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GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
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January 14, 2022

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

Representative Margaret M. O'Neil, House Chair
Joint Standing Committee on Agriculture, Conservation and Forestry
Maine House of Representatives
2 State House Station
Augusta, ME 04333

RE: 2021 Annual Performance Report – Maine Land Use Planning Commission (LUPC)

Dear Senator Dill and Representative O'Neil:

Enclosed please find the Land Use Planning Commission's Annual Performance Report for 2021. 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 2022.

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 Acting Director, Stacie Beyer, if you would like to schedule a report presentation.

Sincerely,

Everett Worcester, Chair
Land Use Planning Commission

Enclosure

cc: Stacie R. Beyer, Acting Director, Land Use Planning Commission
Amanda E. Beal, Commissioner, Department of Agriculture, Conservation and Forestry (DACF)
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LAND USE PLANNING COMMISSION
MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

ANNUAL PERFORMANCE REPORT – 2021

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

January 14, 2022



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EXECUTIVE SUMMARY

Starting in 2020 and continuing through 2021, Commission staff began focused tracking of incoming building permit applications that showed a significant increase in applications over the previous 2016-2019 levels. Coupled with a significant increase in requests for information, a staggering level of incoming telephone calls and e-mails, and an increase in the complexity of development proposals, staff resources were strained more than ever before. Covid 19 also continued to pose considerable challenges in 2021. Regardless, Commission staff performed remarkably, maintaining high levels of customer service and reasonable application processing times throughout the year. More details and analysis are provided in the “Covid 19 and Land Use in the UT”, “Number of Permits Processed in 2021”, and “Time for Rendering Decision” sections of this report. In addition, this report highlights the Commission’s work on several large-scale projects, otherwise summarizes the work of the Commission over the calendar year 2021, and responds to the annual performance reporting requirements of Title 12, section 685-H.

Several large concept plans approved by the Commission nearly 30 years ago are reaching their expiration dates. Efforts to either renew or adopt replacement zoning for the plan areas have captured the Commission’s attention this year and that work will continue into the next few years. In 2021, the Commission approved replacement zoning for the First Roach Concept Plan area in Frenchtown Township, Piscataquis County. Commission staff have also been working with the St. John River Resource Plan advisory committee on the possible renewal of that plan. Looking forward to 2022, a significant amount of staff resources will be needed for the expiring White Mountain National Forest Resource Plan, Attean Twp./Denniston Plt. Concept Plan, and the Penobscot River Resource Plan for the Lower West Branch.

Additionally, three re-zoning proposals for large-scale development were reviewed by the Commission this year. One large, novel project that consumed the most staff time was the review of a petition to rezone 600+ acres for a metallic mineral mine in northern Penobscot County, the first application of rules adopted in 2013 for such a project. Saddleback Mountain also consumed considerable attention as the new owners proposed rezoning that would allow a mid-mountain facility and a grid-scale solar installation to support snowmaking and lift operations. Saddleback Mountain opened in December of 2020 after 5 years of closure. Another large-scale development proposal currently pending before the Commission involves a rezoning petition by Hammond Ridge Development Corporation for a new Planned Development Subdistrict designed to allow a range of complimentary recreational, agricultural, cultural, and residential uses on approximately 1,409-acres of land near Millinocket.

In 2021, the Commission completed several rulemaking proposals, with revisions to 7 chapters of its rules, each of which became effective on November 1, 2021. The revisions collectively serve to improve user convenience by consolidating or reorganizing provisions and revising the format of the rules to simplify or otherwise clarify each rule without changing the regulatory outcome. Pursuant to [12 M.R.S. §685-A\(7-A\)\(B\)\(6\)](#), the Commission has submitted the Chapter 10 revisions under separate cover to the Agriculture, Conservation and Forestry Joint Standing Committee.

Pursuant to 12 M.R.S. § 685-H, this report includes a summary of the Commission’s permitting activity. In 2021, the Commission issued 665 permits, representing approval of 98 percent of all complete applications received. Of the permits issued, 518 were building permits and 25 percent of these were approved the same day the application was determined to be complete and 71 percent were approved within a week. Extensive additional detail is provided in the Number of Permits Processed in 2021 and Time for Rendering a Decision sections of this report.

In 2020, a regional planning effort was launched by LUPC staff for the community to discuss and determine the kind of development, if any, they wish to see in the Moosehead Lake Region. Commission staff responded to the constraints of the Covid 19 pandemic in multiple ways as described throughout this report. The Moosehead Regional Planning Project has involved innovative online mapping and survey techniques as well as numerous phone calls to identify stakeholders and gather community input. Safe and virtual outreach efforts continued into 2021, with outside, in-person community meetings and virtual community meetings using the Microsoft Teams platform. Staff received valuable input from community members using all the outreach formats. A conceptual plan for the region will be presented in another round of community meetings in 2022, with the intent of completing the planning effort by the end of the 2022 calendar year.

This annual report summarizes these activities and initiatives, as well as other key projects undertaken by the Commission in 2021 including certification of larger-scale development to the Maine Department of Environmental Protection (DEP) under the Site Location of Development Act and reviewing proposals for the redevelopment of the Big Moose Resort. In 2021, the Commission certified a grid-scale wind energy project, and expansion projects at the Irving Forest Products, Ashland Sawmill. The Commission is also reviewing a permit application for Phase I of redevelopment at the Big Moose Resort in Big Moose Twp. and participated in a series of pre-application and subdivision sketch plan review meetings with the prospective developer.

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. This report provides a high-level overview of the Commission’s work in 2021 and concludes with a look ahead to the Commission’s goals for 2022. The Commission expects that 2022 will continue to be challenging. The highest priorities for 2022 include addressing the recommendations of “Maine Won’t Wait, A Four-year Plan for Climate Action”; completing the Moosehead Regional Planning Project and the 5-year review of the Rangeley Lakes Prospective Zoning Plan; and making process efficiency improvements to allow for a greater focus on regulatory compliance in the Commission’s service area, while still



First Roach Pond and Big Spencer 2019 B. Hinkel

maintaining a high level of customer service in responding to an elevated number of general public inquiries and permit applications. Tasks that need attention far exceed the available LUPC staff resources; therefore, without additional resources, it is likely that several of the high-priority goals will need to be carried forward to 2023.

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 the calendar year 2021. This is the ninth 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 (425), most plantations (27), and some towns (7). All of these areas, 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 a large number of permits for smaller development projects, such as building permits for home constructions and camp renovations, and for activities with the potential to impact natural resources, such as water bodies or wetlands. For larger development projects requiring DEP review under the Site Location of Development Law, Maine Metallic Mineral Mining Act, or qualifying as grid-scale wind energy development, the Commission certifies whether proposed land uses are allowed and whether proposed development activities comply with applicable Commission land use standards not considered by DEP.

