Hilton	Somerset	5/9/19	7/29/23	
9	Durward Humphrey	Aroostook	3/23/17	3/13/21	
10	Everett Worcester, Chair	Piscataquis	5/23/17	5/22/21	

## Appendix C: Types of LUPC Permits and Actions

### Action Types

Each application received by the Maine Land Use Planning Commission is reviewed and results in a final action or disposition. Final action or disposition includes the following outcomes:

- *Approved* – The proposed activity meets the necessary standards; a decision permit) indicating approval is issued by staff or the Commission.
- *Approved / Denied in-part* – Parts of the proposed activity meet the necessary standards and are approved, and parts of the proposed activity do not meet the necessary standards and are denied. A decision (*i.e.*, permit) indicating the approved and denied components is issued by staff or the Commission.
- *Denied* – The proposed activity does not meet the necessary standards; a decision (*i.e.*, denial) is issued by staff or the Commission.
- *Application Withdrawn* – The applicant chooses to withdraw their application prior to final action by staff or the Commission. The application is returned and no final action is issued by staff or the Commission.
- *Application Returned* – The application often is incomplete and the applicant has made insufficient effort to address the issue(s). The application is returned and no final action is issued by staff or the Commission.

### Permit Types & Land Use Determinations

The Commission uses a variety of action types to identify and record various permitting actions and land use determinations. Each action includes the action type and number (*e.g.*, AR 95-001, BP 123, and ZP 456) at the top of the document and a corresponding entry in the LUPC's database – Geographic Oriented Action Tracker (GOAT). The following summarizes the various types of permits and land use determinations:

Type	Permit Type	General Description <sup>3</sup>
AR	Advisory Ruling	A documented yet informal staff opinion requested at the option of the landowner / developer. Applicants typically seek advisory rulings in order to receive advice as to whether or not a permit is required for specified activities, or for the interpretation of specified provisions of the Commission's rules. ( <i>See</i> LAR and LOE below.)
BCP	Bridge Construction Permit	Permits for the construction, replacement or repair of bridges.

<sup>3</sup> Chapter 10 of the Commission's rules, *Land Use Districts and Standards*, contains specific criteria and standards.

Type	Permit Type	General Description <sup>3</sup>
BLN	Boat Launch Notice	A landowner notification to the LUPC, after providing their intent to file notice yet prior to construction or repair of a boat launch, in accordance with Section 10.27,L of the Commission’s <i>Land Use Districts and Standards</i> .
BP	Building Permit	Permits for activities associated with residential development that requires a permit ( <i>e.g.</i> , activities involving: a camp, a garage, porches, etc.).
COC	Certificate of Compliance	A Commission document confirming the development, activity, and/or use complies with both the applicable rules and permits issued.
CZMA Consistency Determination	Coastal Zone Management Area Consistency Determination	A letter from the LUPC staff regarding concurrence with the Federal Consistency Determination; that the proposed activities, in Federal Waters within the coast of Maine, do not trigger review by the LUPC. (16 U.S.C. § 1456(c) and 15 C.F.R, Part 930, Subpart C)
DP	Development Permit	Permits for activities associated with non-residential development that requires a permit ( <i>e.g.</i> , activities involving: commercial sporting camps, retail store, warehouse, mill, wind turbines, campground, resort, etc.)
FOP	Forestry Operations Permit	Permits for forest operations that exceed the standards of Section 10.27,E of the Commission’s <i>Land Use Districts and Standards</i> or are located within a Development Subdistrict or the Mountain Area Protection (P-MA) Subdistrict. FOPs issued after July 15, 2013, depending upon the subdistricts involved, may differ from FOPs issued before that date. ( <i>See</i> MFS-RA below for more details.)
GP	Great Ponds Permit	Permits for activities affecting great ponds ( <i>i.e.</i> , bodies of standing water greater than 10 acres in size). Activities permitted as a Great Ponds Permit include but are not limited to, permanent docks, dredging, some boat launches/ramps, breakwaters, and retaining walls.
HP	Hydropower Permit	Permits for and relating to hydropower activities.
IFN	Intent to File Notice	A landowner notification to the LUPC, of their intent to file a Boat Launch Notification (BLN) described above, in accordance with Section 10.27,L of the Commission’s <i>Land Use Districts and Standards</i> .

