MAIN-LAND
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ENGINEERS, SURVEYORS, SCIENTISTS

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STATE OF MAINE
LAND USE PLANNING COMMISSION

Loaf Land Development, LLC; Subdivision Permit Application for the Loaf Land Subdivision; Coplin Plantation
SP4103

Applicant's Pre-Filed Testimony for Technical Session

Introduction & Qualifications:

My name is Emily Hastings, P.E., and I am a Senior Project Engineer with Main-Land Development Consultants, Inc. I have been employed with Main-Land for approximately nine years and have been licensed as a Professional Engineer in the State of Maine for approximately six years.

During my time with Main-Land, I have participated in the planning, design, permitting, and construction support of a wide variety of land development projects throughout western Maine, including residential subdivisions similar in scale and character to the proposed project. My experience, although not limited to, includes roadway design, stormwater management, drainage analysis, erosion and sedimentation control, site grading, and local and state permitting processes.

I am the engineer of record and have been involved in the evaluation, design, and preparation of materials submitted to the LUPC for this application and am familiar with the project site, proposed improvements, and supporting engineering evidence.

Additional witnesses identified in the submitted Applicant Witness List include:

Richard Dunton, P.E., the President/CEO, Senior Vice President of Engineering & Environmental Sciences of Main-Land Development Consultants. Mr. Dunton has over 20 years of professional experience with the firm and has provided technical oversight, guidance, and mentorship throughout the planning and development of the project and remains available to provide additional testimony regarding engineering matters as necessary.

David Johnson, Esq., partner at Marcus | Clegg. Mr. Johnson has over 20 years of professional experience with this firm and has provided legal counsel and guidance to the applicant and project team throughout the permitting process of this project. He remains available to provide additional testimony regarding permitting and legal matters, as necessary.

Basis of Testimony and Sources Reviewed:

The testimony is based upon review of the application materials and supporting documents prepared for the proposed project, including, but not limited to, site plans, stormwater analyses, phosphorus calculations, roadway information and related technical reports. In addition, this testimony is based upon applicable regulatory standards, field observations and my professional engineering experience. The following sources were reviewed and relied upon in preparing this testimony:

1. Permit application and supporting materials
2. Site observations and field measurements
3. Maine Land Use Planning Commission, Chapter 10: Land Use Districts and Standards
4. Maine Land Use Planning Commission, Chapter 2: Definitions
5. Maine Department of Environmental Protection, Chapter 500: Stormwater Management
6. National Wetlands Inventory, Surface Waters and Wetlands Mapper
7. Maine Department of Environmental Protection, Maine Stormwater Management Design Manual – Phosphorus Control Manual, Volume II
8. Maine Department of Environmental Protection, Maine Stormwater Management Design Manual – BMP Technical Design Manual, Volume III
9. Coplin Plantation, Tax Maps
10. Maine Department of Transportation, Chapter 299: Highway Driveway and Entrance Rules
11. Town of Bethel, Chapter 125: Road Design and Construction
12. Maine Legislature Title 29-A: Motor Vehicles and Traffic, Chapter 19: Operation
13. Institute of Transportation Engineers (ITE), Trip Generation
14. Franklin County Registry of Deeds records

Testimony Purpose:

The purpose of this testimony is to provide evidence and a professional opinion regarding the prior determined technical topics:

1. Stormwater Management & Phosphorus Control
2. Access via Mountain Road
3. Access via Moose Track Trail

Stormwater Management & Phosphorus Control:

To evaluate potential stormwater and phosphorus impacts associated with the proposed development the following site-specific data was utilized:

- Existing site topography developed from State of Maine LiDAR mapping, which is a commonly accepted source of elevation information for undeveloped properties. This information is presented on the Site Plans in Exhibit 10, at the noted contour intervals - most plans showing one-foot interval.
- A high intensity soils investigation was completed on the property in May 2025 by Christopher Coppi, a State of Maine Certified Soils Scientist (CSS), No. 631. This investigation identified existing soil types and mapped their boundaries across the site. The soils information is included in Exhibit 27, and associated drainage classifications are depicted on drawing D2.1 Pond Drainage Plan, in Exhibit 10.
- Existing vegetation and ground cover conditions were verified through site investigations and supplemented by review of aerial imagery.
- The precipitation values for the modeled storm events were obtained from *Maine DEP Chapter 500: Stormwater Management, Appendix H: 24-hour duration rainfalls for various return periods*. For Franklin County, storm type II those are as follows: 2-Year Storm Event: 2.4", 10-Year Storm Event: 3.4", 25-Year Storm Event: 4.2", and 100-Year Storm Event: 5.7".
- National Wetlands Inventory (NWI) was evaluated for any surface water and wetlands on the property. Of note, a site specific delineation of protected natural resources was also performed. However, by rule, the phosphorus calculations specifically refer to features on the NWI.

Using these site-specific inputs, hydrologic stormwater and phosphorus export modeling was completed to evaluate existing and proposed conditions and to develop stormwater management measures that avoid undue impacts to water quality and downstream resources.

Phosphorus Controls:

Land Use Districts and Standards: Chapter 10, L. Phosphorus Control standards are required for subdivisions located within the direct watershed of a body of standing water 10 acres or greater in size. In this case, the water body is Flagstaff Lake. Based on the per acre phosphorus allocation provided by Maine DEP for Flagstaff Lake, no NWI wetlands, and approximately 4.73 acres of steep slopes, the allowable phosphorus budget for the parcel is 0.929 lbs of P/year. Calculations provided in Exhibit 33 of the application.

The following calculations, tables, and values are from the *Maine DEP Maine Stormwater Management Design Manual -Phosphorus Control Manual, Volume II*. As with any development, certain land surface coverages produce a specific phosphorus export. These exports are based on Hydrologic Soil Group determined by the data collected by the CSS, certain lot restrictions, and land coverage type. See Table 3.1 and Table 3.2 below, indicting the values used in Exhibit 33.

Table 3.1
Algal Available Phosphorus Export (pre-treatment) for Commercial Development and Subdivisions

		Low Export Option	High Export Option
Land Use	Hydrologic Soil Group	P Fertilizers restricted, roads and drives paved and constructed with stable swales (lb/acre/yr)	No restrictions on fertilizer use, road surface or ditch design and construction (lb/acre/yr)
Landscaped Areas, Lawns & Ditches	A	0.1	0.2
	B	0.2	0.4
	C	0.3	0.6
	D	0.4	0.8
Roads/Driveways	N/A	1.25	1.75
Parking	N/A	1.25	1.25
Roofs/Other	N/A	0.5	0.5
Riprap/crushed rock	N/A	0.3	0.6

Table 3.2
Algal Available Phosphorus Export from Single Family Residential Lots (pre-treatment)

Hydrologic Soil Group	With Area Restrictions		Without Area Restrictions	
	Cleared Area < 12,000 sq ft Driveway/Park < 1,750 sq ft (lb/lot/year)		No Restriction on cleared area or driveway/parking area (lb/lot/year)	
	w/ 75% drive/park area to buffer	w/o 75% drive/park area to buffer	w/ 75% drive/park area to buffer	w/o 75% drive/park area to buffer
A	0.09	0.14	0.12	0.18
B	0.12	0.17	0.17	0.24
C	0.15	0.20	0.22	0.29
D	1.08	0.23	0.27	0.34

Note: Driveways and parking are considered to be draining directly to a buffer if the flow path to the buffer is 50 feet or less and if the runoff reaches the buffer in well distributed overland flow.

