STATE OF MAINE
FRANKLIN, ss.

LAND USE PLANNING COMMISSION
LOAF LAND SUBDIVISION APPLICATION
Subdivision Permit No: SP4103

In re: Loaf Land Development, LLC
Subdivision Permit No: SP4103

INTERVENORS' MOTION TO REQUEST SITE ACCESS

NOW COME Intervenors, Stanwood Fish, Jr. and Jenny Burch, pursuant to CMR 01-672-005 § 5.13, and respectfully petition the Land Use Regulatory Commission, as follows:

1. Stanwood Fish, Jr. and Jenny Burch have the right to submit testimony on matters related to Stormwater Management and conditions on Mountain Road at the Technical Session currently scheduled for November 12, 2026 at 10:30 am.
2. The deadline for submitting Testimony and Exhibits to be given and introduced at the Technical Session is November 4, 2026 at 5:00 pm.
3. Intervenors have asked the Applicant, through Applicant's Agent, Emily Hastings, for permission for Intervenors' professionals to access the property which is the subject of the above-referenced Application, and Applicant has denied permission.
4. Intervenors have been granted the right to submit testimony and technical data related to stormwater to be potentially concentrated by Applicant proposed activities and directed onto Intervenor's land, and Intervenor's consultants are not able to properly review the

natural resource designations provided Applicant's application (such as streams and intermittent streams) without access to Applicant's land; as examples:

a. Intervenors need to evaluate and confirm wetland and soil types on the site and confirm accuracy of data upon which stormwater management design is based, this includes wetlands locations, wetland types, watercourse locations, watercourse designations. It appears that data submitted with the Applicant's Application may be based on LIDAR, which is not always accurate. As a further example of this need to evaluate and confirm, the stream observed during the site walk as running parallel to and downhill from the proposed Mountain Village Road, observed during the sitewalk as having a confluence with the stream depicted on the Application as running into a culvert, is not depicted in the Application.

b. Intervenors need to locate and determine the areas of highly compacted soils resulting from recent clear cutting as these compacted soils have not been addressed in the existing application and will indeed limit stormwater infiltration, thereby potentially increasing the volume and velocity of stormwater runoff directed, by Applicant, onto Intervenors' land.

c. Intervenors need to access to the site to review and survey unique vegetation (lack of mature trees resulting from recent clear cutting, which lack is not presented in Applicant's Application) that impacts groundwater infiltration and nutrient uptake. Without tree roots to absorb nutrients, and

with solar radiation accelerating the decomposition of leftover organic slash, nitrates leach rapidly into the groundwater. Studies have shown that elevated nitrate concentrations in groundwater can persist for up to 25 years after a clearcut. Clear cutting has a profound and complex dual impact on groundwater infiltration and recharge. While removing the forest canopy initially allows far more water to hit the forest floor—often causing a localized rise in the groundwater table—the physical damage to the soil structure simultaneously limits how effectively that water can soak into the ground over time. The vast majority of Applicant's stormwater will be directed onto Intervenors' lands and Intervenors' can not obtain professional advice on the affects of this stormwater without access to the subject property.

d. Intervenors need to develop accurate, on-site grade determinations of terrain where road construction is planned and where filter ponds are located to determine whether Applicant's collection and volume assumptions are farily relied upon. Again, Intervenors believe that Applicant's data is based on LIDAR, rather than actual data collected on site, and LIDAR is not always accurate.

5. It is true that Applicant's Application has been reviewed by LUPC's engineer, however, LUPC's engineer has not viewed the subject property.

6. Intervenors have been granted the right to submit testimony and technical data related to

Mountain Road (such as sitelines on Mountain Road from Applicant's land), and Intervenor's consultant is not able to supply complete data without access to Applicant's land.

7. Denial of access to Applicant's land is creating a time delay for Intervenors in gathering complete testimony and exhibits.

8. Intervenors' professionals cannot schedule their visit to the site and Intervenors cannot evaluate their findings and develop testimony that will meet the Commission's prescribed time line.

9. Six stormwater engineers have declined to assist Intervenors for the stated reason that they cannot meet the prescribed time line.

NOW THEREFORE, Petitioners respectfully request that the Commission or the Presiding Officer grant permission for Intervenors and their consultants to access Applicant's land, and grant extensions of the November 4 deadline for submissions and the November 12 Technical Session.

Dated:

10/23/2026

Stanwood Curtis Fish Jr.

Jenny Burch

Jenny Burch