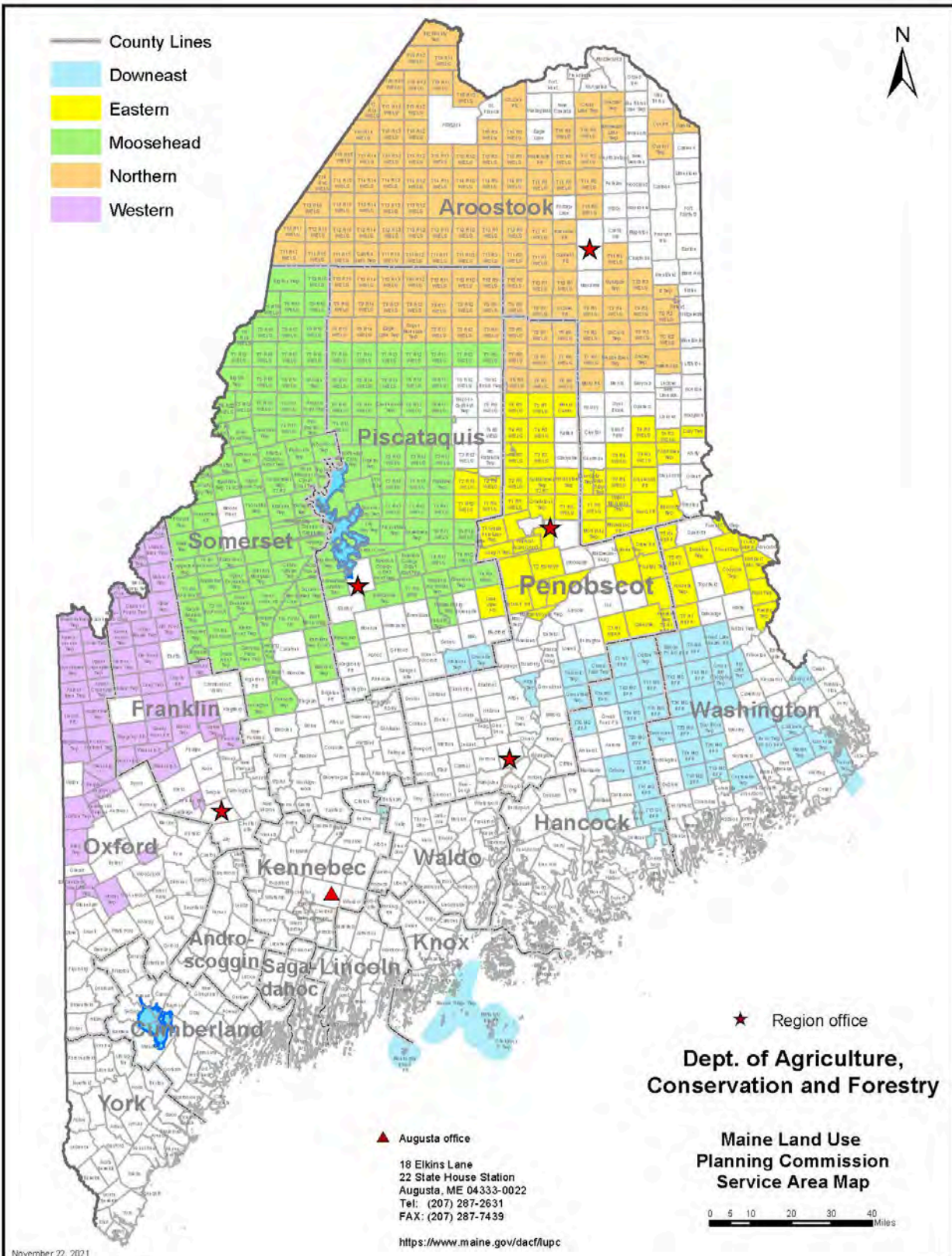
The responsibility of serving the UT and helping guide land use in these areas represents a unique challenge. These areas are diverse and cover over half the State, encompassing approximately 10.4 million acres. The areas served by the Commission include the largest contiguous undeveloped area in the northeast. The UT also includes more than forested areas and timberland. The Commission serves rural communities and villages, farmland areas, 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 is enjoyed by Maine residents and visitors in pursuit of outdoor recreation activities, including hunting, fishing, boating, hiking, and camping.

The Legislature created the Commission in September of 1971 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.





III. OVERVIEW OF THE COMMISSION’S ACTIVITIES IN 2021

A. Location of New Development and Subdivision Standards

In a 2019 rulemaking, the Land Use Planning Commission (the LUPC) updated its interpretation of the adjacency principle, which is an initial screen for where new zones for the development of a residential subdivision or business can be created. This high-level screen is just the first step – the rezoning process still applies, and permits are still required for most uses. The adjacency principle guides most development toward existing development and away from undeveloped areas helping to lower tax burdens, ensuring the land remains available for forestry, agriculture, and recreation, and promoting the health of existing communities. The 2019 rulemaking also improved the layout and design standards for subdivision development.

After years of consultations with stakeholders and experts, as well as Commission study and analysis, the Commission adopted the 2019 “Revised Application of the Adjacency Principle & Subdivision Standards” rule, with the full expectation that it will improve outcomes for environmental protection, natural character, and regional economic health. As with any substantial change, a careful review of the results in a timely manner, and on an ongoing basis, is important. In addition to collecting data about rezoning and permit approvals as part of the normal course of work, the Commission committed to review the effectiveness of applying the updated location of development (adjacency) policy and subdivision standards. In particular, the Commission agreed to review the effectiveness of the rule changes:

- Five years after the adoption of the rules;
- Upon the approval of five petitions for rezoning to create new, or expand existing, development subdistricts in any single county; or
- Upon the approval of 100 residential subdivision lots outside of concept plans, whichever comes first.

The Commission felt that these milestones would be early enough to allow the Commission to make adjustments, if needed, to ensure the intended results.

Since the adoption of the rule revisions, the Commission has developed a [work plan to assess and report on the outcomes of the rule changes](#) including [a video describing its contents](#) that:

- Expands and refines data collection and data entry, and
- Sets out four goals, each with strategies, and research and assessment tasks.

The work plan meets the commitments made in 2019 for review of the effectiveness of the rules, and proposes, with varying resource implications, going beyond that original commitment. The work plan expands on the original commitment by proposing an annual summary of outcomes. In addition, it includes outreach among staff and applicants to understand how the new rules change the number, type, and location of rezoning proposals that would otherwise have been proposed if the rules had not changed. The work plan provides a proposal for the collection of specific data that could be used in the evaluation of outcomes for both non-resource or non-recreation-based development, and for resource or recreation-based development.

Finally, the work plan outlines some important challenges and limitations to collecting or interpreting data that the Commission believes should be considered in the review of any reports on the outcomes and outreach conducted. The final work plan incorporates feedback from stakeholders provided during a 4 month review process that included a virtual public meeting and accompanying written comment period held in September and October of 2020.

The work plan and the annual reports from 2020 and 2021 are [on the LUPC website](#).

B. Concept and Resource Plans: Terminations, Expirations, and Renewals

Expiration of the First Roach Pond Concept Plan

The Commission was notified on December 2, 2020, that Weyerhaeuser did not wish to renew the First Roach Pond Concept Plan when it expires on January 24, 2022. The Plan covers approximately 1,436 acres in Frenchtown Township, Piscataquis County, the majority of which is located within 500 feet of the shoreline of First Roach Pond. Expiration of the Plan does not affect subdivisions or development already reviewed and approved under the Plan, including six subdivisions and a total of 92 residential lots. Permanent conservation measures implemented under the Plan will remain, including deed covenants, deed restrictions, and common open space within approved subdivisions; conservation covenants restricting development on 494 acres of surrounding timberland; and a 525-acre conservation easement on the shoreline of First Roach Pond. In anticipation of the Plan expiring, staff prepared draft replacement zoning, which was presented at the June 8, 2021 Commission meeting. The draft zoning proposal was posted to a 30-day public comment period, which closed on July 9, 2021. No comments regarding changes to the proposed zoning were received, and there were no requests for a public hearing. At its September 2021 regular business meeting, under Amendment B to Zoning Petition ZP 659, the Commission approved replacement zoning for First Roach Pond, which will become effective upon the expiration of the Plan.

Renewal of the St. John River Resource Plan

The St. John River Resource Plan, originally adopted by the Commission in 1982, expires in August of 2022. The Plan and accompanying Resource Protection Subdistrict (P-RP) protects a large portion of the shoreline of the Baker Branch and main stem of the St. John River, from Baker Lake to the boundary of the Town of Allagash. The purpose of the P-RP subdistrict is to provide for the more efficient and effective management of single or multiple protection subdistricts. The St. John Plan includes an advisory committee made up of representatives of landowners who own shoreline along the river, as well as state agencies including the Bureau of Parks and Lands, the Department of Inland Fisheries and Wildlife, and the Maine Forest Service. In 2021, the advisory committee decided to renew and update the St. John Plan. Therefore, Commission staff have been working with the committee throughout the year to draft an update to the plan. This draft is being finalized and will be proposed for consideration by the Commission in early 2022.

C. Rezoning for Large Scale Development

Saddleback Planned Development Subdistrict

In January 2020, Saddleback Community Loan Company, LLC (*a.k.a.*, Arctaris Impact Fund) purchased the Saddleback Resort in Franklin County.

Saddleback base lodge, the South Branch chairlift, and the valley below. May 2020, T. Beaucage



In January 2021, the Commission approved a zoning petition from Saddleback Community Loan Company, LLC to revise the D-PD Subdistrict and the related Saddleback Development Plan. The revisions consisted of specific updates and expansions of the resort, primarily focused on reducing operating costs and improving services. In 2021, Arctaris also replaced a second ski lift and was granted permit approval for five notable projects: a 42-acre grid-scale solar energy generation facility, a 3,400 square foot mid-mountain lodge, a 22-unit A-frame style condominium subdivision, staff housing and hostel accommodations with 27 rooms, and expanded customer parking.

The Commission is assisting the resort owner and operator in crafting a regulatory and operational document that is anticipated to streamline permitting processes, standardize site-specific environmental practices, and simplify regulatory compliance. Numerous and diverse new development activities are anticipated to continue over the foreseeable future.

Pickett Mountain Mine Planned Development Subdistrict

On September 1, 2021, Wolfden Mt. Chase, LLC filed an updated version of its Petition to rezone land in T6 R6 WELS, near Mt. Chase, in Northern Penobscot County, to a Planned Development Subdistrict (D-PD) to establish a metallic mineral mine and associated buildings and infrastructure. The original Petition was submitted on January 27, 2020, and the updated version reflected Wolfden's latest responses to information requests and questions by Commission staff, other review agencies (e.g., the Department of Environmental Protection and Department of Inland Fisheries and Wildlife), and contracted consultants. Since the initial

submission of the Petition, Commission staff worked with Wolfden to obtain the additional information needed to complete the Commission’s review, which included meetings with Wolfden’s team, generally biweekly, from February through August 2021.