Note: phosphorus export values in this table assume a driveway of 150 feet in length, or less. If driveways will likely exceed 150 feet, the excess driveway length should be considered a road and its export calculated using Worksheet 2 and Table 3.1.

Since there are individual lot development restrictions associated with these values, those restrictions have been added to the draft deed covenants and restrictions for the subdivision.

Based on the above values and the associated number of lots and/or acres of development, the pre-treatment project phosphorus export (Pre-PPE) was calculated to be 3.324 lbs of P/year. Calculations provided in Exhibit 33. As this exceeds the allowable phosphorus budget, treatment is required.

To provide phosphorus treatment, four grassed underdrain soil filters (filter ponds) were designed to treat designated portions of the project. The project does not qualify for the LUPC's *Alternative Buffer Standard* due to constraints of topography, soils and natural resources. Filter ponds are a Maine DEP recognized Best Management Practice. These stormwater treatment systems consist of a shallow vegetated depression with a specified media bed used to filter stormwater pollutants and slow the discharge through an underdrain system.

Filter Pond 1 captures runoff from approximately 595 feet of Mountain Village Road and approximately 305 feet of Moose Track Trail. Filter Pond 2 captures runoff from proposed lots 3, 9, 10, 11, & 12, approximately 135 feet of Mountain Village Road, and the entirety of Courtney Lane. Filter Pond 3 captures runoff from proposed lots 4, 5, 6, 7, & 8 and approximately 310 feet of Mountain Village Road. Filter Pond 4 captures runoff from proposed lots 1 & 2. Each filter pond was intentionally designed to have greater capacity than standard sizing requirements, therefore equating to increased treatment factors and more phosphorus removal. Based on the development described above, associated phosphorus export values, and increased design treatment factors the media surface area and volume capacity were designed, as shown in Exhibit 33. The watershed subcatchments for each pond are depicted on drawing D2.1 Pond Drainage Plan and pond design details are shown on drawings C6.1 though C6.4 Pond Plan & Profiles. Plans are provided in Exhibit 10. Accounting for treatment, the post-treatment project phosphorus export (Post-PPE) was calculated to be 0.929 lbs of P/year.

The only untreated portion of Mountain Village Road consists of approximately 40 feet at the entrance and approximately 90 feet at the stream crossing. This totals an export of 0.074 lbs of P/year.

It is standard practice that a pre-existing untreated offsite phosphorus source flowing to the designed treatment structure be accounted as mitigation credits in phosphorus calculations. It was recognized that the current Moose Track Trail is not a consistent gravel surface, therefore, only wheel track widths were assumed. Mitigation credits total 0.0235 lbs of P/year.

After accounting for treatment and mitigation credits, the Project Phosphorus Export (PPE) is 0.905 lbs of P/year, which satisfies the applicable phosphorus standard as it is less than or equal to the Project Phosphorus Budget (PPB). Calculations provided in Exhibit 33. Sebago Technics, LUPC's third party engineer, has reviewed the proposed design and methodology and concluded the following statement: "Our review of the project finds that in general the strategies to address Phosphorus are acceptable."

Stormwater Controls:

The project ditches, culverts and filter ponds were designed to accommodate, at a minimum, the 25-year storm event for this region, which is a commonly accepted engineering design standard in Maine. Of note, the plan documents, provided in Exhibit 10, are being corrected to reflect a 24-inch HDPE culvert near Station 2+75 on Mountain Village Road to ensure a 25-year storm event can be fully conveyed. Stormwater modeling was performed using HydroCAD 10.20-9a software with a TR-55 methodology, a Maine DEP recognized and accepted methodology. The HydroCAD analysis incorporates site specific characteristics, including land coverage type, soil conditions, slopes and drainage patterns.

Although the primary purpose of the filter ponds is phosphorus treatment, they are also intentionally designed for stormwater management. The filter ponds are located to discharge into existing drainageways and storage volumes are oversized to the greatest extent practicable to attenuate peak stormwater runoff.

As shown in the hydrographs provided in Exhibit 33, the peak inflow to each filter pond exceeds the corresponding peak outflow. These hydrographs represent the 10-year storm event.

Specific concerns were raised regarding Filter Pond 1 and its proximity to the abutting property line. To further evaluate potential impacts, pre-development and post-development models were developed for this area to compare peak runoff rates under both conditions. Two watershed analysis points (WAP's) were identified – WAP A at the abutting property line and WAP B at Mountain Road. The location of these WAPs and associated subcatchments are shown in Exhibit 24.

In the pre-development condition during the 25-year storm event, the modeled peak flow rate at WAP A is 2.10 cfs and the peak flow rate at WAP B is 5.72 cfs. In the post-development condition during the same storm event, the modeled peak flow at WAP A is 2.01 cfs and the peak flow rate at WAP B is 4.83 cfs. The results demonstrate that the peak runoff rates are reduced in the post-development condition at both analysis points. This is primarily due to attenuation by Filter Pond 1.

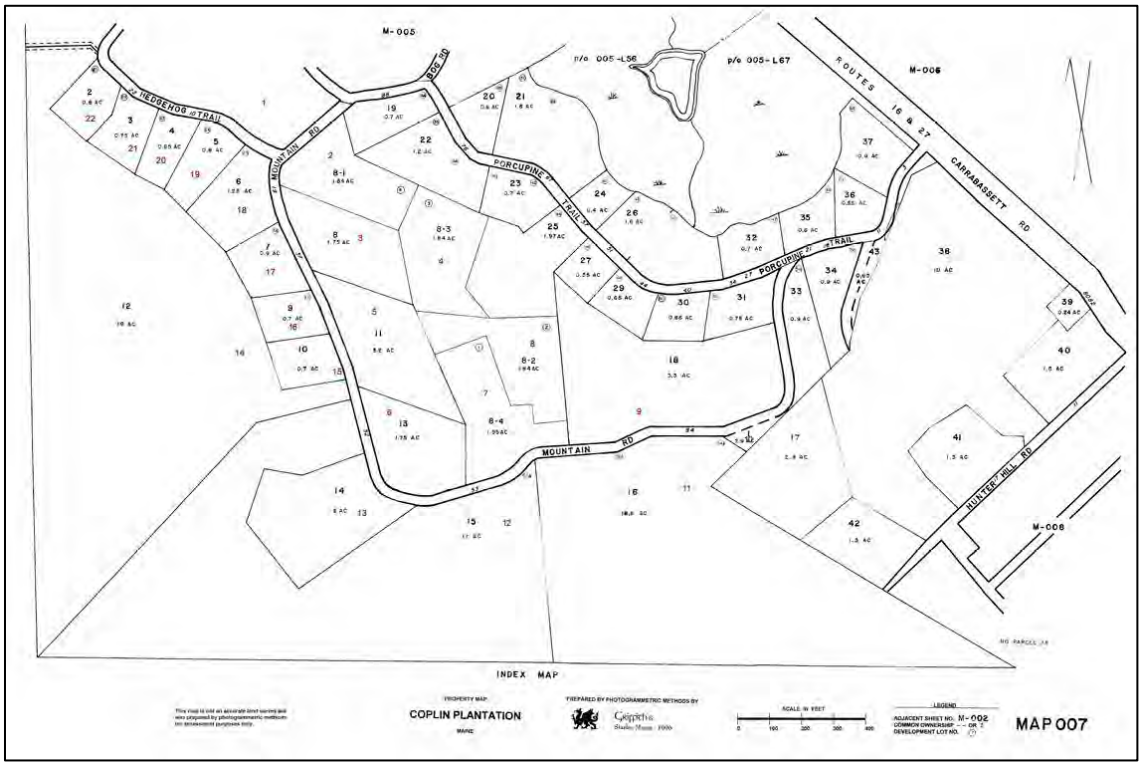
As the modeling indicates, the project is expected to decrease impacts of peak run-off rates on the adjacent properties. In addition, as observed and verified during the site walk on the abutter property, Filter Pond 1 discharges into an existing and well-established natural watercourse maintaining existing drainage patterns to the abutting property. Sebago Technics, LUPC's third party engineer, has reviewed the proposed design and methodology and concluded the following statement: "We have reviewed the HydroCAD analysis performed by the applicant and we agree with the general methodology and findings of the analysis."

