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# Memorandum

**To:** LUPC Commissioners  
**CC:** Stacie R. Beyer, Executive Director  
**From:** Ben Godsoe, Acting Planning Manager  
**Date:** January 4, 2023  
**Re:** Annual Adjacency and Subdivision Rulemaking Report

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In 2019, the Land Use Planning Commission (LUPC or the Commission) adopted rule changes related to applying the adjacency principle and the permitting of residential subdivisions. This was a significant change in policy regarding where new businesses or subdivisions requiring rezoning could locate, and the Commission remains committed to tracking the outcome of the rule changes. The basis statement accompanying the rulemaking described this commitment and further noted that the LUPC would conduct a review of the rule changes after five years, five rezonings in a county, or creation of 100 subdivision lots. In 2020, the staff created a work plan to identify the types of data that should be collected and analysis that should be completed both on an annual basis, as well as at the intervals predetermined by the basis statement.

At the Commission Meeting on January 11, 2023, staff will present the Annual Adjacency and Subdivision Rulemaking Report, which is attached to this memo. The report includes a summary and analysis of rezoning and permitting actions occurring over the course of the last year that are relevant to the 2019 Adjacency and Subdivision Rulemaking.

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

**Annual Adjacency and Subdivision Rulemaking Report**

**January 4, 2023**

**Reporting Period: January 4, 2022 – December 31, 2023**

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## Overview, Methodology, and Summary of Results

### Overview

This report addresses data collected and analyzed according to the *Adjacency & Subdivision Implementation Tasks: REPORTING SYSTEM WORKPLAN*. The purpose of the work plan, a companion document to this report, is to summarize and assess the outcomes of the 2019 Adjacency and Subdivision Rulemaking. It includes goals and strategies to evaluate the effectiveness of the new rules and describes data collection and analysis tasks to be completed during reporting periods.

The first part of this report includes a high-level summary. Following are tables with detailed information about relevant rezoning and permitting actions. For example, tables contain information about distances from new zones or development to rural hubs and the application of new standards for development on hillsides and wildlife corridors. Many tables are accompanied by additional written analysis. Finally, information about the Land Use Planning Commission's (LUPC, or the Commission) data and terms used in the report are included for reference at the end of this document.

### Methodology

The accompanying *Adjacency & Subdivision Implementation Tasks: REPORTING SYSTEM WORKPLAN* identifies the types of information the Commission should collect over time, and when to complete different types of analysis. This is the third annual summary completed since adoption of the Commission's Location of Development standards, and where appropriate, staff have noted observations about the data collection process.

This report is based on review by Commission staff of all permitting and rezoning actions recorded during the reporting period in the Geographically Oriented Action Tracker (or GOAT) database, which is maintained by the LUPC. Staff identified relevant zoning petition, subdivision permit, development permit, or building permit records and then analyzed decision documents, application materials, correspondence, GIS data, and other available background information.

While the Commission tracks and reports on all official actions for its *Annual Report to The Joint Standing Committee on Agriculture, Conservation, and Forestry*, only certain permitting or rezoning actions are relevant to the measurement of the effectiveness of the 2019 Adjacency and Subdivision Rulemaking. For example, the designation of new, or expansion of existing, development subdistricts for new development is relevant, while the designation of protection or management subdistricts for purposes other than development is not. Permits for new, or the expansion of existing residential subdivisions are relevant, but amendments to existing subdivision permits that are administrative or otherwise involve changes within the existing subdivision boundaries are not relevant. Additionally, this report does not include analysis of expansion to, or development occurring in, Planned Development Subdistricts, the designation of which were unaffected by the 2019 rulemaking. Finally, it is also important to note that this report reflects permitting or rezoning processes that reached a final disposition, such as approval or disapproval of an application to rezone or for a permit. Applications that did not reach a final disposition were not analyzed in this report.

Data Challenges and Limitations

Challenges and limitations to the data analyzed in this report are listed in detail in the accompanying work plan. 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 an activity requiring a permit. In some instances, individuals apply for after-the-fact permits for activity previously undertaken without the required permit. All data and tables include after-the-fact permits. Additionally, some activities do not require permit approval. Permitting trends only loosely reflect development trends, in that many activities permitted by the LUPC either may not have been started or may not have been completed. Additionally, some activities may have been completed without a permit (illegally and without the Commission’s knowledge) where a permit was required.