In reviewing the September 1, 2021 version of the Petition, Commission staff found numerous errors, inconsistencies, and failures to provide the requested information; determined that Wolfden needed to submit a significant amount of additional information to meet its burden of proof; determined that these deficiencies would prevent other agencies from providing meaningful review; and found it unlikely that a public hearing on the Petition would assist the Commission in reaching a decision due to the Petition’s deficiencies.

After considering the history of the Petition, the number of deficiencies in the September 2021 Version of the Petition, and the amount of time required for Wolfden’s responses to past requests for information,

staff concluded it was unlikely that Wolfden would be able to provide the additional information needed within applicable statutory and regulatory deadlines (Chapter 4, Sections 4.05,E,4,a and b) such that the Commission could make the findings and conclusions required by law for approval. For these reasons, staff requested that the Commission direct staff to draft a denial of the Petition. (For additional details, see [the October 7, 2021 memo](#) to the Commission regarding Wolfden’s Petition.) As a result, Wolfden withdrew its Petition at a meeting of the Commission on October 13, 2021, terminating the petition and review process. It is the LUPC’s understanding that Wolfden intends to submit a new application for a zone change in the future, at which point the zoning petition process would start anew.

Hammond Ridge Planned Development Subdistrict

Hammond Ridge Development Corporation, LLC (HRDC) proposes to establish an approximately 1,409-acre Planned Development (D-PD) subdistrict in T1 R9 WELS, Piscataquis County, and T1 R8 WELS, Penobscot County. The purpose of the D-PD is to allow for the development of a range of complementary recreational, agricultural, cultural and residential uses, utilizing an existing network of interconnected recreational trails, and proximity to both Millinocket Lake, and regional recreational assets. In developing the D-PD proposal, the applicant seeks to integrate previous plans and balance development, recreation, and conserved space on the property as a whole. Current zoning includes the General Management subdistrict (M-GN), General Development subdistrict (D-GN), Great Pond Protection subdistrict (P-GP), Shoreland Protection subdistrict (P-SL2), and Wetland Protection subdistricts (P-WL2 and 3). Key components of the proposal include:

- The Development Plan, which outlines the purpose of the D-PD, and proposes allowed uses within three subareas;
- The Lakeshore subarea. A 500-foot wide, 71-acre buffer along the shore of Millinocket Lake, with limited development allowed;
- The Mixed-Use/General Development subarea. Approximately 600 acres across four locations, where commercial and residential development would occur;
- The Trails and Forest Management subarea. Approximately 738 acres, covering the majority of the D-PD and allowing for trail development, forestry management, and related accessory structures; and
- A commitment to a 500-foot wide wildlife passage corridor through the property.

The Commission held a public hearing for the Petition on December 8, 2021, with only the applicant and one interested person in support of the project testifying. The Commission is expected to make a final decision on the Petition at its January 2022 meeting.

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 2021, there were no communities requiring assistance from Commission staff for a deorganization process. However, staff worked with the towns of Chester and Allagash to answer questions about potentially transferring land use authority. Allagash officials ultimately decided to retain local land use authority. The staff worked with the Town of Chester to explore transferring authority over a portion of the town that was annexed from T1 R8 NWP. The Commission has overseen land use for this portion of Chester since the annexation because the Town has not completed the process required by Title 12 to assume land use control of the area that was annexed.

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 before expensive investment and to reduce the need for time-intensive enforcement in the future. Sites are visited before construction, to help ensure

compliance with previously issued permits and applicable land use standards. Staff also conduct random, post-construction site visits, at a sub-set of sites.

In 2021, Commission staff completed over 370 site visits. The majority of these were done to assist property owners to understand their development options, such as whether they can expand their camp. Over 110 of these site visits were randomly selected for post-construction inspections to review foundations that were installed between 2019 and the fall of 2021. All of these foundations were located in compliance with the rules or pursuant to a building permit, with only one exception which was corrected with an amendment to the 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.

“The Commission has been a constructive regulator ... that signals to us that the Commission really knows this place well and knows how it fits within the region both economically and also the wonderful resource that it is and I want to applaud the Commission for that.”

Tom Federle, Saddleback Resort representative, January 13, 2021

As the data provided in Sections III(I), and IV(A) below demonstrate, Commission staff were called upon in 2021 to answer questions associated with a significant increase in both permitting demand and a very active real estate market. To respond to the demand from both existing and prospective property owners, in addition to the several updates completed in 2020, we posted one more updated brochure to the [LUPC website](#):

About your LUPC Permit Brochure- This brochure summarizes important requirements that a permittee needs to abide by during and after construction. It is a useful guide in understanding the terms of a building permit. (Published April 28, 2021)

F. Certification and Permitting of Larger-scale Development Proposals

Site Law Certifications

Since 2012, the Commission has not been responsible for permitting most larger development projects within the unorganized and deorganized areas of Maine. The DEP reviews and permits most of these projects including grid-scale wind energy development and projects triggering the Site Location of Development Law. For these larger projects, the Land Use Planning Commission fills a role similar to that of a municipal planning board and is responsible for certifying to the 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 the DEP in its review.

In 2021, the Commission issued certifications to the DEP for Site Location of Development Act and Natural Resources Protection Act applications, where applicable, filed by:

- **Downeast Wind, LLC.** Site Law Certification SLC-14 includes the development of a 30 turbine, grid-scale, wind energy generation facility to be located in the expedited permitting area for wind energy development. The project will be located in the Town of Columbia; T18 MD BPP; and T24 MD BPP. In May of 2021, Downeast Wind LLC submitted to the Commission a request for certification, and on May 19, 2021, the LUPC certified to the DEP that the Project is an allowed use in the subdistricts in which it will be located. On June 4, 2021, the staff requested additional information from the applicant to allow for a Commission determination on conformance with the relevant standards of the Commission's Chapter 10 rules. The last of these additional materials were submitted on September 9, 2021, and the Commission approved the request for certification at its regular meeting on October 13, 2021.
- **Irving Forest Products, Ashland Sawmill.** In February of 2021, Site Law Certification SLC-4-F was issued to Irving Forest Products, Inc. authorizing improvements to the mill's existing stormwater management system in accordance with its Maine Multi-Sector General Permit and the site's Storm Water Pollution Prevention Plan (SWPPP). This Certification was incorporated as part of the MDEP's Amendment to Site Location of Development Permit L-18337-26-F-B, issued in April of 2021. In October of 2021, Site Law Certification SLC-4-G was issued to Irving Forest Products, Inc. authorizing construction of a fourth kiln, approximately 60 feet by 480 feet in size, associated pavement, soil filters, and areas of revegetation. This Certification would be incorporated as part of the MDEP's Amendment to Site Location of Development Permit L-18337-26-G-A if approved by MDEP.

In total, since the Commission assumed certification responsibilities in September of 2012, the Commission has issued thirteen certifications for the development of new facilities, five for grid-scale wind energy projects, one for reopening a sawmill operation in Aroostook County, 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, one for a defense training facility in Penobscot County, one for the NECEC transmission corridor, one for the Three Rivers Solar Energy Facility, and one for a substation expansion proposed by Great Lakes Hydro America, LLC. In addition, the Commission has issued nine certification determinations for development activity at existing or previously certified facilities. A re-certification of the Weaver Wind project and a grid-scale wind energy project that was withdrawn were not included in these figures.

Big Moose Resort

Big Lake Development, LLC submitted an application for Amendment F to Development Permit DP 3639 for the proposed redevelopment of Big Moose Mountain Ski Resort (f/k/a Big Squaw Mountain Ski Resort) located in Big Moose Twp., Piscataquis County. The ski resort is a legally existing, pre-LURC development consisting of the main lodge with a hotel and restaurant, ski lifts, downhill skiing trails, parking areas, accessory structures, snowmaking equipment, and tennis courts. The project is located within a (D-GN) General Development Subdistrict and a (P-MA) Mountain Area Protection Subdistrict.

The application for Phase I of the proposed redevelopment was accepted for processing on March 23, 2021. Phase I of the proposed redevelopment includes a new hotel, base lodge, tap

house, outdoor center, event center pavilion, swimming pool, outdoor parks, installation of new ski and surface lifts, and ziplines. The applicant also proposes infrastructure improvements, including electric utility lines, replacement snowmaking lines, installation of a mid-mountain pump station, vehicle access and parking, a potable water system, and sanitary district sewer lines.