Site Stabilization Measures:

An array of temporary and permanent stabilization measures are proposed to ensure the site and surrounding areas remain stable during and after construction. Temporary erosion and sedimentation control measures include silt fence installed down gradient from disturbed areas, stone check dams to collect sediment in ditches, erosion control mulch and matting, and a stabilized construction exit on Mountain Village Road to limit soil particles tracked onto Mountain Road. Permanent stabilization measures include installation of angular rip-rap on non-woven geotextile at cross culvert inlets & outlets, revegetation of disturbed areas, and erosion control mesh/blanket to reinforce drainage channels. These measures, shown on the Site Plans in Exhibit 10 and described in the project Erosion and Sedimentation Control Plan, provided in Exhibit 29, will help minimize erosion, trap sediments onsite, and promote long-term stability.

Access via Mountain Road

Mountain Road is a public roadway maintained by Coplin Plantation and has an unposted speed limit. The road has a gravel surface and field measurements indicate an average traveled way width of approximately 20 feet, although it does vary. The road is configured as a loop; however, only a portion of the loop is public and maintained during the winter season. Based on Coplin Planation Tax Map 007, Mountain Road currently provides access to 22 existing lots, as shown below.



To analyze Mountain Road, a center alignment was approximated based on aerial photography. The first and tightest curve has a radius of about 175 feet. The remainder of Mountain Road to the proposed project entrance consists of greater curve radii. There is no specific horizontal curve radius requirement within LUPC *Land Use Districts and Standards: Chapter 10*, however standard engineering minimums for a public road of minor traffic volume and speed limit of 25 mph or less are 100 to 200 feet. Based on the horizontal alignment, an approximate best fit vertical profile was generated utilizing a surface model generated from Maine LiDAR. The table below depicts the approximate Mountain Road segments starting at Porcupine Trail to segment where Mountain Village Road begins, it does not include the vertical curves that transition between grade changes.

Length	Grade
50 feet	5.9%
40 feet	15.7%
30 feet	9.5 %
130 feet	15.0%
115 feet	10.1%
15 feet	5.3%
185 feet	13.5%
30 feet	5.5%
45 feet	10.5%
65 feet	1%
Average	10.8%

Although the roadway classifications contained in *Land Use Districts and Standards: Chapter 10* appear to apply primarily to newly designed roads, they provide a reasonable basis for evaluating the functionality of Mountain Road, as there are no formal roadway design standards for Coplin Plantation. For Class 1 roads, the maximum sustained grade is 10%, which may be increased by up to 5% for a distance not exceeding 300 feet under certain circumstances and when located more than 150 feet from the downhill intersection. Importantly, this standard

applies to sustained grades, not short, localized segments. Although sections of Mountain Road meet or slightly exceeds 15%, the roadway profile consists of varying grades with only short intermittent sections that exceed the sustained-grade criteria.

There is no specific standard within LUPC *Land Use Districts and Standards: Chapter 10* regarding a safe stopping sight distance requirement, as it is not a Maine Department of Transportation (MDOT) regulated roadway. Sight distance at the proposed project entrance was field measured along Mountain Road and was estimated to be approximately 150 feet to the left and 285 feet to the right. These measurements were obtained utilizing MDOT methodology for sight distance measurements. It should be noted that these measurements were collected prior to any vegetation clearing. As a result, sight distance to the left is anticipated to improve following the clearing associated with the proposed grading activities.

As two points of reference the following safe stopping sight distance standards are provided. The MDOT identifies the minimum sight distances of 155 feet for a design speed of 20 MPH and 200 feet for a design speed of 25 MPH. Town of Bethel, Maine public roadway standards, that are not MDOT regulated, identify a minimum sight distance of 115 feet at design speed of 20 MPH and 155 feet design speed of 25 MPH. As Mountain Road is an unposted residential area, according to Maine State Legislature Statutes, that would indicate maximum rate of speed of 25 MPH. However, given the varying width, gravel surface, and rural residential area, actual vehicle speeds are expected to be lower than the statutory maximum. The observed site distance is adequate as it generally aligns with the noted reference safety standard guidance. Additionally, the Plantation is encouraged to post a maximum speed limit of 20 mph or less, consistent with existing conditions.

Although not a quantified standard in *LUPC Land Use Districts and Standards: Chapter 10*, it is important to note the mild grades of both Mountain Village Road and Mountain Road at the entrance intersection. Mountain Village Road is -1% for approximately 30 feet inward then transitions to 2.75% for approximately 125 feet. Mountain Road is at appropriately 1% at the intersection. This gives a gradual approach to the intersection and a flat stopping point to evaluate roadway traffic.

As with any development, the project is expected to increase traffic volumes on Mountain Road. However, overall traffic volumes would remain relatively low, and the increase would not alter the roadway's functional classification with respect to the number of lots served. Based on trip generation estimates published by the Institute of Transportation Engineers (ITE), using Land Use Code 210 (Single-Family Detached Housing), the proposed development is anticipated to generate approximately 113 vehicle trips per peak day. While this represents an increase over existing conditions, the resulting traffic volumes remain low and are not expected to adversely affect the operation of Mountain Road.

Access via Moose Track Trail

Moose Track Trail is an existing recreational trail that traverses the Peters property and provides access via easement to the Applicant's property. During the October 2026 site walk, the trail was observed to pass approximately 20 to 30 feet from the Peters structure. No survey work was performed on the Peters property as part of this application. The existing driveway is gradual. The trail from the driveway increases to an approximate 20 percent grade over roughly 90 feet. Beyond this segment, the trail transitions to more moderate and consistent grades and was not analyzed.

Access rights over Moose Track Trail are documented in the deed from Oliver Pelletier to Loaf Land Development, LLC, recorded in Franklin County Registry of Deeds Book 4611, Page 256, which references an established easement described in Franklin County Registry of Deeds Book 1234, Page 29. The easement grants "the right to use for foot or vehicular travel and to establish and maintain electric and telephone lines over and along Moose Track Road through the northerly end of the lot or parcel." In addition, a boundary survey prepared by Sackett & Brake Survey, Inc. for Carl and Diane Pettersen, dated August 16, 2012 (Plan No. 5859), depicts the access easement across the property.