Summary of Relevant Rezoning and Permitting Actions in 2022

“Relevant rezoning and permitting actions” are permits or zoning decisions issued by the Commission, which relate to topics covered by the 2019 Adjacency and Subdivision Rulemaking. For more information, please see the accompanying *Adjacency & Subdivision Implementation Tasks: REPORTING SYSTEM WORKPLAN*.

Action(s)	Summary	County(s)
Zoning Petition ZP # 772, Amendment A	Expansion of existing zone for the Three Rivers Solar project; conversion of D-CI to D-RD subdistrict	HA
Zoning Petition # 783-A	New D-RD subdistrict for the Cross-Road Solar project	PE
Zoning Petition ZP # 776, Amendment A	Reconfiguration of existing D-CI subdistrict for the Three Corners Solar project	KE
Development Permit DP # 5085, Amendment B	Development permit for a new natural resource processing facility	HC
Subdivision Permit # 4100, Amendment A	Expansion of existing M-GN subdivision (4 additional lots for a total of 11)	FR
12 Building Permits	Proposals for development in areas that meet the definition of a hillside (See: 2.02,101)	OX, FR, SO, AR

Additional Takeaways & Lessons Learned

While there was not a lot of relevant data to analyze during this reporting period, the approved rezoning and permitting actions offer some insight into how best to collect the information needed for this report. In future reports, particularly if there is a lot of data, it may be important to provide more maps showing where and how development occurs. Appendix III includes a map depicting relevant rezoning, subdivision, and resource-based commercial development that has occurred since the Commission adopted the Adjacency and Subdivision Rulemaking. The map illustrates in which minor civil divisions each action occurred.

In addition to following the tasks prescribed by the work plan, over the next reporting period, Commission staff will focus on improving internal mechanisms and processes to collect data, including by:

1. Continuing to capture information about applications that do not reach a final disposition; and
2. Ensuring staff continues to solicit feedback about rezoning proposals from rural hub towns and neighboring municipalities.

The COVID-19 pandemic occurred during both this and the preceding reporting periods. For more information about the effects of the COVID-19 pandemic on development activity, please see the Commission's *2022 Annual Performance Report to The Joint Standing Committee on Agriculture, Conservation, and Forestry*.

## Results

### A. ZONING PETITIONS:

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Thirteen zoning petitions (ZPs) reached final dispositions in 2022. However, only three ZPs proposed a new zone in accordance with the Location of Development standards adopted by the Commission in the 2019 Adjacency and Subdivision Rulemaking and therefore are relevant to this report. The other ten zoning petitions acted upon within this time frame were unrelated.

Summary of ZPs with a final disposition during the reporting period but which are not relevant to the analysis of the new rules:

- One ZP was associated with the Planned Development Subdistrict (D-PD) encompassing the Hammond Ridge development;
- One ZP changed the zoning for an existing sporting camp to a Recreational Facility Development Subdistrict (D-RF) to eliminate nonconformities unintentionally created by the Commission as a result of rulemaking;
- One ZP established a Rural Business Development Subdistrict (D-RB) in Baring Plantation for a new commercial business<sup>1</sup>;
- One ZP established several development subdistricts through prospective zoning associated with the Moosehead Lake Regional Planning Project;
- One ZP corrected the boundaries of a Fish and Wildlife Protection Subdistrict (P-FW);

<sup>1</sup> The Rural Business Development Subdistrict became eligible in Washington County through the Commission's Community Guided Planning and Zoning program. The D-RB has its own locational criteria and was not a subject of the 2019 Adjacency and Subdivision Rulemaking.

- Two ZP’s were associated with Resource Protection Plans, including: renewal of the St. John River Resource Plan for 10 additional years; and replacement of the Lower West Branch of the Penobscot River Resource Plan with comparable zoning; and
- Three ZP’s were associated with corrections to mapped wetland protection subdistricts to better reflect onsite conditions.

**2022 Relevant Zoning Petitions: Purpose, Size, Location, Disposition**

Zoning Petition	Purpose	Sub-district	Acres	MCDs	County	Location Criteria (10.08 & 10.08-A)	Disposition
ZP # 772-A	Rezoning for expansion of large-scale solar energy generation facility called Three Rivers Solar	D-RD	696 ac	T16 BPP Twp	HA	Resource-Based Development	Approved
ZP # 783-A	Rezoning for a new large-scale solar energy generation facility called Cross Road Solar	D-RD	46 ac	Greenfield Twp	PE	Resource-Based Development	Approved
ZP # 776-A	Reconfiguration of zone boundaries for a large-scale solar energy generation facility called Three Corners Solar	D-CI	43 ac	Unity Twp	KE	Primary Locations	Approved