Commission staff has been working with the applicant to obtain all additional information needed to complete the Commission's review, including habitat studies for State Endangered, Threatened, and Special Concern Species. The applicant has been working closely with Commission staff, the Maine Dept. of Inland Fisheries & Wildlife, and other agencies to provide adequate documentation needed for review to identify impacts and possible mitigation measures.

As part of the Phase I redevelopment, Commission staff separately issued to the applicant Great Ponds Permit GP 3627 on October 6, 2021. Great Ponds Permit GP 3627 authorized the reconstruction of an existing pump house building and water intake pipe located on the shoreline of Mountain View Pond. The approved project would increase the capacity of the structures to serve the snowmaking needs of the ski resort.

Additional Commission activities related to the Big Moose Resort include two pre-application meetings, a series of four sketch plan review meetings for proposed residential subdivisions, and an advisory ruling for a proposed 150-200 slip marina on Moosehead Lake, AR217, dated June 10, 2021. The proposed residential subdivisions include a mix of single-family, multi-family, and mixed-use developments with a total of 400 to 500 new units on the mountain. In the advisory ruling for the marina, the Commission determined that a marina is not an allowed use in the existing Great Ponds Protection subdistrict and rezoning would be required before the project could move forward to the permitting stage.

Commission staff recognize the economic and cultural value of the ski area to the region and will continue to work with the applicant during the review process for any proposed new development at the Big Moose Resort.

G. Completed Rulemakings

In 2021, the Commission completed several rulemaking proposals, each of which became effective on November 1, 2021.

- Repeal and replace: Chapter 1 – Fee Schedule¹, Chapter 4 – Rules of Practice (now includes Delegation of Authority to Staff), and Chapter 5 – Rules for the Conduct of Public Hearings
- Adopt: Chapter 2 – Definitions
- Repeal: Chapter 3 – Delegation of Authority to Staff²
- Revise: Chapter 10 – Land Use Districts and Standards, and Chapter 16 – Rules Relating to Large Lot Divisions

The revisions collectively serve to improve user convenience by consolidating or reorganizing provisions and revising the format of the rules to simplify or otherwise clarify each rule without

¹ See [Resolve 2021 Chapter 10](#).

² The provisions of Chapter 3 have been relocated to Chapter 4.

changing the regulatory outcome. The rulemakings also implemented numerous clerical edits such as inconsistencies, updating citations, removing outdated provisions and redundancies, alphabetizing certain lists, and revising the usage of the word “shall.”

Pursuant to [12 M.R.S. §685-A\(7-A\)\(B\)\(6\)](#), the Commission has submitted the Chapter 10 revisions under separate cover to the Agriculture, Conservation and Forestry Joint Standing Committee.

The Commission also adopted a remote participation policy, pursuant to Public Law 2021 Chapter 290. In addition to required provisions, the Commission’s policy:

- affirms the value of in-person meetings, while facilitating expanded public access and ability to observe or participate in Commission meetings and hearings either in-person or remotely; and
- communicates the Commission’s commitment to consistent and predictable notice; and fairness, open meetings, and access to the governing body.

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 A for a list of the current 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. Between April 2020 and August 2021, according to the Governor’s emergency legislation ([PL 2019, ch. 617](#)) concerning the Covid 19 pandemic, the Commission conducted its meetings virtually using the Microsoft Teams software platform, including two public hearings. On September 8, 2021, the Commission met in person and adopted a Remote Participation Policy. Since then, the Commission has used a combination of virtual and hybrid formats to conduct its regular business meetings and public hearings.

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, Greenville, and Wilton.

I. Covid 19 and Land Use in the UT

As noted in several sections of this performance report, the Commission and its staff adjusted quickly and seamlessly to the exigencies of the Covid 19 pandemic. The website and regional offices immediately posted contact information for all staff, home office locations were established and supported by MaineIT and internal LUPC staff, and personal protective equipment was secured for field vehicles and personnel.

In early staff discussions, we correctly anticipated the potential for increased interest in building permit activity in the UT. The data provided below pursuant to 12 M.R.S. § 685-H demonstrates this increase. Regional office staff noticed in the summer months what the [Maine Association of Realtors documented in November of 2020](#): a significant increase in the number of real estate transactions and the price of Maine real estate. While there are many hypotheses for this dynamic, staff believe the following are significant drivers toward increased building permit activity in the UT:

- Working remotely and remote learning,
- “Stay-cationing”, and
- Pandemic “refugees” and pandemic emigration.

The data provided in Section IV below follow the format required by statute. Here we offer a comparison of the change in 2021 and 2020 compared to 2019:

Table A. Residential Development, Highlights (increases)

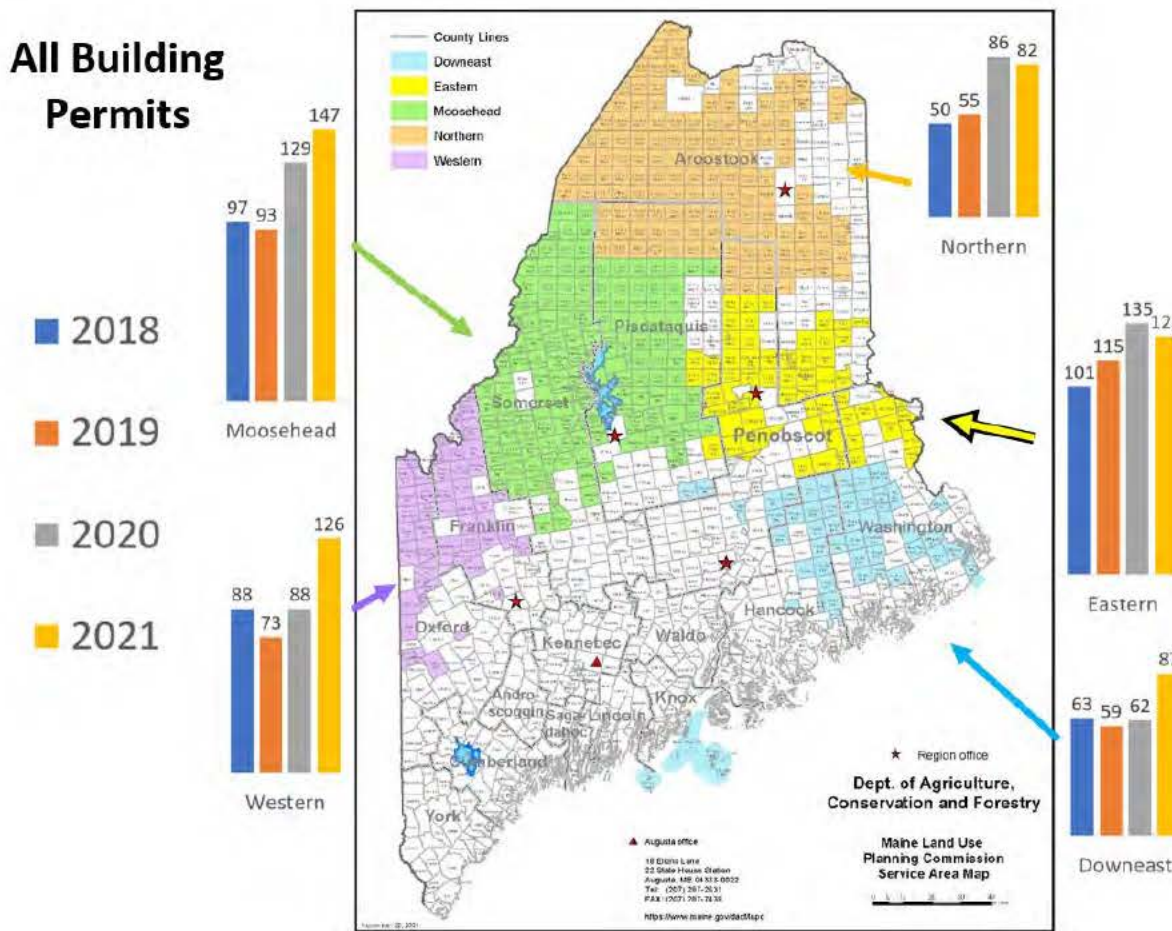
Permit Type	Increase over 2019	
	2020	2021
Total Residential Development	26%	43%
New Dwellings	47%	89%
Garages	60%	26%
Accessory Structures	96%	141%

Table B. Residential Development, by ‘Primary Activity’