The subdivision proposes to utilize this existing easement to provide access to lots 1 and 2. Based on the limited number of lots served and length of access, Moose Track Trail is proposed to function as a shared driveway for those lots, with maintenance responsibilities established through the proposed deed covenants and restrictions. LUPC *Land Use Districts and Standards: Chapter 10* requires driveways to maintain a minimum setback of 15 feet from property lines, except where driveways are located within deeded easements or rights-of-way. The proposed access utilizes an existing deeded easement. While the recorded easement does not specify a width, it expressly provides for vehicular access as well as the installation and maintenance of utilities. Installation of utilities and access upgrades will be the responsibility of the future lot owners.

Based on my review of the recorded documents and proposed deed restrictions, the existing easement provides access rights to proposed lots 1 and 2.

Main-Land Development Consultants, Inc.

Emily Hastings

Emily J. Hastings, PE
Senior Project Engineer

Date: 2026-11-04

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Loaf Land Development, LLC; Subdivision Permit Application for the Loaf Land Subdivision; Coplin Plantation
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Applicant's List of Witnesses

1. Emily Hastings, P.E.
   Main-Land Development Consultants, Inc.
   emily@main-landdci.com
   69 Main Street
   P.O. Box Q
   Livermore Falls, ME 04254

2. Richard Dunton, P.E.
   Main-Land Development Consultants, Inc.
   rick@main-landdci.com
   69 Main Street
   P.O. Box Q
   Livermore Falls, ME 04254

3. David Johnson, Esq.
   Marcus | Clegg
   dcj@marcusclegg.org
   1210 Shore Road
   Cape Elizabeth, ME 04107

The witnesses identified above may provide testimony, as applicable, regarding one or more of the following technical topics: (i) Stormwater Management & Phosphorus Control, (ii) Access via Mountain Road, and (iii) Access via Moose Track Trail. Attached to this document are the resumes and qualifications of the identified witnesses.

Main-Land Development Consultants, Inc.

Emily Hastings

Emily J. Hastings, PE
Senior Project Engineer

Date: 2026-11-04

MAIN-LAND DEVELOPMENT CONSULTANTS, INC.

PROFESSIONAL RESUME



Emily Hastings, P.E.

Senior Project Engineer

Education

2016 Roger Williams University, Bristol, RI – B.S. Civil Engineering

2012 Rangeley Lakes Regional School – Rangeley, ME

Employment History

1/2018– Present	MAIN-LAND Development Consultants, Inc. *2024 – Present: Senior Project Engineer* *2018: Staff Engineer*
2016 – 2018	The Cianbro Companies *Engineer*

Organizations

- American Society of Civil Engineers

Project Experience

- Loon Lake Road Reconstruction – Rangeley, Maine
- Chapman Street Reconstruction Inspection – Bethel, Maine
- ECA Solar – Bethel, Maine
- Darnit Brook Crossing Replacement – Buckfield, Maine
- Everett Propane – Bethel, Maine
- New Balance Factory Expansion – Skowhegan, Maine
- Jock Stream Crossing Replacement – Wales, Maine
- Public Works Facility – Harrison, Maine
- Beth Brunswick Childcare Facility – Rangeley, Maine
- Northern Outdoors Parking Expansion – The Forks, Maine
- West Mountain Expansion at Sugarloaf – Carrabassett Valley, Maine

MAIN-LAND DEVELOPMENT CONSULTANTS, INC.

PROFESSIONAL RESUME



RICHARD W. DUNTON, P.E.

President/CEO
SVP of Environmental Sciences
SVP of Engineering

EDUCATION

2006 University of Maine – B.S. Civil Engineering
2002 Mountain Valley High School

PROFESSIONAL

- Maine Licensed Professional Engineer #12485
- New Hampshire #14127
- Maine DEP Certified in Erosion and Sediment Control
- Certified Maine DOT Local Project Administrator
- Smart Stream Crossing Techniques Trained

EMPLOYMENT HISTORY

2005 – Present MAIN-LAND Development Consultants, Inc.
2025 – 2026: President/CEO, SVP of Environmental Sciences, SVP of Engineering
2024 – 2025: SVP/COO, Chief Engineer
2011 – 2024: Directing Engineer – Project Manager
2006 – 2011: Civil Engineer

2003 – 2005 Maine Department of Transportation
Engineering Aid (Summers)

PROJECT EXPERIENCE

- Locke Summit Estates – Bethel/Newry, Maine
- Rangeley North Subdivision – Rangeley, Maine
- FEMA Funded Stream Crossing Replacements – Jay, Maine
- Sugarloaf West Mountain Expansion – Carrabassett Valley, Maine
- Carry Road Reconstruction, (MDOT Municipal Partnership) – Oquossoc, Maine
- Loon Lake Road Reconstruction – Rangeley, Maine
- Bear Brook Crossing Replacement – Rumford, Maine
- Tessier Road Reconstruction – Livermore, Maine
- New Balance Factory Expansion – Skowhegan, Maine

ORGANIZATIONS

- American Society of Civil Engineers
- JLLF Chamber of Commerce Executive Board Member
- Greater Franklin Development Council Board of Directors

DAVID C. JOHNSON, J.D.

1210 Shore Rd, Cape Elizabeth, ME 04107/ C 207.210.7359/email: dcj@marcusclegg.com

Admitted to the State and Federal Bars of Maine and Massachusetts and the First Circuit Court of Appeal

Work Experience

05/05-Present Marcus | Clegg, *Portland, ME*
Partner

Manage all aspects of a thriving bankruptcy and commercial litigation practice, with a focus on representation of Chapter 11 debtors. Served as counsel for the debtor or other parties-in-interest in close to one hundred bankruptcy cases in the District of Maine, as well as in cases in other jurisdictions, including Massachusetts, Delaware, and the Northern District of Texas. Served as debtor's counsel in more than a dozen Chapter 11 cases in which plans of reorganization were confirmed. Served as counsel for various banks and other creditors in other matters, including Chapter 11, Chapter 13, and Chapter 7 cases. Participated in numerous evidentiary hearings and bench trials in adversary proceedings and main bankruptcy cases. Argued bankruptcy cases on appeal to the United States Bankruptcy Appellate Panel for the First Circuit and the United States District Court of Maine.

In addition, represented parties in numerous commercial litigation cases before both the United States District Court for the District of Maine and the Maine District and Superior Court. Conducted multiple jury and bench trials in State Court. Argued appeals successfully at both the Law Court and First Circuit Court of Appeals.

Representative cases attached.

Intimately involved in day-to-day firm operations and supervision of staff of associates and paralegals. Involved in, among other things, overseeing firm finances (including navigating recent COVID-19 related federal assistance programs), IT Infrastructure issues and human resources matters, as well as recent office move to new space (including logistics of building fit out, negotiations with landlord, *etc.*)

8/02-05/05 Verrill Dana, LLP, *Portland, ME*
Associate

Worked on all aspects of various matters in the firm's bankruptcy practice including representation of Chapter 11 trustee in railroad reorganization case and panel Chapter 7 trustee in multiple bankruptcy cases and adversary proceedings.

Prior Experience

Hanify & King, P.C., *Boston, MA*
Associate
Assigned to both bankruptcy and civil litigation practice areas.

Burns & Levinson, *Boston, MA*
Associate

Defended complex construction, legal, and accounting malpractice cases.

City of Boston Legal Department, *Boston, MA*

DAVID C. JOHNSON, J.D.
1210 Shore Rd, Cape Elizabeth, ME 04107/ C 207.210.7359/email: dcj@marcusclegg.com

Associate Corporation Counsel

Defended the City and its employees against a host of legal actions, ranging from slip and falls to alleged civil rights violations.