**2022 Relevant Zoning Petitions: Distance Measurements<sup>2</sup>**

Zoning Petition	Location Criteria (10.08 and 10.08-A)	Rural Hub(s)	Distance <sup>3</sup> from Public Road	Distance to Rural Hub Boundary		Travel Distance to Fire Dept.	Travel Distance to Ambulance Service	Travel Distance to Developed Center of Unity
				Straight Line	Travel Dist.			
ZP # 776-A	Primary Location	Unity	48 ft. from State Route 139; adjacent to Palmer Rd	.5 miles	.9 miles	3.9 miles (Unity)	3.9 miles (Unity)	4

**2022 Relevant Zoning Petitions: Analysis and Discussion**

The three zoning petitions approved in 2022, and which are relevant to this report, were all for large-scale solar energy generation facilities. Two were amendments to existing D-CI subdistricts, and moderately expanded the size of each project.

- Review under prior regulations (e.g., one-mile rule of thumb):
  - ZP # 772 for the Three Rivers Solar project was originally approved prior to adoption of the 2019 Adjacency and Subdivision Rulemaking. Prior to 2019, large-scale solar development had to either meet the one-mile rule of thumb, or solar-specific locational criteria in the D-CI Subdistrict (these criteria were moved to the D-RD Subdistrict as part of the 2019 rulemaking). The Commission determined that Three Rivers met the D-CI solar-specific locational criteria. In 2022, the applicant sought a 20-acre expansion and also to place the facility, which is not in a Primary Location, into a D-RD Subdistrict consistent with Section 10.21,K,2,a,(4). The project likely would not have qualified for a rezoning under the Commission’s one-mile rule of thumb policy. While generally located between a peat mine operated by Worcester Peat Co. to the east and the Bull Hill Wind Power project to the west, there is no direct road connection and travel distance to either neighboring facility is over one mile.
  - ZP # 783-A authorized a new 46-acre large-scale solar energy generation facility in the D-RD Subdistrict for Cross Road Solar in Greenfield Twp. This location is close to a General Development Subdistrict (D-GN), which allows for a mix of commercial and residential uses and intensive residential development along Greenfield and Cross Roads. Between 2018 and 2019, this site would have met the locational criteria for “grid-scale” solar energy development in the D-CI subdistrict. Prior to 2018, the Commission had no specific use listings, or rezoning system, for large-scale solar development. It would have been challenging to say what is similar and compatible development to a solar farm of

<sup>2</sup> Distance measurements were only included for ZPs established pursuant to Section 10.08, and not for rezonings authorizing resource dependent development in the D-RD subdistrict.

<sup>3</sup> Distance measurements, either in a straight line or along existing roads, start at the boundary of the D-CI subdistrict located closest to the boundary of Unity (or locations within Unity).

this size, and it seems unlikely that this location would have met the one-mile rule of thumb policy because there is no other commercial development close to the site.

- ZP # 776-A reconfigured an existing D-CI subdistrict for the Three Corners Solar project based on new information about site constraints and the location of natural resources. The rezoning returned some areas to protection and management subdistricts and added other areas to the D-CI development subdistrict. Review of ZP #776 was originally in process when the 2019 Adjacency and Subdivision Rulemaking was adopted, and the Commission received the application for rezoning before application of the new rules. The original proposal for a solar farm in this location met the one-mile rule of thumb based on proximity to nearby existing commercial development within one mile by road, and access to the town of Unity which includes a range of uses and services.
- Fire and Ambulance Service:
  - ZP # 772-A. The Easton Volunteer Fire Department provides fire and ambulance services, which is located 5.2 miles away. The fire department stated that the project would have minimal impact on the services they provide and would not require additional capacity.
  - ZP # 783-A. The Milton Fire Department provides fire services, and Old Town Fire Rescue provides ambulance services. Both service providers indicated that they could serve the proposed Cross Road Solar development.
  - ZP # 776-A. Clinton Fire and Rescue, located approximately 3 miles from the project area, indicated that they could respond to any emergency (fire or medical).
- Outreach to Rural Hubs and Municipalities:
  - ZP # 772-A. The Hancock County Commissioners were aware of the Three Rivers Solar proposal and discussed the rezoning application during their regular meeting on March 15, 2022, but did not submit comments. Commission staff corresponded with the adjacent towns of Beddington, Cherryfield, Deblois, Eastbrook, Franklin, and Osborn. The towns communicated no information needs or concerns.
  - ZP # 783-A. The Penobscot County Commissioners received a copy of the Cross Road Solar petition and expressed their support for the rezoning. The Commissioners requested the applicant contact Orono Hazmat Team regarding the project and agreed with the comments made by the Milford Fire Chief regarding the need for training and a tour of the facility for local fire crews. Staff corresponded with the adjacent towns of Great Pond, Greenbush, Milford, and Old Town to discuss the proposal. No additional information was requested; ultimately, only the Milford Fire Department provided comments.
  - ZP # 776-A. The Kennebec County Commissioners received a copy of the Three Corners Solar petition and submitted no comments. Commission staff also corresponded with