Type	Permit Type	General Description <sup>3</sup>
LAR	Letter of Exemption/Advisory Rulings	A letter from the LUPC staff confirming the proposed activity is exempt from one or more provisions of the Commission’s rules and therefore does not require permit approval and a documented, but informal, staff opinion regarding other aspects of the specified project. LARs are issued when both an Advisory Ruling and a Letter of Exemption are appropriate. ( <i>See AR and LOE herein.</i> )
LOE	Letter of Exemption	A letter from the LUPC staff confirming the proposed activity is exempt from one or more provisions of the Commission’s rules and therefore does not require permit approval. Historically, LOEs were issued only for utility lines that were exempt; however, as of 2011 they are used for any proposed activity that is exempt from either the Commission’s review or exempt from permit approval. ( <i>See AR and LAR above.</i> )
MFS-RA	Maine Forest Service Review and Approval	Review and approvals issued by the Commission for timber harvesting activities that are permitted by the Maine Forest Service (MFS) (12 M.R.S. § 685-A(12)). As of July 15, 2013, the MFS regulates timber harvesting, land management roads, water crossings on/for land management roads, and gravel pits less than five acres in size in management and protection subdistricts. When these activities require a permit from the MFS and are conducted in the Unusual Area Protection (P-UA), Recreation Protection (P-RR) and Special River Transition Protection (P-RT) subdistricts, Commission approval is required before the MFS may issue a permit. In these cases, the Commission must determine whether or not the project conforms to its standards that are not otherwise regulated by the MFS. Commission review focuses largely on impacts to existing uses, such as recreational, historic, cultural, or scenic resources, with the technical review of these activities remaining with the MFS. These activities, when conducted in development subdistricts and in development areas in Resource Plan Protection Subdistricts (P-RP) are regulated by the Commission, and not the MFS.
MISC	Miscellaneous	Applications returned or withdrawn prior to assignment of permit type. In GOAT queries these applications will be identified by the unpopulated “Permit_Type” and “ActionNumber” fields.
RP	Road Construction Permit	Permits for the construction, realignment, and substantial repair of roads (excluding land management roads).

Type	Permit Type	General Description <sup>3</sup>
SA	Shoreland Alteration Permit	Permits for activities affecting the shoreline of lakes, ponds, rivers, or streams ( <i>e.g.</i> , activities involving: riprap, dredging, permanent docks, the intrusion of structures into or over a wetland or waterbody, and utility lines within or buried beneath a wetland or waterbody).
SD	Service Drop	Permits for certain utility lines. See Section 10.02 of the Commission’s <i>Land Use Districts and Standards</i> . Some building permits (BP) and development permits (DP) include (d) authorization of a service drop.
SP	Subdivision Permit	Permits to create new lots where the lot(s) do not qualify as exemptions, see Section 10.25,Q,1 of the Commission’s <i>Land Use Districts and Standards</i> .
SPDP	Subdivision/Development Permit	Permits regarding activities including both the subdivision and subsequent development of a land area. This permit type combined the review of and action on subdivision permits (SP) and development permits (DP). <i>Permit type no longer in use.</i>
SLC	Statutory LUPC Certification or Site Law Certification	Certifications issued by the Commission for projects that trigger review by the DEP according to Site Law. In these cases, the Commission must certify whether the use is allowed in the subdistrict(s) in which it is proposed and whether the project conforms to Commission’s standards that are not otherwise effectively applied by the DEP. Projects that typically trigger Site Law include: larger subdivisions, larger commercial development, and grid-scale wind development.
ULP	Utility Line Permit	Permits for certain utility lines ( <i>e.g.</i> , activities involving: electric power transmission or distribution lines, telephone lines, etc.) that require a permit and therefore do not qualify as an exemption or as a Service Drop described above.
WL	Wetlands Alteration Permit	Permits related to the alteration of wetlands ( <i>e.g.</i> , activities involving: filling or dredging of wetlands, etc.).

Type	Permit Type	General Description <sup>3</sup>
WQC	Water Quality Certification	A Commission action certifying that activities meet applicable water quality standards, pursuant to Section 401 of the U.S. Clean Water Act. <sup>4</sup> When permits are required the Commission incorporates the WQC into the permit; stand-alone WQC actions represent certification of projects that did not also require permit approval ( <i>e.g.</i> , FERC relicensing).
ZP	Zoning Petition	Petitions to rezone a specified land area to another subdistrict(s). <i>See</i> Section 10.08 of the Commission's <i>Land Use Districts and Standards</i> .

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<sup>4</sup> Executive Order #16 FY 91/92 designated LURC (now the LUPC) as the certifying agency for issuance of Section 401 Water Quality Certifications for all activities located wholly within its jurisdiction. Section 401 is a reference to the U.S. Clean Water Act, 33 U.S.C. § 1341.