Education

BOSTON COLLEGE LAW SCHOOL- Newton, MA.
Juris Doctor: May 1995

BOWDOIN COLLEGE, *Brunswick, ME*
Bachelor of Arts in History: May 1992, *cum laude*; Dean's list 1988-1992

Professional Memberships

- Member of the American Bankruptcy Institute
- Member Maine State Bar Association
- Presenter for the Credit Abuse and Resistance Program

References available upon request

DAVID C. JOHNSON, J.D.
1210 Shore Rd, Cape Elizabeth, ME 04107/ C 207.210.7359/email: dcj@marcusclegg.com

Representative Cases

In re New England Building Materials, United States Bankruptcy Court for the District of Maine, docket no. 12-20109.

Served as debtor's counsel for lumber company with over 100 employees and places of business (including a lumber yard, a saw mill and retail facilities) in Maine and Massachusetts. Obtained confirmation of plan of reorganization that restructured the debtor's balance sheet, divested it of certain non-performing assets and permitted its primary business to continue in operation. Involved in all aspects of case from pre-petition planning, to litigation with the Court-appointed creditor's committee, and through resolution of post-confirmation issues.

In re Parkview Adventist Medical Center, United States Bankruptcy Court for the District of Maine, docket no. 15-20442.

Served as Debtor's counsel for non-profit hospital located in Brunswick, Maine. Assisted in all aspects of case, including preparation for filing, litigation with certain parties-in-interest including another hospital and state and federal agencies, formulating plan of reorganization, and sale of most assets to a third party. Prosecuted numerous adversary proceedings seeking recovery of preferential or fraudulent transfers. Currently serving as counsel for the liquidating trust created as part of the confirmed reorganization plan,

Montreal Maine and Atlantic Railway, Ltd., United States Bankruptcy Court for the District of Maine, docket no. 13-10670.
Hotels,

Represented largest secured lender of the debtor in all aspects of Chapter 11 case, as well as in multiple related adversary proceedings. Participated in appeals of various decisions to the District Court and the First Circuit Court of Appeals.

In re Austin Hotels, United States Bankruptcy Court for the District of Maine, docket no16-20599.

Represented Chapter 11 debtor, the owner of two hotels in Maine, in successful reorganization. Negotiated terms of debt restructuring with debtor's primary lender and obtained lender's agreement to terms of plan of reorganization.

In re Brett Davis, United States Bankruptcy Court for the District of Maine, docket no. 12-10889.

Represented personal Chapter 11 debtor who owned a gas station, convenience store and other property in contentious bankruptcy proceeding, which resulted in confirmation of a consensual plan of reorganization.

In re Shai Shawn Tamir, United States Bankruptcy Court for the District of Maine, docket no. 14-20368.

Represented personal Chapter 11 debtor who owned various commercial rental properties in the greater Portland area. Advocated for and obtained a confirmed plan of reorganization following extensive litigation with various creditors (including an appeal to the United States District Court for the District of Maine) as to various mortgage and foreclosure issues.

Milo Enterprises, Inc. v. William A. Howison*, Chapter 7 Trustee of the Estate of the Freaky Bean Company,* United States Bankruptcy Appellate Panel for First Circuit, docket no. EB-12-082.

After bench trial in the bankruptcy court, obtained reversal of post-trial bankruptcy judgment against client implicating 11 U.S.C. §§ 550 and 547, as well as earmarking issues. *In re Freaky Bean Coffee Co.*, 494 B.R. 771 (B.A.P. 1st Cir. 2013)

Baldwin v. Bader*,* United States District Court for the District of Maine, docket no. 07-46-P-H.

Represented minority shareholder in suit alleging that other shareholders breached their fiduciary duties by improperly diluting shares. Obtained order disqualifying the defendants' valuation expert on *Daubert* grounds and granting client partial summary judgment. Order affirmed on appeal to the First Circuit. *Baldwin v. Bader*, No. CIV. 07-46-P-H, 2008 WL 2875351, at *2 (D. Me. July 23, 2008), *subsequently aff'd,* 585 F.3d 18 (1st Cir. 2009)

Perry v. Wolaver, First Circuit Court of Appeals, docket no. 06–2270, 06–2271.

Following grant of partial summary judgment in clients' favor in United States District Court for the District of Maine in commercial breach of contract case, obtained affirmation of lower court order following briefing and oral argument. *Perry v. Wolaver,* 506 F.3d 48 (1st Cir. 2007)

Scott v. Fall Line Condominium Association, Maine Law Court, docket no. BCD 18-245.

Represented plaintiffs in dispute as to dues and governance issues of ski condominium. Obtained summary judgment in clients' favor in the Maine Business Court and affirmance of that judgment in the Law Court. *Scott v. Fall Line Condo. Ass'n*, 2019 ME 50, ¶ 3, 206 A.3d 307, 310

November 4, 2026

Mr. Curt Fish
136 Front Street
Bath, ME 04530
Via Email: curt@curtfish.com

APPLICATION REVIEW MEMORANDUM

SUBJECT: Stormwater Management, Drainage, and Potential Impacts to Abutting Properties and the Natural Environment - Loaf Land Subdivision — SP 4103, Coplin Plantation, Franklin County, Maine

Introduction

This memorandum identifies potential deficiencies, inconsistencies, and outstanding questions concerning stormwater management associated with the 12-lot Loaf Land Subdivision proposed in Coplin Plantation, Maine. The review is based on the compiled application dated October 7, 2026, and the applicant's supplemental September 22, 2026, comment-response submission, including the revised calculations, filter pond design worksheets, engineered drawings, and supplemental drainage modeling.

The purpose is to identify additional information that may be necessary for the Commission to determine whether the project satisfies applicable stormwater, erosion-control, and natural-resource protection standards.

This memorandum does not constitute an independent engineering certification or a determination that the project violates any applicable regulations.

This technical review memorandum has been compiled on behalf of Mr. Curt Fish, Intervenor, regarding the proposed Loaf Land Subdivision in Coplin Plantation. The application review and the information compiled within this memorandum was prepared by EcoLink LLC and represents the subject matter expertise of Dr. Dale F. Knapp. Mr. Knapp is registered in the State of Maine as a Licensed Soil Scientist, Licensed Site Evaluator, and a 3rd Party Inspector. He is Nationally Accredited as a Professional Wetland Scientist, Certified Professional in Erosion and Sedimentation Control, and Internationally as a Certified Environmental Professional. He was born and raised in Maine and has spent more than 25 years as an environmental professional working on projects here in New England. He holds advanced degrees from the University of Maine, Southern New Hampshire University, and the University of New England.

Purpose and Scope

This memorandum will summarize potential deficiencies, inconsistencies, and outstanding questions concerning stormwater management and the potential for adverse impacts associated with the proposed 12-lot Loaf Land Subdivision located in Coplin Plantation, Maine. The review is based on the "Final" compiled application submitted to the Land Use Planning Commission (LUPC) by Main-Land Development Consultants (Main-Land) dated October 7, 2026, and the applicant's September 22, 2026, comment-response package, including the revised calculations, filter pond design worksheets, engineering drawings, and supplemental drainage modeling.