the adjacent towns of Albion, Benton, Burnham, Clinton, and Unity, but no additional information was requested, and no comments were received from these municipalities.

- Other Information: Large-scale solar energy development typically requires a Site Location of Development Permit from the Maine Department of Environmental Protection (DEP). Following the designation of a new D-RD or D-CI subdistrict at the site, the applicant must apply for a permit through the DEP. The Commission issues a Site Law Certification (SLC) for these projects as part of the site law permit, certifying that they are allowed in the subdistrict and in compliance with certain land use standards administered only by the Commission (e.g., dimensional requirements). In 2022, following approval of each solar energy development rezoning, SLC-12 was issued for Three Rivers Solar, SLC-16 was issued for Three Corners Solar, and a review of application materials for Cross Road Solar was in process at the time this report was written.
- Additional analysis proposed in the work plan but not applicable or not available for rezonings completed in 2022: Based on anecdotal information obtained through interviews with Commission staff over the course of the year, general interest in rezoning for development in 2022 was low (even though building permit activity remained high for the same period), and there were no relevant rezoning proposals that did not make it to the application stage because of incompatibility with the Location of Development standards. Commission staff intends to continue gathering this type of information as resources and time allow.

**2019-2022 Summary Table of Relevant Rezoning Actions**

Action	Rezoning Completed (Year)	Summary	County	Subsequent Permitting (Permit # and Year)
ZP # 776	2019	Rezone to D-CI for a Medical Marijuana Facility	AR	None
ZP # 781	2021	Rezone to D-GN for a Commercial Repair Garage	HC	DP # 5094; issued 2021
ZP # 772-A	2022	Rezone to D-RD for a Large-scale Solar Project	HA	SLC-12-A; issued 9/30/2022
ZP # 783-A	2022	Rezone to D-RD for a Large-scale Solar Project	PE	None
ZP # 776-A	2022	Reconfigure a D-CI Subdistrict for a Large-scale Solar Project	KE	SLC-16; issued 1/31/2022

Please refer to Appendix III to see a map depicting the location of rezoning actions relevant to this report and authorized between 2019-2022.

**B. RESIDENTIAL SUBDIVISIONS**

During the reporting period, seven residential subdivision permit decisions (SPs) were issued. However, none of these actions are relevant to this report. SPs issued in this time frame were administrative, re-authorized development that had already been approved for that location or included minor revisions or reconfigurations to existing (already platted) subdivision designs.

Summary of SPs with a final disposition, but which are not relevant for this report:

- SP # 3277, Amendment A: changed requirements related to the size of accessory structures in the subdivision and increased the maximum height of buildings allowed in the subdivision;
- SP # 3282, Amendment A: changed the size limits on allowed outbuildings.
- SP # 3278, Amendment B: transferred the subdivision to a new owner;
- SP # 4086, Amendment A: changed the location of a building envelope;
- SP # 3194, Amendment D: approved further subdivision of a lot;
- SP # 4100, Amendment A: Added 4 additional lots to a 6 lot M-GN Subdivision approved in 2020 (resulting in a total of 11 lots in the subdivision);
- SP # 1016, Amendment F: Minor change to combine two lots

**Relevant Subdivision Permits: Purpose, Type, Size, Location, Disposition**

Permit#	Purpose	Sub-district	Total Acres	Subdivision Type	MCD	County	Disposition
SP # 4100, Amendment A	Expand existing subdivision	M-GN	15.8	M-GN Subdivision	Wyman Twp	Franklin	Approved

**M-GN Subdivisions: Locational Information, Distance Measurements**

Permit	Locational Criteria (Section 10.08; 10.08-A)	Public Road	Rural Hub	Distance to Rural Hub Boundary	Travel Distance to Services	
					Fire Dept	Ambulance
SP # 4100, Amendment A	Primary Location	State Route 27	Carrabassett Valley	7.3 miles	3.2 miles (Stratton)	10 miles (NorthStar)

