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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

WALTER E. WHITCOMB  
COMMISSIONER

NICHOLAS D. LIVESAY  
EXECUTIVE DIRECTOR

**Third Procedural Order  
In the Matter of  
Zoning Petition ZP 768**

**Allagash Timberlands LP, Aroostook Timberlands LLC, and  
Maine Woodlands Realty Company (Irving)**

November 17, 2017  
Commissioner E. Worcester, Chair and Presiding Officer

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This Third Procedural Order addresses pending requests for Interested Person status.

**I. INTERESTED PERSONS**

- A. Requests for Interested Person Status:** The Commission's Chapter 5 Rules for Conduct of Public Hearings provide:

Any person may, in the discretion of the Presiding Officer, be permitted to make oral or written statements on the issues, introduce documentary, photographic and real evidence, attend and participate in conferences and submit written or oral questions of other participants, within such limits and on such terms and conditions as may be fixed by the Commission or the Presiding Officer.

Section 5.14.

The First Procedural Order, issued October 19, denied petitions to intervene submitted on behalf of Carol Pierson and the Sandy Point and Connection Lane Road Association (SP & CLRA), and set a deadline of 5:00 pm, November 6, 2017 for Ms. Pierson and SP & CLRA to request Interested Person status. The order specified:

Any request should be signed by the person making the request and contain an explanation of how the requestor may be affected by the proceeding and why the requestor seeks to participate in the public hearing as an Interested Person, as opposed to as a member of the public. The request also must include the following contact information, if available: phone number, email address, and postal mailing address.

Both Ms. Pierson and SP & CLRA submitted timely requests.

**B. Interested Person Status Granted:** In accordance with Chapter 5, Rules for the Conduct of Public Hearings, Ms. Pierson and SP & CLRA are granted Interested Person status.

**1. Carol Pierson**

Ms. Pierson owns a lot, developed with a camp, surrounded by one of the proposed development areas on Cross Lake. The ZP 768 has the potential to directly and uniquely affect Ms. Pierson and her use of her property. Accordingly, she is granted Interested Person status.

**2. SP & CLRA**

SP & CLRA is a road association<sup>1</sup> comprised of individuals who lease lots on Cross Lake from the Petitioner and own dwellings (e.g., camps or homes) located on the leased lots. The association maintains private roads owned by the Petitioner, specifically Sandy Point Road and Connection Lane, that are used by the association members to access their dwellings from Route 161. SP & CLRA notes in its request for Interested Person status that ZP 768 could result in new development with the potential to impact the private roads the association maintains. The association raises questions about the nature and extent of these potential impacts, how costs will be allocated, and whether access to the lots presently leased by association members will be affected. Accordingly, SP & CLRA, a member organization, is granted Interested Person status.

SP & CLRA's request for Interested Person status concludes: "We therefore . . . pray the Commission will accept our request and will grant the Sandy Point and Connection Lane Road Association and its individual members, respectively, Interested Person status." (SP & CLRA Request at 5.) The request, submitted on SP & CLRA letterhead, is signed by the Director of SP & CLRA.

As noted above, the association is granted Interested Person status. The Commission expects the association will act on behalf of its members and address issues within the scope of the association's authority (e.g., repair and maintenance of and access over Sand Point Road and Connection Lane). To the extent SP & CLRA intended to request Interested Person status for each of its members in their individual capacity, that request is denied. As a road association, SP & CLRA lacks authority to seek Interested Person status for individuals in their individual capacity. Individual lease holders, however, along with other members of the public interested in the Petitioner's proposal, will have an opportunity to submit written comments on the proposal and to address the Commission at the public hearing.

**C. Filing of Detailed Issues List:** In reviewing ZP 768 and preparing for the public hearing, the Commission seeks to understand the issues Interested Person wish to address. Interested Persons must file a detailed and complete list of the issues that each would like to address at the hearing. For each issue, the listing must be in sufficient detail to fully apprise the Commission, the Petitioner, and other parties of the specific topic sought to be addressed at

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<sup>1</sup> Whether SP & CLRA is legally organized under 23 M.R.S. §§ 3011-3106 is not material to the decision in this order.

the hearing. Any specific suggestions on how to address or resolve the issue should be identified.

The issues or topics identified by Interested Persons should be limited to those relevant to the Commission's review and within the scope of the authority of the Interested Person to comment on. For example, the potential sale price of lease lots is beyond the scope of the Commission's review. The Commission's webpage dedicated to its review of ZP 768 ([www.maine.gov/dacf/lupc/reference/resourceplans/fishriverlakes\\_prp015.html](http://www.maine.gov/dacf/lupc/reference/resourceplans/fishriverlakes_prp015.html)) identifies the relevant review criteria.

The issues list must be submitted electronically to Tim Beaucage by **5:00 PM December 29<sup>th</sup>**.

If you have any questions on this *Procedural Order*, please contact Tim Beaucage (call (207) 287-4894; e-mail [Timothy.Beaucage@maine.gov](mailto:Timothy.Beaucage@maine.gov)).

DONE AND DATED AT AUGUSTA, MAINE THIS 17<sup>th</sup> DAY OF NOVEMBER 2017

A handwritten signature in cursive script, reading "Everett Worcester", is written over a horizontal line. The signature is in black ink and is centered on the page.

Everett Worcester, Chair and Presiding Officer