This memorandum also serves to identify information that may be necessary for the Commission to determine whether the project satisfies applicable stormwater, erosion-control, phosphorus-control, and natural-resource protection standards. This memorandum does not constitute an independent engineering certification or a final determination that the project violates any applicable regulations. This evaluation is intended to raise concerns that may need to be addressed prior to any regulatory decision on the proposed development.

Regulatory Background

The following regulatory summary sets the baseline for how the LUPC will evaluate the proposed subdivision. Under 01-672 C.M.R. Chapter 10, § 10.24 — General Criteria for Approval, The LUPC must determine whether a proposed development satisfies the applicable statutory approval criteria. For stormwater review, relevant considerations include the adequacy of the proposed development and its compatibility with the surrounding area and natural resources.

01-672 C.M.R. Chapter 10, § 10.25(L) Phosphorus Control, establishes phosphorus-control standards for qualifying development in lake watersheds. The applicable calculation methodology relies on the Maine Stormwater Management Design Manual, Volume II, *Phosphorus Control Manual*. This section outlines the standards under which compliance must be demonstrated through the use of appropriate project characteristics, treatment assumptions, and phosphorus export calculations.

Where applicable within the proposed projects jurisdictional wetland and stream alterations, 01-672 C.M.R. Chapter 10, § 10.25(P) Protection of Natural Resources, establishes standards concerning unreasonable environmental impacts, including impacts to water quality and flooding of adjacent properties. Section 10.25(P)(1)(f) requires that an activity must not unreasonably cause or increase flooding of the alteration area within the project or on adjacent properties.

01-672 C.M.R. Chapter 10, § 10.25(Q) Subdivision and Lot Creation establishes applicable subdivision standards, including requirements related to layout and legally sufficient access.

Soil disturbance associated with a proposed project shall be minimized and appropriate erosion and sedimentation controls to prevent sediment from entering water bodies, drainage systems, wetlands, water crossings, and adjacent properties. 01-672 C.M.R. Chapter 10, § 10.25(M) Erosion and

Sedimentation Control, outlines the specific requirements to avoid sediment detachment and transport and other potential adverse impacts on the natural environment and abutting properties.

Section 10.25(M)(3) addresses site specific erosion and sedimentation control plans, while § 10.25(M)(4) establishes applicable inspection, monitoring, and reporting requirements.

In addition to the above statutes the Maine Stormwater Management Design Manual provides the following technical references which are particularly relevant in this instance:

- Volume II — *Phosphorus Control Manual*, March 2016.
- Volume III — *Technical Design Manual*, May 2016.
- Volume III, Chapter 7.1 — Grassed Underdrained Soil Filter BMP.
- Volume III, Chapter 8.3 — Level Spreaders.
- Volume III, Chapter 11 — Designing for Operation and Maintenance.

Concern 1 Adequate Treatment for Reasonably Anticipated Buildout of Impervious Surfaces

The project should account for stormwater increases that can be attributed to what could be reasonably anticipated for the full buildout that could be expected for each lot within the proposed subdivision. The revised phosphorus export worksheet in the application identifies approximately 0.425 acres or 18,513 square feet of subdivision road represented in the application materials. The proposed subdivision contains 12 residential lots. The revised covenants limit driveway impervious surface to 1,750 square feet per lot, which represents 0.482 acres or 21,000 square feet. The proposed subdivision access road along with driveway allowances totals 0.907 acres or 39,513 square feet.

Separately, the four filter pond sizing worksheets identify the following impervious drainage areas that will result as the construction of the subdivision; Filter Pond 1 = .21-acres, Filter Pond 2 = 0.34-acres, Filter Pond 3 = 0.39-acres, Filter Pond 4 = 0.12-acres. The sizing worksheets show a total impervious drainage area assigned to treatment of 1.06-acres or 46,174 square feet.

If all lots utilize this allowance, the subdivision will contain a total of 39,513 square feet of residential driveway surface and subdivision roads, exclusive of homes, garages, or other impervious surfaces associated with residential development of each lot. Assuming a hypothetical 2,000-square-foot roof footprint for each residence, the 12 lots alone would contain approximately 24,000 square feet of additional impervious surfaces.

The combined impervious drainage areas identified in the four filter pond worksheets within the application materials appear to exceed the road and driveway impervious areas identified in the calculations by approximately 6,661 square feet, or 555 square feet per proposed residential lot. The applicant should reconcile the drainage-area assumptions and demonstrate how reasonably anticipated roof, driveway, garage, and other developed surfaces are addressed in the stormwater management design.

This is a concern as the submitted application materials may not clearly describe the impervious areas used in filter pond design with all proposed roads, residential driveways, rooftops, and other surfaces that could be expected at full subdivision buildout. It is possible that future residential impervious surfaces are incorporated into the calculations, but the documentation as presented does not provide for a clear accounting of all reasonably anticipated impervious surfaces. Because the subdivision infrastructure will be constructed before all homes are developed, the stormwater analysis should evaluate the ultimate development condition rather than solely the initial road-construction phase.

The applicant should provide:

1. A reasonably anticipated buildout impervious-surface calculations identifying assumed roof, garage, driveway, parking, and road areas along with the corresponding developed non-impervious area.
2. A drainage-area map showing which surfaces discharge to each filter pond, representing adequate treatment for stormwater.
3. Reconciliation of the full-buildout quantities with the phosphorus worksheets, filter sizing worksheets, and stormwater model.

Concern 2 Filter Pond 2 Level-Spreader Design Calculation Inconsistency

The Filter Pond 2 worksheet appears internally inconsistent as shown in the application materials and may understate the required length of the discharge spreader. The design worksheet within the application for Filter Pond 2 identifies the following parameters; Peak Runoff, 10-year storm of 4.33 cubic feet per second, Design Criteria of 1 foot of spreader per 0.25 cubic feet per second, Required Spreader Length of 9 feet, proposed spreader length of 10 feet. Using the values included on the worksheet, 4.33 cubic feet per second ÷ 0.25 cubic feet per second per foot, the required spreader length appears it should be 17.32 feet. As correlated within the application, the Filter Pond 3 worksheet utilizes the same Peak Runoff and Design Criteria and identifies approximately 17 feet being required, with a proposed 18-foot level spreader. It should be clearly stated if there is a permitted reduction or alternate design criteria that would demonstrate the full stated discharge would not reach this spreader.

A level spreader that is insufficiently sized or improperly constructed may fail to distribute discharge uniformly, potentially resulting in undue adverse impacts including concentrated runoff, downstream erosion, sediment transport, or slope instability. The proposed 10-foot spreader would receive approximately 0.433 cubic feet per second per linear foot if the entire 4.33 cubic feet per second reaches it. This would exceed the 0.25 cubic feet per second per foot that was identified in the application.

The applicant should clarify the calculation or clear justification for the use of a different discharge rate or design allowance at Filter Pond 2, validate the appropriate design discharge and sizing criteria, and revise the engineering drawings if the existing 10-foot spreader is inadequate.

The applicant should also verify the spreader calculations for all four filter ponds, to account for the calculation discrepancies shown within the worksheets.

Applicable standards

- 01-672 C.M.R. § 10.25(M), erosion and sedimentation control.
- Maine Stormwater Management Design Manual, Volume III, Chapter 8.3, Level Spreaders.
- Applicable technical requirements for the proposed grassed underdrain soil filter.

Concern 3 Potential Adverse Drainage Impacts to Abutting Properties

The independent technical review completed by Sebago Technics included within the project record identified concerns regarding drainage from Filter Pond 1, the proposed Mountain Road culvert crossing, and potential discharge toward property owned by Curt Fish and Jenny Burch.