**Relevant Subdivision Permits: Design Characteristics**

Permit	10.25,Q Locations	Type	Density	Layout	Lot Characteristics			Open Space	
					# of Lots	Avg Lot Size	Sell or Lease	Wildlife Corridor?	Total Open Space
SP # 4100, Amendment A	Inland	M-GN	High	Basic	11	1.5 acres	Sell	No; qualified as in-fill development	Not required for M-GN Subdivision w/ basic layout

**Relevant Subdivision Permits: Analysis and Discussion**

- Review under prior regulations: SP # 4100 for a General Management Subdivision likely would have passed the adjacency screen under the prior one-mile rule of thumb. It is surrounded by residential development and located on a busy state road between the towns of Carrabassett Valley and Stratton-Eustis. This type of location would have qualified for rezoning for residential development. It is also in an area pre-identified as suitable for Level II Subdivisions, which were a pre-cursor, and substantially similar, to “General Management Subdivisions.”
- Wildlife Corridor: SP # 4100 qualified as in-fill development, and therefore the design was not required to include a wildlife corridor [See Chapter 10, Section 10.25,Q,3,d,(3),(b)]. This remained true for the small expansion authorized in Amendment A. This subdivision proposal sought to re-develop land formerly part of a gravel mining operation. Additionally, the location is surrounded by existing residential development in Residential Development Subdistricts (D-RS). The Department of Inland Fisheries and Wildlife indicated in their comments during the rezoning that the subdivision’s proposed location was not valuable as wildlife habitat for these reasons.
- Scenic Byways: SP # 4100 is located on the Route 27 State-designated Scenic Byway. However, the subdivision is a re-development of an existing gravel mining area. Additionally, it is located within a pattern of dense residential development.
- Fire and Ambulance Services: The applicant indicated that Franklin County contracts with the town of Stratton-Eustis for fire coverage in Wyman Twp. NorthStar provides ambulance coverage from its base in Carrabassett Valley. Neither county officials nor town officials in Stratton-Eustis submitted comments on the application for an expansion.
- Overall: SP # 4100, or the four-lot expansion authorized in Amendment A, does not raise specific concerns about the functionality of the new standards for residential subdivision design or about the new Location of Development rules related to siting M-GN subdivisions.

**Summary of Relevant Residential Subdivision Permitting Actions: 2019-2022**

Action	Year	Summary	County	Zone	# of Lots
SP # 4100	2020	Permit for General Management Subdivision	FR	M-GN	7 lots
SP # 4100, Amendment A	2022	Expansion of General Management Subdivision	FR	M-GN	11 lots <sup>4</sup>

Please refer to Appendix III for a map depicting the location of subdivision permits relevant to this report and issued between 2019-2022 (a total of two actions associated with the same M-GN subdivision).

**C. RESOURCE-BASED COMMERCIAL USES**

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This section includes information about permits issued for resource-dependent commercial development that did not require rezoning.

During the reporting period, there were 47 development permits (DPs) issued. One of the 47 development permits was for a resource-based commercial use related to topics addressed in the 2019 Adjacency and Subdivision Rulemaking.

Examples of DPs with a final disposition but which are not relevant for this report:

- Expansion of existing development in zones where the use is allowed with a permit (e.g., change of use or building a new structure);
- Development of new facilities in existing development zones where the use is allowed with a permit;
- Development of various components of the Saddleback Ski Area Planned Development Subdistrict (including a solar farm, staff housing, and a mid-mountain lodge)
- Reconstruction of a non-hydropower dam;
- Structural development at several recreational lodging facilities;
- Temporary meteorological towers to collect data for wind power projects; and
- Development of communication towers.

<sup>4</sup> SP # 4100 originally authorized 7 lots. In 2022 the permit was amended to include 4 additional lots (SP # 4100-A), for 11 total lots.