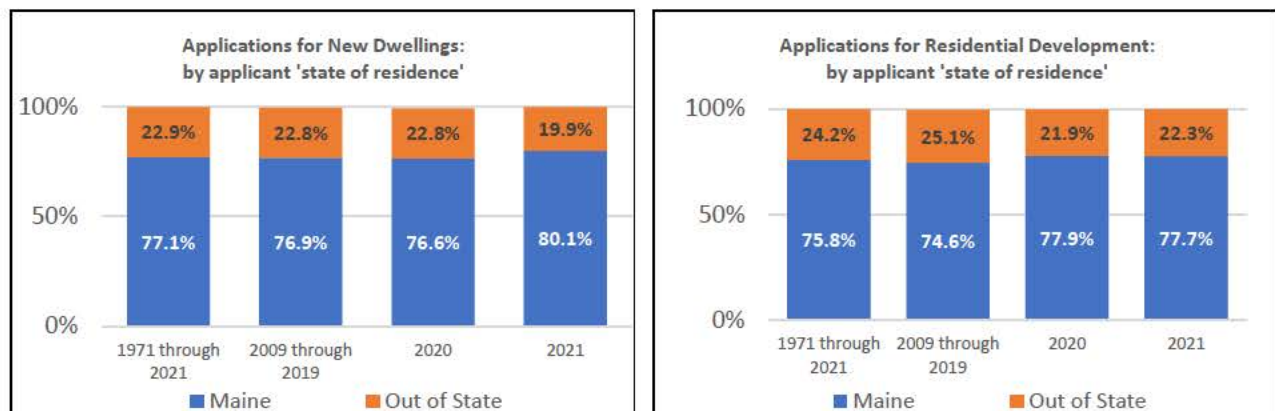
	2019	2020	2021
Total Records (<i>approved, denied, withdrawn, returned</i>)	398	503	570
Dwelling: new	111	163	210 ³
Dwelling: expansion	76	64	100
Dwelling: permanent foundation	9	10	11
Dwelling: porch/deck (add, expand, enclose)	22	28	17
Dwelling: reconstruction	62	54	56
Dwelling: relocation	1	8	1
Dwelling: new (renewal)	1	5	1
Garage (new, expand, relocate)	47	75	62
Accessory structures (new, expansion, relocation, etc)	27	53	65
Campsite	7	3	18
Other (<i>e.g., filling & grading, driveway, minor change, etc</i>)	35	40	29

³ Applications for 221 new dwellings.

We also asked where this activity was most prevalent in the LUPC service area. That data is depicted below.



Finally, even though the 2020 Maine Association of Realtors (reference linked above) indicate that “One-third of November’s sales involved out-of-state buyers, compared to one-fourth during November of 2019,” LUPC data demonstrate remarkable consistency in all applicants’ state of residence for LUPC permits over its entire 50-year history, the last 10 years, and in 2020 and 2021.



J. Inter-Agency Coordination

Interagency cooperation efforts in 2021 spanned multiple agencies and functions. The efforts included, on a local level, a review of municipal Comprehensive Plans for towns adjacent to our service area. On the state level, the Commission signed a memorandum of agreement with the DEP to allow unorganized territory landowner participation in the Maine In-Lieu Fee program for wetland mitigation, cooperated with DEP in the update of the Commission’s Site Law Certification guidance document, engaged with the Maine GeoLibrary regarding their ongoing orthoimagery upgrade program, and secured a data-sharing agreement with the Maine Revenue Service. Commission staff also supported the work on the Sagadahoc Hazard Mitigation Plan focusing on mitigation planning for Perkins Twp. and the planning and advocacy work of the Maine Agricultural Water Management Board. In addition, Commission staff worked collaboratively on the Report to the Joint Standing Committee on the Environment and Natural Resources required by Resolve 2021, Chapter 76, To Analyze the Impact of Sea Level Rise.

IV. REPORT ITEMS REQUIRED BY SECTION 685-H

A. Number of Permits Processed in 2021 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 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 are permitted by the DEP (*i.e.*, projects triggering DEP review under the Site Location of Development Law, Maine Metallic Mineral Mining Act, or qualifying as grid-scale wind energy development). For these projects, the LUPC must certify to the 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 the DEP’s permit review. A LUPC certification is not a permit. However, for this report and calculating the processing times presented in this report, certifications are included among the permits grouped 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 2021, the Commission received 44 building permit applications, seven development permit applications, and 23 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 B describes each type of permit and action listed in these tables.

Table 1. Permit Processing, 2021⁴ 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	518			3	5	526
DP	Development Permit	41					41
All Other		106		1	4	3	114
BCP	Bridge Construction Permit	3				1	4
FOP	Forest Operation Permit	11					11
GP	Great Pond Permit	41				1	42
HP	Hydropower Permit						0
RP	Road Construction Permit	4			1		5
SA	Shoreland Alteration Permit	3			1		4
SD	Service Drop Permit	27			2		29
SLC	Site Law Certification	3					3
SP	Subdivision Permit	9		1			10
ULP	Utility Line Permit	1					1
WL	Wetland Alterations Permit	1					1
ZP	Zoning Petition	3				1	4
TOTAL		665	0	1	7	8	681

Table 2. Permit Processing, 2021 by County

Permit Type	Permit Type Name	Total Actions by County													TOTAL
		AR	FR	HA	KE	KN	LI	OX	PE	PI	SA	SO	WA	WL	
BP	Building Permit	99	89	17			3	27	75	93		80	43		526
DP	Development Permit	8	4	2			3		4	7		8	5		41
All Other		28	25	2	0	0	1	8	8	24	0	5	13	0	114
BCP	Bridge Construction Permit	1	2										1		4
FOP	Forest Operation Permit	1	7					1	1				1		11
GP	Great Pond Permit	15	3	1				1	2	15		2	3		42
HP	Hydropower Permit														
RP	Road Construction Permit		1					1	1	1			1		5
SA	Shoreland Alteration Permit		2					1				1			4
SD	Service Drop Permit	8	4					4	2	5			6		29
SLC	Site Law Certification	2											1		3
SP	Subdivision Permit		5							3		2			10
ULP	Utility Line Permit								1						1
WL	Wetland Alterations Permit						1								1
ZP	Zoning Petition	1	1	1					1						4
TOTAL		135	118	21	0		7	35	87	124		93	61	0	681
Towns, Plantations, Townships, and (Islands) served by the LUPC		124	31	16 (71)	1	3 (88)	2 (37)	21	46	90 (109)	1	88	36 (70)	(2)	459 (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)

⁴ 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 completed. Additionally, some activities may have been completed without a permit where a permit was required.

Table 3. Permit Processing, 2016-2021 Totals

Permit Type	Permit Type Name	Total Applications Processed					
		2016	2017	2018	2019	2020	2021
BP	Building Permit	410	438	404	398	503	526
DP	Development Permit	55	42	57	44	44	41
All Other		111	83	132	79	112	114
BCP	Bridge Construction Permit	2	2	0	0	3	4
FOP	Forest Operation Permit	6	8	7	7	4	11
GP	Great Pond Permit	45	43	80	46	52	42
HP	Hydropower Permit	1	3	0	1	1	0
RP	Road Construction Permit	4	2	6	2	5	5
SA	Shoreland Alteration Permit	11	1	7	5	6	4
SD	Service Drop Permit	25	15	17	7	26	29
SLC	Site Law Certification	1	1		4	4	3
SP	Subdivision Permit	6	3	5	2	5	10
ULP	Utility Line Permit	2	2	1	1	1	1
WL	Wetland Alterations Permit	1	0	3	0	1	1
ZP	Zoning Petition	7	3	6	4	4	4
TOTAL		576	563	593	521	659	681

Table 4. Permit Processing, Annual Average by Outcome Over 30 Years (1992-2021)

Permit Type	Permit Type Name	Annual Average of Applications Processed					Total
		Approved	Approved / Denied in-part	Denied	Application Withdrawn	Application Returned	
BP	Building Permit	365	3	1	<1	4	374
DP	Development Permit	44	<1	<1	0	1	46
All Other		63	1	<1	0	2	66
BCP	Bridge Construction Permit	2	0	0	0	<1	2
FOP	Forest Operation Permit	6	0	0	0	<1	6
GP	Great Pond Permit	20	<1	<1	0	<1	21
HP	Hydropower Permit	1	0	0	0	0	1
RP	Road Construction Permit	3	0	0	0	<1	3
SA	Shoreland Alteration Permit	4	<1	0	0	<1	5
SD	Service Drop Permit	10	0	0	<1	0	10
SP	Subdivision Permit	5	<1	0	0	<1	6
ULP	Utility Line Permit	4	0	0	0	<1	4
WL	Wetland Alterations Permit	1	<1	0	0	<1	1
ZP	Zoning Petition	5	<1	0	0	<1	6
TOTAL		472	4	2	<1	7	486

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 B describes each type of action listed in Table 5.

