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GOVERNOR

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

AMANDA E. BEAL  
COMMISSIONER  
STACIE R. BEYER  
ACTING EXECUTIVE DIRECTOR

**Third Procedural Order  
In the Matter of  
Development Permit DP 3639-F**

**Big Lake Development Company, LLC  
Big Moose Ski Resort**

July 20, 2022  
Commissioner Everett Worcester, Chair and Presiding Officer

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This Third Procedural Order (Order) of the Maine Land Use Planning Commission (Commission) provides a ruling of the Commission to reopen the public hearing and provides a schedule for reopening the hearing in this matter.

**A. Administrative Background**

1. In the First Procedural Order issued on May 31, 2022, the Presiding Officer established that the hearing record would remain open until June 17, 2022, at 5:00 P.M. to allow the filing of written statements with the Commission, and until June 24, 2022, at 5:00 P.M. to file statements in rebuttal of those filed by the June 17<sup>th</sup> deadline.
2. On June 7, 2022, the Commission held the hearing in the matter of Big Lake Development Company, LLC's (Applicant) pending application for Amendment F to Development Permit DP 3639 (Application DP 3639-F).
3. In the Second Procedural Order issued on June 15, 2022, the Presiding Officer revised the close of the hearing record from June 24, 2022 at 5:00 P.M. to July 29, 2022 at 5:00 P.M. The Applicant could submit additional information until 5:00 P.M. on July 8, 2022. The hearing record remained open until July 22, 2022 at 5:00 P.M. for interested persons to file comments on any additional information supplied by the Applicant, and until July 29, 2022 at 5:00 P.M. for statements in rebuttal to comments filed by the July 22<sup>nd</sup> deadline.
4. Subsequent to the public hearing, the Commission received two requests for a second public hearing on the proposal.

**B. Decision on Request for Second Public Hearing**

1. At the regular business meeting of the Commission on July 13, 2022, and in accordance with the Commission's Rules for the Conduct of Public Hearings, 01-672 C.M.R. 5 (5.10)(C) (Chapter 5), the Commission voted to reopen the public hearing. As was discussed at the regular business meeting,

the hearing record is reopened for the limited purposes of obtaining additional evidence on the topic of financial capacity.

2. Section (5.10)(C) of the Commission's rules provides that, "[p]rior to issuance of a final order or decision, the Commission or Presiding Officer may elect to reopen a hearing and extend the time period for public comment in compliance with Chapter 4 of the Commission's rules." Chapter 4, Section 4.06,B states, "[w]hen hearings are continued, the Commission must provide such additional notice as it deems appropriate to inform the parties and interested persons..."

### **C. Hearing Schedule, Expectations and Close of Record**

1. In accordance with Chapter 5 § 5.02(D)(2) this procedural order is issued to regulate the course of the hearing as reopened by vote of the Commission. The reopened public hearing will be held on Wednesday, August 10, 2022 at Jeff's Catering (15 Littlefield Way, Brewer, ME 04412). The hearing will be limited to receiving testimony from the Moosehead Region Futures Committee (Limited Intervenor) and the Applicant (Parties to the Hearing). Testimony presented will be limited to the topic of financial capacity and will commence at 9:30 A.M. Pursuant to Public Law 2021 Chapter 290 and the Commission's Remote Participation Policy, the hearing will also be accessible through virtual means on the Commission's website link.
2. The Parties to the Hearing will submit pre-filed testimony solely pertaining to financial capacity, as well as any exhibits intended to be presented at the hearing as follows:
  - a. The Applicant will submit the pre-filed testimony of its witnesses and any anticipated exhibits by Friday July 29, 2022 at 5:00 p.m.
  - b. The Limited Intervenor will submit the pre-filed testimony of its designated representative and any anticipated exhibits by August 5, 2022 at 12:00 p.m.
  - c. Exhibits submitted for introduction should be labeled and numbered.
3. The Presiding Officer will rule on the admissibility of any requested exhibits at the opening of the hearing.
4. The Parties to the Hearing will be limited in the presentation of direct testimony as follows:
  - a. Direct testimony will be limited to summarizing the pre-filed testimony submitted by the Parties to the Hearing.
  - b. The Applicant will be limited to 15 minutes for the presentation of direct testimony.
  - c. The Limited Intervenor will be limited to six minutes for the presentation of direct testimony through its designated representative.
5. The order of testimony will be as follows:
  - a. The Applicant; and
  - b. The Limited Intervenor.

6. Cross-examination by each of the Parties to the Hearing will be limited. The Applicant will be limited to 15 minutes total for cross-examination of the Limited Intervenor. The Limited Intervenor will be limited to 15 minutes total for cross-examination of the Applicant. The Parties to the Hearing must identify one representative who will conduct cross-examination of the other Party. Cross-examination will be conducted following the close of the testimony of both parties in the following order:
  - a. Commissioners, counsel, and staff members may be permitted, by the Presiding Officer, to ask questions at any time;
  - b. Applicant;
  - c. Limited Intervenor.
7. Upon request made by the Presiding Officer, the Applicant shall provide up to 10 complete printed copies of any filing it has made to the Commission for distribution to the Commissioners and staff.
8. Pursuant to the Maine Administrative Procedure Act, 5 M.R.S. § 9062(3) and the Commission's Rules for the Conduct of Public Hearings, 01-672 C.M.R. 5.10(C) and 5.02(D)(2)(c)(Chapter 5), the Presiding Officer revises the close of the hearing record from July 29, 2022 at 5:00 P.M. to August 27, 2022 at 5:00 P.M. The hearing record will remain open until August 20, 2022, at 5 P.M. to allow the Parties to the Hearing and members of the public to file written statements on the topic of financial capacity and evidence presented at the reopened hearing with the Commission, and until August 27, 2021, at 5:00 P.M. to file statements in rebuttal of those filed by the August 20th deadline.
9. A copy of Application DP 3639-F's public hearing record, as may be amended at any time as documents are received, may be viewed at the Commission's Moosehead (Greenville) Regional office at 43 Lakeview Street, Greenville, Maine 04441, (207) 731-4398. Please call if interested in visiting the office to view the application. Additionally, Application DP 3639-F's public hearing record, as may be amended at any time as documents are received, may be viewed on the Big Lake Development Company, LLC's Featured Link on the Commission's Website at: <https://www.maine.gov/dacf/lupc/projects/dp3639f/dp3639f.html>. Questions regarding this Order of the Presiding Officer should be directed to Debra Kaczowski at 207-731-4398 or [debra.kaczowski@maine.gov](mailto:debra.kaczowski@maine.gov).
10. This Procedural Order is issued by the Presiding Officer pursuant to Chapter 5. All objections to matters contained herein should be timely filed in writing with the Commission staff but are not to be further argued except by leave of the Presiding Officer. All rulings and objections will be noted in the record. The Presiding Officer may amend this Order at any time.

DONE AND DATED AT AUGUSTA, MAINE, THIS 20<sup>th</sup> DAY OF JULY, 2022

By:   
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Everett Worcester, Chair and Presiding Officer,  
Maine Land Use Planning Commission