**Recreation-based Commercial Development Permits: Location, Purpose, Disposition**

Permit	Use	Purpose	MCD	County	Sub-district	Disposition
DP # 5085, Amendment B	Resource Processing	Wood waste outdoor processing facility; <sup>5</sup>	Fletchers Landing Twp	HC	M-GN	Approved

**Recreation-based Commercial Development Permits: Resource Dependency and Distances**

Permit	Resource Dependency	Affected Resource	Rural Hub (RH)	Distance to Rural Hub Boundary	Travel distance to Rural Hub Boundary	Travel distance to the Developed Center of Ellsworth
DP # 5085 Amendment B	Proximity to forestlands and raw materials for wood waste processing	Nearby forestland	Ellsworth	Next to Ellsworth Boundary	N/A	4.8 miles

**Recreation-based Commercial Development Permits: Analysis and Discussion**

- Resource dependency: DP # 5085, Amendment B authorized a wood waste processing facility consisting of a 2.9-acre gravel surface pad for storage and grinding of stumps, brush and limbs, and storage of resulting wood mulch. The applicant stated that materials for the facility would be sourced primarily onsite, with some raw materials being transported there for processing from the applicant’s construction jobs. Mulch will be primarily used at the applicant’s job sites or sold wholesale (no retail at the site).
- Outcome under prior regulations: Prior to the 2019 Adjacency and Subdivision rulemaking this proposal would have required rezoning to a development subdistrict. In that case, the location likely would not have passed the adjacency screen because there is no existing compatible development of a similar scale within one mile by road. However, the site is on Route 179 and the Town of Ellsworth is under five miles away and has a range of services and uses (e.g., commercial, industrial, and residential development). These factors may have been considered in the Commission’s application of the adjacency screen for this proposal had it been submitted before 2019.
- Overall: DP # 5085, Amendment B, does not raise specific concerns about the functionality of the new activity-specific standards for resource processing facilities in the M-GN. Those standards were not applied in this case because the proposal exceeded them, and so required a permit. Some of the raw material would be sourced from off-site job locations, making the

<sup>5</sup> DP 5085, Amendment B also authorized a small composting facility, and gravel extraction. The analysis in this section pertains only to the wood waste processing facility, which is the only component of this proposal relevant to the 2019 Adjacency and Subdivision rulemaking.

proposal inconsistent with Section 10.27,S,2,a,(1). Following a review of the proposal, the Commission’s staff determined that the project would not result in any undue adverse impacts on existing uses or resources.

**Summary of Relevant Resource-Based Commercial Permitting Actions: 2019-2022**

Action	Year	Summary	County	Zone
DP # 5071	2020	Recreation supply facility: mobile business providing water-skiing lessons on Indian Pond	SO	P-GP
DP # 5085, Amendment B	2022	Natural Resource Processing Facility (wood waste processing)	HA	M-GN

**D. NEW DEVELOPMENT STANDARDS**

This section includes information about permits issued for residential or non-residential development where new standards created as part of the 2019 Adjacency and Subdivision Rulemaking were applied.

In addition to a revised system for locating new zones for development and updating the Commission’s standards for residential subdivisions, the 2019 rulemaking included new standards for:

- Development in areas meeting the definition of a hillside (see Chapter 2, Section 2.02,101);
- Designating wildlife corridors for non-residential development in subdistricts established after the new rules became effective; and
- Agricultural processing and ag-tourism businesses.

In 2022, actions where “new development standards” applied included: development on hillsides. Future reports will include information on permits where other new standards apply, if applicable.

**Permits Issued in 2022 Where New Development Standards Applied**

Permit	Relevant Standard	MCD	County	Use	Disposition	Near Scenic Byway?
BP # 17122	Hillsides	Sandy River Plt	FR	Residential Dwelling	Approved	Yes – Rt 4
BP # 15961	Hillsides	Sinclair Twp	AR	Residential Dwelling	Approved	No

Permit	Relevant Standard	MCD	County	Use	Disposition	Near Scenic Byway?
BP # 17132	Hillsides	Rangeley Plt	FR	Residential Dwelling	Approved	Yes – Rt 4
BP # 17109	Hillsides	The Forks Plt	SO	Residential Dwelling	Approved	Yes – Rt 201
BP # 16548	Hillsides	Sandy River Plt	FR	Residential Dwelling	Approved	Yes – Rt 4
BP # 17001	Hillsides	Parkertown Twp	OX	Recreational Development	Approved	No
BP # 16961	Hillsides	Rangeley Plt	OX	Residential Dwelling	Approved	No
BP # 16956	Hillsides	Washington Twp	FR	Residential Dwelling	Approved	No
BP # 16940	Hillsides	Sandy River Plt	FR	Residential Dwelling	Approved	Yes – Rt 4
BP # 16934	Hillsides	Sandy River Plt	FR	Residential Dwelling	Approved	Yes – Rt 4
BP # 16926	Hillsides	Sandy River Plt	FR	Residential Dwelling	Approved	No
BP # 16897	Hillsides	Freeman Twp	FR	Residential Dwelling	Approved	No

### New Development Standards: Discussion and Analysis

- Hillside Standards:
  - During the reporting period, twelve building permits were issued in areas that meet the definition of a hillside. Most permits were issued in the Western Maine Region, with eight in Franklin County. Five of the eight permits issued in Franklin County were located in Sandy River Plantation.