Table 5. Other Land Use Determinations, 2021

Determination Type	Actions Processed
Advisory Rulings	10
Boat Launch Notifications	1
Certifications of Compliance	14
Coastal Zone Management Area Consistency Determinations	1
Letters of Exemption	0
Maine Forest Service Review and Approvals	1
Water Quality Certifications (not incorporated in other permits)	0
TOTAL	27

B. Time for Rendering a Decision



GOAT icon

The Commission utilizes a database referred to as the Geographically 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 workload 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 comply with the 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 the 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 period. These figures show, for example:

- Building Permits – Of the 526 building permit applications, the Commission processed 25 percent in less than one full day and 71 percent in a week or less.
- Development Permits – Of the 41 development permit applications, the Commission processed 37 percent in a week or less and 73 percent in four weeks or less.
- All Other Permits – Of the 114 permit applications in the “all other” category, the Commission processed 46 percent in a week or less and 75 percent in four weeks or less.

Figure A. Permit Processing Times, 2021 – Building Permits

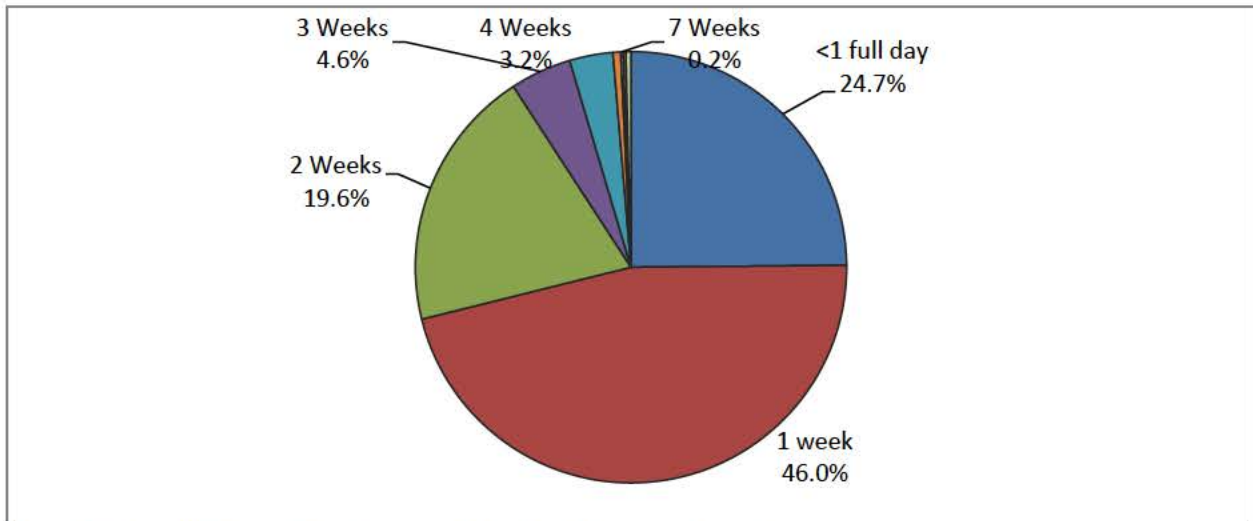


Figure B. Permit Processing Times, 2021 – Development Permits

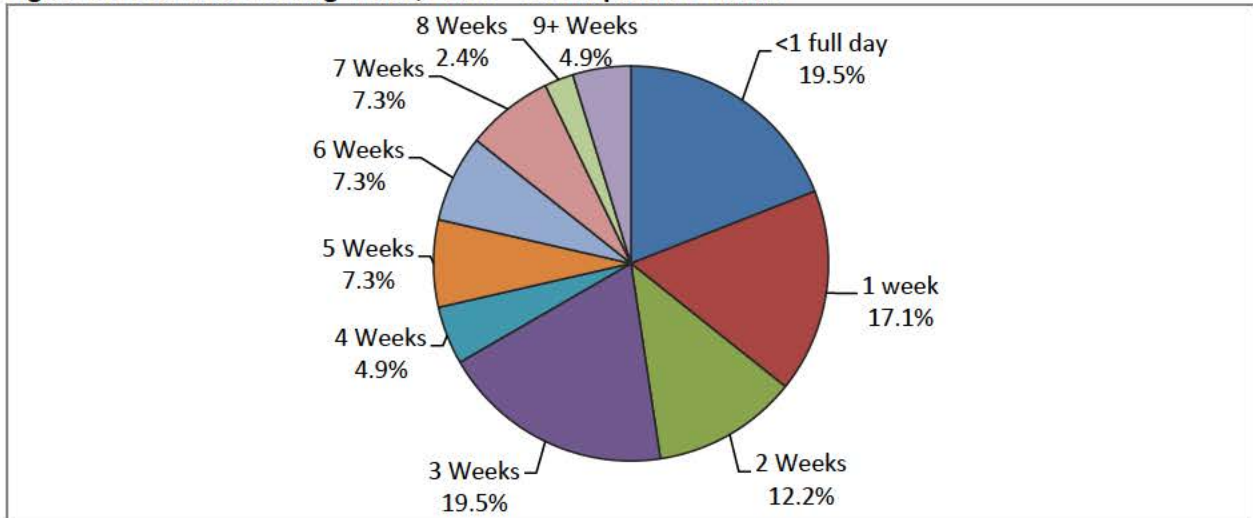
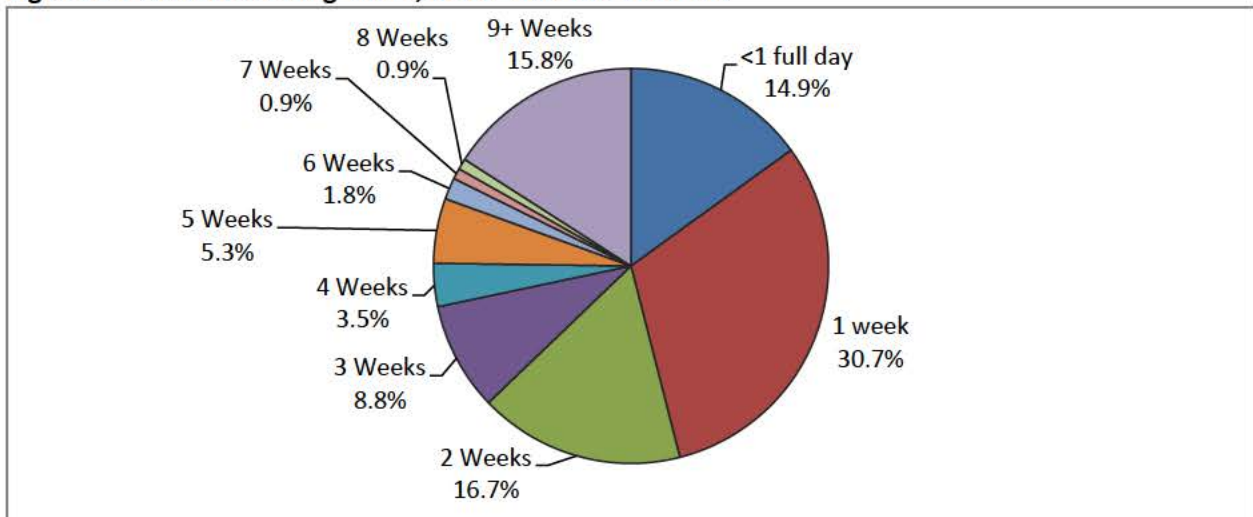


Figure C. Permit Processing Times, 2021 – All Other Permits



Tables 6 and 7 present the average and median processing times for 2021 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 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, 2021

Permit Type	Processing Times (Days)	
	Average	Median
Building Permit (BP)	6.0	3.2
Development Permits (DP)	20.7	15.0
All Other Permits	23.9	8.0

Table 7. Annual Permit Processing Times, 2016-2020

Permit Type	2016		2017		2018		2019		2020	
	Average (Days)	Median (Days)	Average (Days)	Median (Days)	Average (Days)	Median (Days)	Average (Days)	Median (Days)	Average (Days)	Median (Days)
Building Permit (BP)	2	<1	2	<1	2	<1	3.9	1	5.7	<1
Development Permits (DP)	29	19	18	14	18	9	18.8	8	20	16.5
All Other Permits	13	<1	9	<1	11	<1	24	6	20.9	<1

Figure D. Annual Permit Processing Times, 2016 – 2021

Permit processing times over the past two years are showing a slight increase over the previous 5 years of data, particularly in looking at the median numbers. Although many factors play a role in permit processing times, the Commission believes there are two key factors, the significant increase in building activity in the UT and a more appropriate interpretation of the Maine Administrative Procedures Act (APA) regarding public notice requirements (Title 5, Chapter 375, §9052). As noted above, the overall increase in permitting actions is up 56% over 2019 levels. In addition, the Commission determined in 2021 that the public notice requirements of the APA apply to building permit applications and that issuing those permits in less than one day does not comply with the APA. Considering the significant increase in permit applications, an overwhelming number of inquiries from the public, and a higher number of enforcement cases pending, the reported permit processing times indicate continued staff efficiency and represent agency actions that remain within reasonable timeframes.

C. Pre-application 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](#). Staff notifies potential applicants of this option. In 2021, the Commission did not hold any formal pre-application meetings.