The September 22 response from Main-Land includes supplemental information utilizing a 25-year storm modeling for the Filter Pond 1 area and the Mountain Road crossing.

The applicant reports a slight reduction in post-development peak flow at the two modeled analysis points. A reduction in peak flow at selected analysis points does not necessarily demonstrate the absence of adverse impacts at downstream property boundaries. While stormwater leaving the property may have been reduced, the post construction condition could result in concentrated runoff where diffuse surface flow previously existed. This has the potential to result in an undue adverse impact in the form of increased erosion or sediment transport onto the abutting property as a result of concentrating and increasing flow velocity at culvert outlets and spillways.

The proposed subdivision occupies land that is generally characterized by having substantial uphill drainage contributions, restrictive subsurface soil horizons, and areas of seasonal groundwater accumulation. The applicant should clearly demonstrate that the stormwater and road-drainage designs account for all contributing drainage areas, including runoff originating above and beyond the proposed subdivision boundaries. Although the application includes and references supplemental HydroCAD modeling, it is not clear based on the application materials reviewed whether the full contributing uphill watershed has been delineated and incorporated into the drainage calculations.

The applicant should provide a watershed delineation showing the entire contributing drainage area for each proposed road crossing, culvert, filter pond, and downstream discharge point. The applicant should also demonstrate that proposed grading and road construction will not create unintended impoundments, redirect existing drainage, or concentrate runoff in a manner that causes unreasonable or adverse impacts to neighboring properties. The applicant should provide a comprehensive downstream drainage analysis identifying discharge points both pre-development and post-development along the project boundary. The applicant should specifically address potential impacts on the Fish/Burch property and demonstrate to what extent the existing drainage patterns will be

maintained. There are significant steep slopes within the proposed development area and subsurface water has the potential, if intercepted, to create undue adverse impacts downstream. The applicant should seek to identify these cobble drainages and account for them in the stormwater planning.

Applicable standards

- 01-672 C.M.R. § 10.25(M)(1), erosion and sedimentation control, including protection of adjacent properties.
- 01-672 C.M.R. § 10.25(P)(1)(f), where applicable to regulated natural-resource alterations, concerning unreasonable increases in flooding of adjacent properties.
- Applicable LUPC general approval criteria under § 10.24.

Concern 4 Long-Term Stormwater Maintenance and Financial Responsibility

The revised application assigns stormwater maintenance responsibility to the applicant until the homeowners' association is established, after which the association is expected to assume those obligations. The application also includes updated inspection and maintenance provisions.

The long-term effectiveness of grassed underdrain soil filters depends on routine inspection, sediment removal, vegetation management, repair of erosion, and maintenance of outlets and drainage structures.

The materials reviewed do not clearly establish a quantified annual maintenance budget or dedicated financial reserve sufficient to address major repairs and replacement, for either the applicant or the yet to be established homeowners' association. To keep these stormwater controls in good and functioning order, we would recommend an interim plan from the applicant during the development and construction phase and a requirement for monitoring and maintenance by the homeowners' association in a template format for inclusion in the project application. This plan would identify responsible parties, inspection and maintenance frequency, funding mechanism, and procedures for enforcing these obligations.

The LUPC should consider whether specific permit conditions are necessary to ensure that the stormwater facilities remain functional after subdivision lots are sold.

Applicable standards

- 01-672 C.M.R. § 10.25(M), applicable maintenance and inspection requirements.
- Maine Stormwater Management Design Manual, Volume III, Chapter 11, operation and maintenance guidance.

Concern 5 Shallow Subsurface Drainage Continuity & Hydraulic Connectivity

LUPC Chapter 10, § 10.27(D)(3), requires road crossings of wetlands to maintain existing wetland hydrology, including the movement of surface and shallow subsurface water. The application materials

identify the use of conventional gravel road construction methods, consisting of a 12-inch subbase and 3-inch base. However, the materials reviewed do not clearly establish whether the proposed road construction includes free-draining granular material, engineered porous drainage layers, or cross-drainage structures where needed to maintain existing wetland or subsurface hydrology. Commonly referred to as a “Rock-Sandwich”, these structures are intended to keep shallow subsurface drainages under the ground surface. If this groundwater is intercepted and released onto the surface, there exists the potential for adverse impacts downslope of the site.

The applicant should identify where the proposed road intersects existing surface hydrology or intercepts shallow subsurface drainage and demonstrate how the design will maintain existing hydrologic conditions.

Where the applicant proposes to rely upon a Rock Sandwich approach, supporting construction details should identify material gradation, layer thickness, geotextile separation, and hydraulic connectivity across the road corridor that cuts directly across the existing topography on-site.

To expand upon concerns around drainage, the proposed access road would cut into a very steep grade that one could reasonably anticipate will intersect and redirect both surface and subsurface drainages. While the plan accounts for jurisdictional streams and resources, the contour data appears to show ravines and catchments across proposed lots 3, 11, and 12. These channels can be expected to convey increased quantities during storm events and in the spring as snowmelt increases water flowing across the slope. In these steeper environments, leaving these areas unaccounted for may increase risks to abutting properties as well as the environment.

We would recommend LUPC request for the applicant to evaluate whether groundwater interception could occur, and the toolbox available onsite to avoid the potential for concentrated discharge onto downstream slopes.

Concern 6 Previously Disturbed and Compacted Soils

The application includes a Class B high-intensity soil survey that was completed pursuant to the standards published by the Maine Association of Professional Soil Scientists. The survey identified soils with seasonal high groundwater, restrictive rocky till, and limited subsurface permeability. The application does not clearly demonstrate whether project design accounts for pre-existing soil disturbance associated with timber harvesting and heavy equipment traffic.

Where historical logging operations have caused substantial rutting, compaction, and/or channelization of downstream flow, existing infiltration and runoff characteristics may differ from those associated with undisturbed soil profiles.

The applicant should document existing skidder-rut areas and other significant soil disturbances, verify that the hydrologic soil groups and runoff curve numbers reflect actual field conditions, and identify any restoration or drainage measures necessary to support the proposed stormwater design.

Recommended Actions

Before making a final determination regarding stormwater compliance, the LUPC should consider requesting the following supplemental information from the applicant:

Demonstration of a full-buildout stormwater treatment. The applicant should demonstrate that the stormwater design accounts for the impervious and developed surfaces reasonably anticipated within the proposed subdivision, including future residential development that is expected to the extent required by applicable LUPC standards and the project's approved design assumptions.

Validate the Filter Pond 2 level-spreader calculation. Request the applicant to reconcile the stated design criterion with the proposed 10-foot spreader and revise the plans as necessary.

Demonstrate protection of adjoining properties. Request downstream analysis showing how stormwater will leave the subdivision and whether discharge volumes, velocities, flow patterns, or flooding conditions will adversely affect neighboring properties or the environment.

Confirm long-term maintenance and outlet stability. Request post construction details, enforceable maintenance responsibilities, and adequate inspection and repair provisions in an enforceable maintenance plan or agreement.

Evaluate presence of additional surface and subsurface drainages. Request information regarding the presence of these features and how the project will address and mitigate risks associated with these areas.

