



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
LAND USE PLANNING COMMISSION  
45 RADAR ROAD  
ASHLAND, MAINE 04732

AMANDA E. BEAL  
COMMISSIONER

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EXECUTIVE DIRECTOR

December 21, 2023

*Via Email Only*

Keegan Feero, Project Manager  
Maine Department of Environmental Protection  
106 Hogan Road, Suite 6  
Bangor, ME 04401

[Keegan.Feero@maine.gov](mailto:Keegan.Feero@maine.gov)

RE: SLC-19-A; Certification of Allowed Use; Allagash Timberlands LP (Irving Woodlands, LLC)  
Tax Plan 01, Lot 108, Cross Lake Township, Aroostook County, Maine

Dear Keegan:

On December 15, 2023, the Maine Department of Environmental Protection (MDEP) submitted to the Maine Land Use Planning Commission (Commission) a Request for Certification. The Request is regarding Allagash Timberlands LP's, a subsidiary of Irving Woodlands, LLC, proposed 17-lot residential subdivision located in Cross Lake Township in Aroostook County (Project). The Request for Certification asks the Commission to determine (a) if the Project is an allowed use within the subdistricts in which it is proposed; and (b) the date on which the certification component of the Site Law application is accepted as complete for processing. The Request for Certification also asks for certification of compliance with Commission standards not reviewed by the DEP, which will be addressed separately. The Commission accepted the Request for Certification as complete for processing on December 21, 2023.

**Proposal and Applicable Subdistricts**

Allagash Timberlands LP proposes to develop Cross Lake A of the Fish River Chain of Lake Concept Plan (Concept Plan). This plan became effective on September 26, 2019, by the Commission's approval of Zoning Petition 768. The zoning for the entire Concept Plan area is Resource Plan Protection (P-RP) subdistrict. The proposed subdivision would be located in the Residential Development (D-FRL-RS) zone within the P-RP. The subdivision lots would range in lot size from 1.02 acres to 4.79 acres, with an average lot size of 2.10 acres. The subdivision would include an open space/wildlife corridor and a new interior road. Conceptual driveway entrances are depicted on the plan; however, those driveways would be developed as part of the building permit.



## Review Criteria

The following statutory provision is relevant to the determination of whether the Project is an allowed use in the subdistricts in which it is proposed to be located:

12 M.R.S. § 685-B,(1-A),(B-1). "...a permit from the commission is not required for a development of state or regional significance that may substantially affect the environment as defined in Title 38, section 482, subsection 2. A project meeting that definition is reviewed under Title 38, section 489-A-1...The Department of Environmental Protection must receive certification from the commission that the proposed development is an allowed use within the subdistrict or subdistricts for which it is proposed...before issuing a permit."

## Assessment of the Project as an Allowed Use

Based on the materials submitted by Allagash Timberlands LP, the Commission, through its staff, determines that:

- The Commission may approve the creation of a subdivision within the context of a Resource Plan approved by the Commission without the need for rezoning to a development subdistrict, provided such subdivision is consistent with the purpose and intent of this subdistrict. Chapter 10 § 10.23(H)(3). The project site is located in an area identified as "Cross Lake A" within the Concept Plan. Among numerous other distinctions and provisions, the concept plan limits subdivisions to certain specified locations, including Cross Lake A.
- Uses requiring a permit within the Residential Development (D-RS) Subdistrict of the Commission's Land Use Districts and Standards are allowed uses in the Residential Development Zone (D-FRL-RS) upon issuance of a permit pursuant to 12 M.R.S § 685-B, subject to the terms, conditions, and provisions of the Concept Plan. Fish River Chain of Lakes Concept Plan, Part 2(C) § 10.21(M-FRL)(3)(c)(1).
- Moderate-density residential subdivisions are an allowed use upon issuance of a permit in the Residential Development (D-RS) subdistrict pursuant to 12 M.R.S. § 685-B and subject to the applicable requirements set forth in Subchapter III and the Concept Plan. Chapter 10 § 10.21(M)(3)(c)(18)(a) and Fish River Chain of Lakes Concept Plan, Part 2(C) § 10.21(M-FRL)(3)(c)(1).
- A moderate-density subdivision is defined as a residential subdivision with a minimum lot size of one acre, a maximum lot size of 10 acres, and an average lot size between two and four acres. Chapter 2 § 2.02(231).
- Cross Lake A is limited to 30 single-family dwelling units, and the sum of all five Concept Plan development areas within the Cross Lake Watershed must not exceed 125 units. The proposal does not exceed either of these limits. Fish River Chain of Lakes Concept Plan, Part 2(E) § 10.28-FRL(C).
- Level B and C road projects are an allowed use upon issuance of a permit within the Residential Development (D-RS) subdistrict pursuant to 12 M.R.S. § 685-B and subject to the applicable requirements set forth in Sub-Chapter III. Chapter 10 § 10.21(M)(3)(c)(15).

- Driveways associated with residential uses are an allowed use without a permit within the Residential Development (D-RS) subdistrict subject to the applicable requirements set forth in Sub-Chapter III. Chapter 10 § 10.21(M)(3)(b)(4).

Based on the project description provided by Allagash Timberlands and the above analysis, the LUPC certifies that the Project is an allowed use in the P-RP subdistrict and the D-FRL-RS zone.

Please note that this certification is not a final agency action and pertains only to the staff's determination of the use proposed by Allagash Timberlands LP. The Commission will conduct a further review of the Request for Certification, including all application and administrative record materials, to determine whether to certify to the MDEP that the Project meets the land use standards established by the Commission that are not considered in the MDEP's permit review.

Thank you for your patience and cooperation through this process. If you have any questions or would like to discuss this matter further, please do not hesitate to contact me at 207-435-7969 or via e-mail at: [billie.j.theriault@maine.gov](mailto:billie.j.theriault@maine.gov).

Sincerely,



Billie J. Theriault  
Regional Supervisor, Permitting and Compliance Division  
Maine Land Use Planning Commission

xc: SLC 19 file  
Ben Kaiman, Haley Ward – via email  
Teresa Libby, Haley Ward – via email  
Anthony Hourihan, Irving Woodlands – via email  
Matthew Collin, Irving Woodlands – via email  
Jessica Damon – MDEP – via email