Additionally, Commission staff routinely meet with prospective applicants 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 2021 the staff issued 16 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 nine years, the Commission has worked to fulfill this mandate through extensive outreach and several Community Guided Planning and Zoning (CGPZ) initiatives. These are prospective zoning projects that are locally driven and collaborative.

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.

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 recent rule revisions resulting from a review of its adjacency principle may have helped to address the needs identified by the region during its Stage 1 efforts, particularly those associated with the evolving recreation economy. Also, the Commission will be completing a five-year review of the Prospective Zoning Plan for the Rangeley Lakes Region in 2022. Additional needs of the Rangeley area may be identified during this review.

Finally, the CGPZ initiative in Washington County, led by the Washington County Council of Governments, was completed in 2017, with recommended rule changes that went into effect in early 2018.

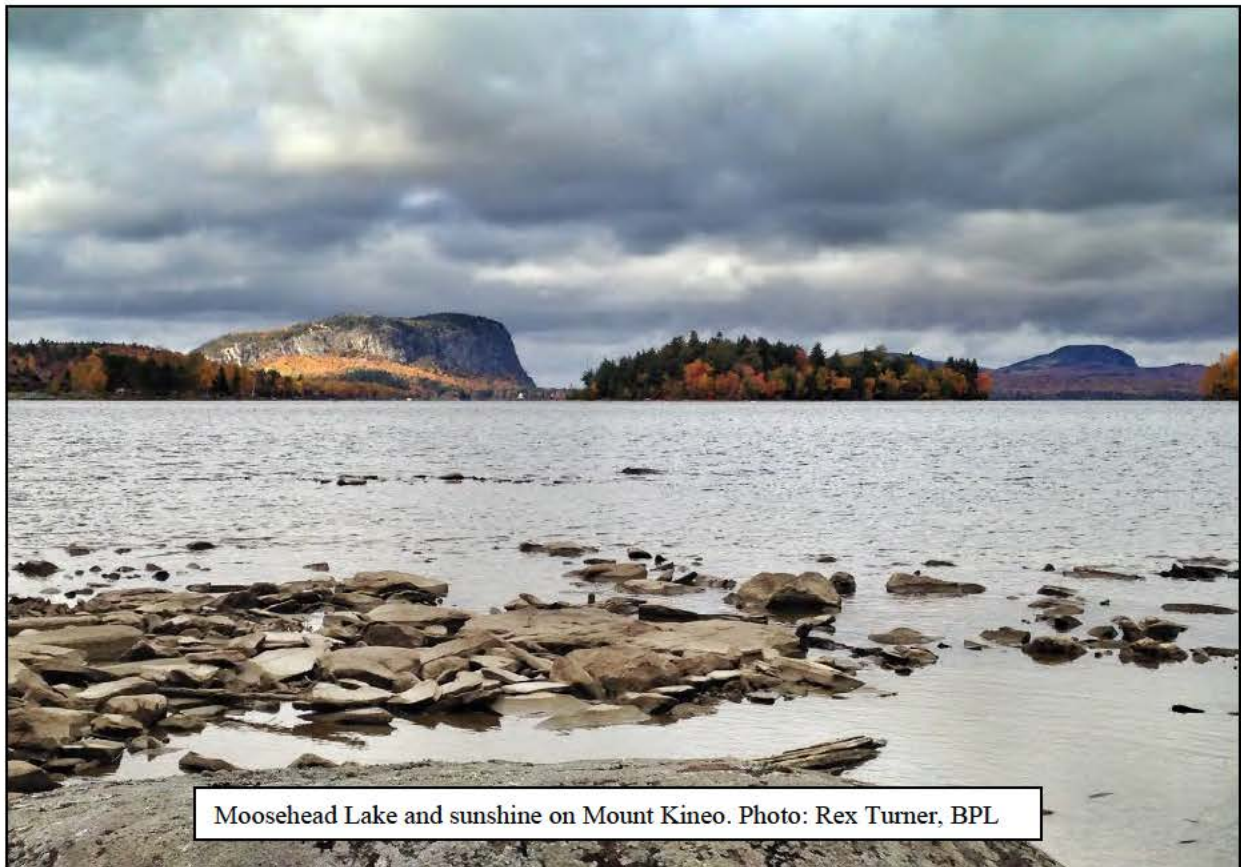
Insights gained by the Commission through the CGPZ initiatives across multiple regions continue to inform the Commission’s work with local communities and regional partners throughout the jurisdiction. While there were no specific projects in 2021 under the auspices of the CGPZ program, Commission staff are actively engaged in a regional planning process in the Moosehead Region (see next section), and they remain available to assist with future community-driven planning processes in any region should they be proposed by stakeholders and provided the agency has the required resources to effectively engage in such a process.

Moosehead Regional Planning Project

When the Concept Plan for the Moosehead Lake Region was terminated in July of 2020, approximately 17,000 acres of development areas associated with that Concept Plan were removed and replaced with Management and Protection zoning. The Conservation Easements put in place as part of the Concept Plan are permanent. In 2020, the Land Use Planning Commission began a regional planning project, working with community members and stakeholders in the Moosehead Region to determine what land uses should be allowed in those former development areas.

Early in the planning process, the Commission staff gathered input from community members and stakeholders through phone calls, virtual meetings, written comments, and an online map-based survey. Staff then used that information to create several “Discussion Scenarios,” hypothetical zoning maps intended to prompt community discussion. The Commission held four community meetings (both in-person and virtual) in September and October of 2021 and received useful community input during all four meetings. Having the scenarios as a starting point helped participants give more targeted feedback.

The next step in the process is to present a draft regional planning package, which will include changes to zoning and development policy, at a community meeting in the Spring of 2022. This project will be completed by the end of 2022.



Moosehead Lake and sunshine on Mount Kineo. Photo: Rex Turner, BPL

E. Staff and Commissioner Training

Staff Training and Customer Service

In 2021, Commission staff attended both internal and external training sessions and workshops intended to help with the delivery of quality customer service. With the lockdown imposed back in March of 2020 due to the Covid 19 pandemic, staff continued throughout 2021 to gain expertise in multiple virtual platforms⁵ for internal and external communications, data sharing, and one-on-one interactions with permit applicants. This training was used to conduct virtual Commission meetings with clear and complete instructions to the public who could continue to participate regardless of their Internet access or home phone/computer platforms.

Despite the continuing challenges posed by Covid 19 throughout 2021, staff sought out training across multiple areas including culvert sizing, stream determinations, stream-smart crossings, shoreland zoning and floodplain determination, drafting decision documents, completing deed research, preparing administrative records, and more. The training helps position staff to deliver the quality service the Commission strives to provide.

External staff training in 2021 highlights include:

- *Streams and Stream Crossing Training* – On April 6, eight Commission staff, along with multiple State and federal agencies, participated in a Stream-Smart Workshop hosted by Maine Audubon. The training was held to educate staff on how to maintain fish and wildlife habitat while protecting roads and public safety. It taught staff how to evaluate and size culverts, make stream determinations, and create stream-smart crossings.
- *Shoreline Zoning and Floodplain Training* – In June and November, Commission field staff attended the *Floodplain Management and Shoreland Zoning Similarities and Differences Training* sponsored by the Maine Building Officials and Inspectors Association. This training discussed nonconformance issues, clearing standards, water-dependent uses, and recent shoreland zoning changes in DEP's Chapter 1000.

Internal state training in 2021 included:

- *Managing in State Government Training* – In February and March, two Commission staff supervisors attended *Managing in State Government*. The 3-day management training is hosted by the Maine Bureau of Human Resources for new supervisors. This training assists new supervisors in better understanding their new roles and responsibilities.
- *Title, Right, and Interest Training* – On March 30, Commission staff attended an online *Title, Right and Interest Training* (TRI training) with presentations by staff from the Maine Office of the Attorney General. This training gave staff an overview of TRI law and some case law, along with a review of purchase and sale agreements, various deeds,

⁵ Microsoft Teams, Sharepoint, Flow, Power Automate, Survey, Zoom, ESRI ArcGIS Survey 123, AcrGIS Hub Website, Electronic and Digital Signatures, Online Facilitation, On-Demand Virtual Meetings, and Ergonomics/VDT

and a review of deed restrictions. This training allowed staff to get a better understanding of TRI as it relates to permitting and enforcement.