- Six of the twelve permits issued (50%) were near national or state-designated scenic byways (Route 4 and Route 201).
- Interviews with Commission staff in 2022 indicated that processing applications where hillside standards were applied can be time-consuming and difficult depending on the circumstances. Additional guidance for property owners and applicants in the form of explanatory materials on this topic, and updated application forms, may be needed, as well as improved internal procedures to make processing applications where the hillside standards were applied more efficient.

**E. PERMITS ISSUED FOR MAJOR HOME-BASED BUSINESSES:**

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The 2019 Adjacency and Subdivision Rulemaking revised the Commission’s rules for home-based businesses (HBB) by providing a modest increase in the amount of space within a dwelling that may be used by the business (50% of the dwelling and up to 2,500 sf). The definition of a home-based business includes two types: Major HBB, which typically requires a permit from the Commission, and Minor HBB, which is allowed without a permit subject to the standards described in Chapter 10, Section 10.27,N.

No permits for major home-based businesses were issued during the reporting period. All permits issued for major home-based businesses since the adoption of the 2019 rulemaking are listed in the following table.

**Summary of Major Home-Based Business Permitting Actions: 2019-2022**

Permit	Year	Type of Business	Permitted Activities	Zone	MCD	County
BP # 16624	2021	Home-based wood products manufacturing	Small-scale Manufacturing in Existing Garage	D-RS	Molunkus Twp	AR
BP # 13490	2020	Home-based arborist business including tree removal, landscaping, and snow removal	Construction of dwelling, driveway, and garage; filling and grading area for equipment storage; wetland alteration for driveway	D-RS; P-WL	Coplin Plt	FR

## Appendix I. Description of Permit Types

Land use regulations stipulate which land uses and development activities are: allowed without a permit; allowed without a permit subject to standards; allowed with a permit; allowed by special exception; and those not allowed. For those uses and activities which require permit approval, the LUPC reviews those proposals for conformance with applicable rules and issue a decision (*e.g.*, a permit). The Commission issues permits for a wide range of activities; examples include camp additions, reconstruction of permanent docks, new garages, grid-scale wind energy facilities, restaurants, and maple sugaring operations.

### Permit database naming protocols

Given the range of activities allowed within the unorganized territories, the LUPC currently or formerly utilizes a variety of action types to identify and record various permitting actions.

Each permit 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 permitting database – Geographic Oriented Action Tracker (GOAT). The use of sequential letters identifies amendments of previous actions (*e.g.*, BP 123; BP123-A; and BP 123-B (the first permit action, the first amendment, and the second amendment, respectively)). Variations on this primary naming convention include AR 95-10 (*i.e.*, the 10<sup>th</sup> advisory ruling issued in 1995); and SP 3206-16 (*i.e.*, a Chapter 16 subdivision). The following summarizes the various types of actions included in this report:

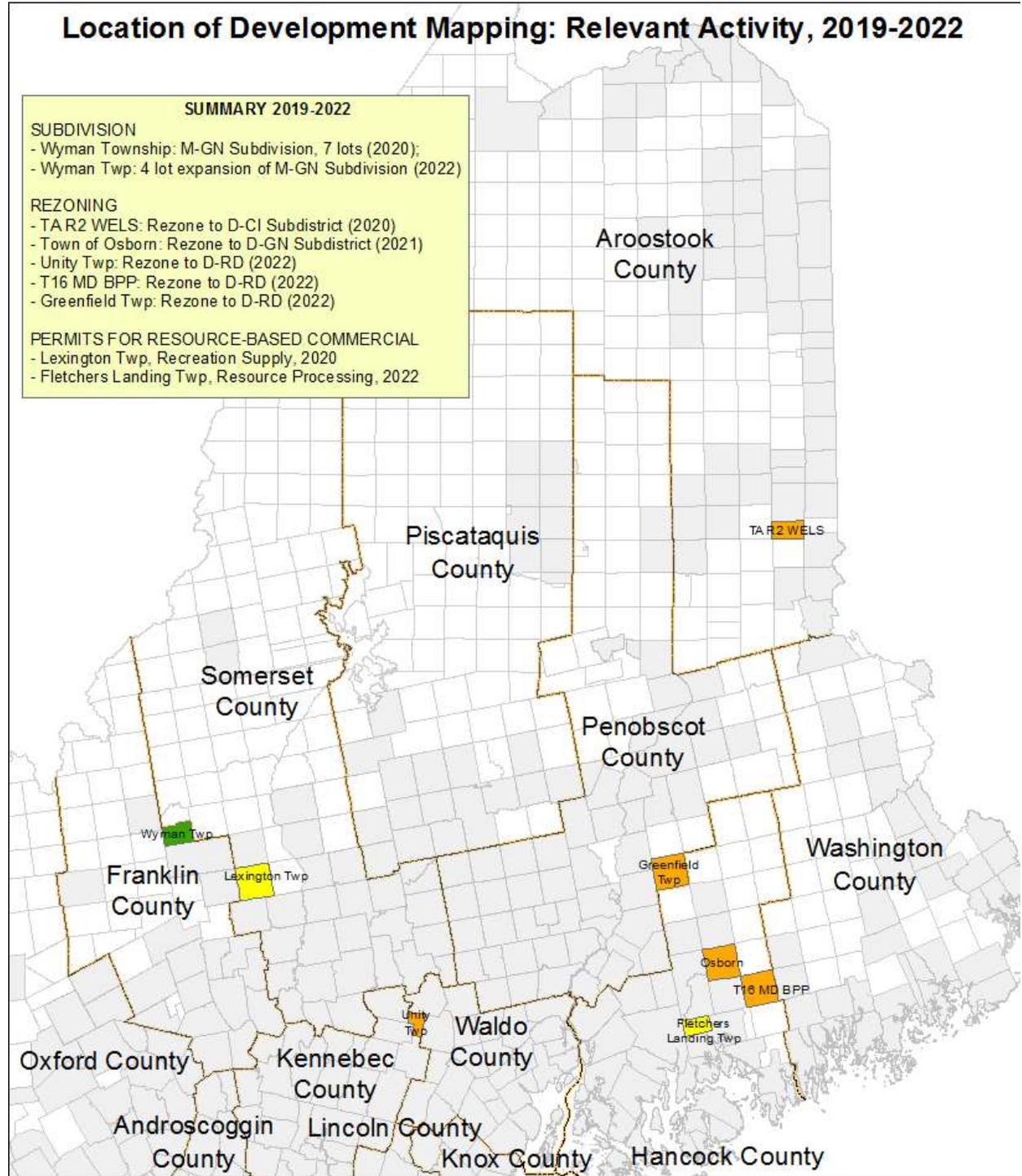
Type (Acronym)	Permit Type (Name)	General Description
BP	Building Permit	Permits for activities associated with residential development that requires a permit ( <i>e.g.</i> , activities involving: a camp, a garage, porches, etc.).
DP	Development Permit	Permits for activities associated with non-residential development that requires a permit ( <i>e.g.</i> , activities involving: a commercial sporting camp, retail store, warehouse, mill, wind turbines, campground, resort, etc.)
SLC	Site Law Certification	Certifications issued by the Commission for projects which trigger review by the Maine Department of Environmental Protection (DEP) according to Site Law. In these cases, the Commission must certify i) that the use is allowed; and ii) whether or not the project conforms to its standards, which are not otherwise regulated by the DEP. Projects that typically trigger Site Law include subdivisions, commercial development, and grid-scale wind development.
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> .
ZP	Zoning Petition	Petitions to rezone a specified land area to another subdistrict(s). See Section 10.08 of the Commission's <i>Land Use Districts and Standards</i> .

## Appendix II. Description of Disposition Types

Each permit application and zoning petition the Maine Land Use Planning Commission receives is reviewed and results in a final action or disposition. Each type of disposition may be valuable to different data analyses (*e.g.*, approved and approved/disapproved in part best illustrate authorized activities; withdrawn and returned applications may illustrate unrealized interest in development). 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 / Disapproved in part* – Parts of the proposed activity meet the necessary standards and are approved, and parts of the proposed activity do not meet the required standards and are disapproved. A decision (*i.e.*, permit) indicating the approved and disapproved components is issued by staff or the Commission.
- *Disapproved* – 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 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.

**Appendix III. Maps of Relevant Permitting and Rezoning Actions: 2019-2022**



**Legend**

Minor Civil Division with Resource-based Commercial Activity	Minor Civil Division with Rezoning	Minor Civil Division with Residential Subdivision
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