- *Drafting an Agency Decision Training* – On May 17, Commission staff, and staff from the DEP and the Maine Office of the Attorney General (OAG) provided online training to staff on how to draft an agency decision document. This training covered an overview of what to consider in the permitting record, and how to write the decision document, along with some examples of written documents. The training also covered permit appeals and how to prepare an administrative record for court. This training allowed staff to get a better understanding of how staff at the DEP write decision documents and how staff at the OAG review documents for court.
- *Security Training* – Between June and September, LUPC staff completed the *2021 Security Awareness Training*. This online training helps staff to better recognize and avoid any potential security threats to not only the computer and online files but also the organization as a whole.
- *Survey123 Site Inspection Training* – In August and September, Commission field staff completed hands-on iPad tablet site inspection training using their new iPad tablets. This training was to get field staff more comfortable with using the tablets and to allow them an opportunity to ask questions while using the tablets in the field. The new equipment and training will reduce duplication of effort as field notes can now be downloaded rather than rewritten back in the office.

Through many online classes, staff achieved proficiency in virtual methods and techniques (see Footnote 3), using these as well as staff meetings 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.

Commissioner Orientation and Continuing Education

All new Commissioners receive an orientation/training session before 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 led by an Assistant Attorney General.

Over 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 2021 topics presented to the Commission included discussion on the process for major substantive rulemaking, terminating Resource Plan Protection Subdistricts, Public Law 2021 Chapter 290 authorizing the adoption of a remote participation policy, and the Commission's lighting standards and best practices for the protection of dark skies. In addition, the Commission adopted rule revisions in 2021 (reported separately) affecting a number of its existing rules, including Chapters 1, 2, 3, 4, 5, 10, and 16, which required extensive review and consideration of existing and proposed rule language over multiple Commission meetings.

V. COMMISSION GOALS FOR 2022

The Commission expects that 2022 will be another challenging year, with incoming permit applications and enforcement cases at high levels and staff resources stretched thin. At the same time, there will be important State-wide policy discussions and initiatives taking place that the LUPC will need to play a role in, particularly the implementation of “Maine Won’t Wait,” the Action Plan of the Maine Climate Council, addressing housing issues including low-income housing and short-term rentals, and solar energy facility siting criteria. As staff resources allow, we will monitor the State-wide discussions, complete policy analyses, and develop rule revision proposals that provide the best path forward for Maine’s unorganized territories, and, where possible, ensure a consistent State-wide approach for the people of Maine.

*Celebrating 50 years of balancing the
unique character and vital economy of
Maine’s Unorganized Territory*

During 2022, Planning staff will conclude the community-driven regional planning process in the Moosehead Region, initiate a review of the Rangeley Lakes Prospective Zoning Plan, and develop the next steps for a community planning process to update that Plan, which is nearing the end of its 20-year planning horizon. Staff resources will also be devoted to renewing or developing replacement zoning for expiring concept plans, including the St. John River Resource Plan and the Penobscot River Resource Plan. Permitting and Compliance staff will work on process efficiency improvements including updating decision document templates using improved formatting, developing consistent standard conditions for all permit types, and making significant progress in drafting new public outreach materials, all to free up staff resources, where possible, to focus more time on a growing enforcement case backlog. Partnering with other State agency resources and depending on available funding, there will be a renewed effort to research and identify options for redesigning the Commission’s Geographically Oriented Action Tracker database to improve functionality, particularly relating to the connectivity of geographic locations and Commission actions. The LUPC’s action tracking database is a mission-critical tool needed to track development activity, identify trends, and proactively plan for potential risks and impacts.

To improve customer service, we will build on the significant improvements made in 2021 to three of the Commission’s application forms by using the successful format to update and release several more forms, with an anticipated focus on the Commission’s building permit application form, the form most commonly used by the public. Commission staff will explore the use of the DocuWare software platform to archive and organize documents, including permitting records, and to create an online building permit application form that will provide a more user-friendly, efficient process for requesting building permits. In addition, the LUPC will launch a new digital payment platform for application fees, and work on website improvements to help landowners with direct access to the most commonly requested information and obtain answers to the most frequently asked questions.

Throughout each year, the Commission reviews its goals and priorities to best focus its efforts and most efficiently use its resources. In all our endeavors, we engage with key local and regional groups and officials that are involved in land use and economic development planning for rural Maine.

Specifically, the Commission’s goals for 2022 include:

Policy and Rulemaking

- Engage in policy development and rulemaking initiatives to address recommendations of “Maine Won’t Wait, a Four-year Plan for Climate Action” released in December 2020 by the Maine Climate Council including review of the Commission’s floodplain management standards.
- Continue research and begin implementation of policy and rule change options, where needed, to address accessory dwelling units, short-term rental units, and other housing needs of the Commission’s service area;
- Develop conceptual standards and possible rule changes to expand solar siting criteria, particularly for small and mid-size solar energy generation facilities; and
- As resources allow, complete the necessary research and begin a facilitated stakeholder process for updating the Commission’s lighting standards, and evaluating the possible adoption of standards consistent with “Dark Sky” principles.

Planning and Community Engagement

- Complete the community-driven regional planning process for the Moosehead Region, including the development of a conceptual plan, follow-up community meetings, and initiation of rulemaking to implement the plan.
- Complete a 5-year and 20-year review of the Rangeley Lakes Prospective Zoning plan and develop next steps for a community planning process to update that Plan.
- Work with landowners along the St. John River to renew the expiring St. John River Resource Plan, and with landowners along the Lower West Branch of the Penobscot River to renew or implement replacement zoning for the expiring Penobscot River Resource Plan.
- Work with the U.S. Forest Service to renew or implement replacement zoning for the expiring White Mountain National Forest Resource Plan.
- Continue working with towns and plantations potentially interested in making changes to the current authority for land use controls, including assisting the Town of Chester to assume land use control over the area they annexed from T2 R8 NWP Township in 1997, as resources allow.

Permitting and Compliance

- Complete process efficiency improvements including updated decision-making templates, developing consistent standard conditions of approval for all permit types and working on

relevant public outreach materials.

- Refocus available resources toward reducing the pending enforcement case backlog, including the development of additional staff training, clear expectations, and updated template documents.
- Research and identify options for redesigning the Commission’s Geographically Oriented Action Tracker database to improve functionality, particularly relating to the connectivity of geographic locations and Commission actions.

Customer Service

- Identify frequently asked questions, common errors in permit applications, and common land use violations; and develop online resources, including FAQ documents, application instructions, examples of complete applications, and training videos to more efficiently assist landowners and applicants, improve the completeness of permit applications, and improve compliance with Commission rules and standards. Update the LUPC website to make all of these resources directly accessible to applicants.
- Reformat and update the Commission’s Building Permit Application and research options for creating an online version of that application, including the use of the DocuWare software platform. Continue work to update other application forms with the new format, as time allows.
- Launch the LUPC’s digital payment platform in cooperation with MaineIT, the Natural Resources Service Center, and Elavon.
- Continue to expand and enhance the Commission’s effectiveness and modes of communication with landowners, stakeholders, and the public.



Monhegan Island, S Beyer October 2021

In addition to its list of goals and policies, the Commission recognizes the necessity of responding to new issues as they emerge or as priorities shift.

Finally, throughout the year, the Commission and its staff are committed to continuing work to provide efficient, quality service to the people with whom they interact and the people of Maine.

**Appendix A:
LUPC Commissioners as of December 31, 2021**

The Land Use Planning Commission is a 9-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.

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.)

Seat No.	Commissioner	Appointing Authority	Appointed	Term Expiration	Comments
1	James May	Governor	4/21/2021	7/9/2024	
2	Millard Billings	Hancock	7/9/2020	7/9/2024	
3	Peter Pray	Penobscot	5/31/2019	7/9/2025	
4	Betsy Fitzgerald, Vice-chair	Washington	7/10/2017	7/9/2025	
5	Lee Smith	Oxford	1/21/2020	11/04/2023	
6	William Gilmore	Franklin	11/23/2015	8/20/2023	
7	Gwendolyn Hilton	Somerset	07/29/2019	7/29/2023	
9	Leo Trudel	Aroostook	4/20/2021	3/25/2025	
10	Everett Worcester, Chair	Piscataquis	5/23/2017	5/22/2025	

Appendix B: 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 (*i.e.*, 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 before 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 ⁶
AR	Advisory Ruling	A documented yet informal staff opinion requested at the option of the landowner/developer. Applicants typically seek advisory rulings to receive advice as to whether or not a permit is required for specified activities or 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.

⁶ [Chapter 10 of the Commission's rules, *Land Use Districts and Standards*](#), contains specific criteria and standards.

Type	Permit Type	General Description ⁶
BLN	Boat Launch Notice	A landowner notification to the LUPC, after providing their intent to file notice yet before 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, are consistent with State core laws. (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 stores, warehouses, mills, wind turbines, campgrounds, resorts, 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 ⁶
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 exempt utility lines; 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 development areas in Resource Plan Protection Subdistricts (P-RP) are regulated by the Commission and not the MFS.
MISC	Miscellaneous	Applications returned or withdrawn before 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 ⁶
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 water body, 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 ⁶
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. ⁷ 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> .

⁷ [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](#).