Conclusion

The September 22, 2026, supplemental submission in the record provides meaningful additional engineering information and addresses several previously identified deficiencies present in the original application identified by Sebago Technics. The record still appears to contain a calculation inconsistency in the Filter Pond 2 level-spreader design and does not clearly demonstrate that the proposed stormwater system has been evaluated against all impervious surfaces that can be reasonably anticipated with a full residential buildout of all 12 proposed lots.

Questions appear to remain regarding the potential for concentrated stormwater discharge, erosion, and flooding on adjoining properties.

These matters are relevant to the Commission's review under the applicable provisions of Chapter 10 and the incorporated stormwater design manuals.

The applicant should also demonstrate that the stormwater design appropriately accounts for existing soil conditions, including areas potentially affected by historical timber harvesting, compaction, and altered drainage patterns.

We would recommend that the LUPC verify the accuracy of calculations and any necessary supplemental engineering documentation before determining that the proposed subdivision satisfies the applicable stormwater and environmental protection standards.



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References

1. Loaf Land Subdivision, SP 4103, *Final Compiled Application*, October 7, 2026, particularly Exhibits 10, 16, 29, and 33.
2. Main-Land Development Consultants, *Loaf Land Comment Response and Revised Attachments*, September 22, 2026.
3. Maine Land Use Planning Commission, 01-672 C.M.R. Chapter 10, *Land Use Districts and Standards*: https://www.maine.gov/dacf/lupc/laws_rules/rule_chapters/Ch10_ver2026-04-06.pdf
4. Maine Stormwater Management Design Manual, Volume II, *Phosphorus Control Manual* (March 2016): https://www.maine.gov/dacf/lupc/laws_rules/materials_incorporated/MaineStormwaterManagementDesignManual_VolumeII_PhosphorusControlManual_2016.pdf
5. Maine DEP, *Stormwater Best Management Practices Manual*, including Volume III technical guidance: https://www.maine.gov/dep/land/stormwater/stormwaterbmps/index.html

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November 4, 2026

Land Use Planning Commission
22 State House Station
Augusta, ME 04333

Re: Subdivision Permit No: SP4103

Dear Members of the Commission:

I am writing to provide a legal opinion regarding the potential for Loaf Land LLC to use Moose Track Trail, an easement area crossing the land of Russell Peters and Cathryn Peters, as a legal right of access to subdivision lots. I am licensed Maine attorney in good standing in private practice for the past 17 years, I have extensive experience in legal matters pertaining to easements. I am also an Intervenor in this matter, and a neighbor to Mr. Peters and Ms. Peters. I have a direct interest in preventing the use of Moose Track Trail as access to residential lots because the stormwater and runoff from those lots will enter my land.

It is my opinion that the easement burdening land of Peters for the benefit of land of Loaf Land LLC does not include the right to improve the surface of the easement area, nor does it include the right to widen the area used by Moose Track Road sufficiently to provide safe and reasonable access and utilities to residential lots depicted in Loaf Land LLC's Application, nor does it include the right to use the easement area to access multiple lots. Furthermore, it is my opinion that, even if the easement did include these rights, LUPC rules would prevent Moose Track Road from being used as an access to multiple subdivision lots in a LUPC approved subdivision.

The Easement

The easement burdening the Peters' land first arose in the Warranty Deed of Peter P. LaPlante Jr. to Carl E. Petterson dated August 12, 1991 and recorded in the Franklin County Registry of Deeds, Book 1234, Page 28. The easement reads as follows:

> *EXCEPTING AND RESERVING, HOWEVER, to Peter P. LaPlante, Jr., his heirs and assigns, forever, the right to use for foot and vehicular travel and to establish and maintain electric and telephone lines over and along Moose Track Road, as it runs from Mountain Road through the northerly end of the lot or parcel of land herein conveyed, to other land of Peter P. LaPlante, Jr. located to the west of the lot or parcel of land herein conveyed.*

With the grant of the easement, the land conveyed to Petterson (now owned by Peters) became the servient estate, and the land retained by LaPlante (now owned by Loaf Land LLC) became the dominant estate. The words, easement, and right-of-way, can be used interchangeably when the easement being discussed is an easement for access to land.

Location of Easements

It is well settled in Maine law, that once the location of a deeded easement has been established, whether by the language of the instrument creating the easement or by subsequent acts of the parties fixing on the ground the location of a general grant of a right-of-way, the site location may not be changed thereafter without the consent of the owner of the dominant estate and the owner of the servient estate. Davis v. Bruk, 411 A.2d 660, 664 (Me. 1980).

Here, the use of the phrase, "as it runs," fixes the location of the easement area known as Moose Track Road to the exact location of the existing Moose Track Road referenced in the LaPlante deed. The general path of the easement area is fixed, and its width, as the width varies along the Moose Track Road, is also fixed. This means that the owner of the dominant estate does not have the right to widen the roadway, as land affected by a widened road area is outside the granted easement area. Likewise, the owner of the dominant estate does not have the right to create switchbacks or move the roadway to a more gentle grade, nor does the owner of the dominant estate have the right to install ditches or other stormwater controls on land of the servient estate outside the easement area. Any features constructed by the owner of the dominant estate to facilitate use of the easement rights would have to fit within the easement area.

Overburdening of Easements

Generally, the owner of the servient estate may not add a burden to the burdened estate. To do so is considered an overburden. Currently, the portion of Moose Track Road leaving the Peters' dooryard and running into the woods is a path through the forest, unimproved, with a surface of natural forest soil, moss and other vegetation. It is not a gravel road.

Improving the Surface of an Easement Area. Maine courts have found that a material change in the surface of a right-of-way can create an added burden to the servient estate (stated otherwise, such a change can overburden the easement). For example, the Davis Court found that an easement for a right-of-way, without more, does not permit the grantee to "disturb the soil upon the fee" of the owner of the servient estate, relying on Littlefield v. Hubbard, 120 Me. 226 (Davis, 666). In response to paving a right-of-way, without the express grant or reservation to do so, the Davis Court stated that "such a material change in the surface of the right-of-way may give rise to an added burden on the servient estate, such as subjecting it to rapid transit of motor vehicles near the defendant's home and posing safety problems to the occupants thereof which a country way may not generate." *Id*.

Here we have a similar situation where improving the surface of the road would subject the Peters to uncontrollable transit of motor vehicles down grades in excess of 29% within 25 feet of their home, posing safety and stormwater problems to the Peters and their guests, which the current unimproved Moose Track Road does not generate.

Additionally, LaPlante did not expressly reserve the right to improve the surface of Moose Track Road. He did reserve the right to run utility lines, and therefore, it follows that some right to disturb the soil has been reserved. However, without the express right to improve the surface of the road, it is unlikely that a court of competent jurisdiction would uphold the right of the owner of the dominant estate to add gravel, or other material, to the surface.

Accessing Multiple Lots. Where an easement is acquired by an express grant or reservation, the extent of the rights so acquired or reserved depends on the expressed intention of the parties in the light of conditions and considerations existing at the time of the grant or reservation. Cole v. Bradbury, 86 Me. 460, 29 A. 1097 (1894).

Here, Loaf Land LLC intends to use the easement area of Moose Track Road as access to two subdivision lots. In 1991, when he created the easement for Moose Track Road, LaPlante did not expressly reserve the right to use Moose Track Road as access to multiple parcels in the future. Given that the easement was first created after the development of the subdivision to which LaPlante's land is adjacent (Hedgehog Village), and given that LaPlante would have been acutely aware of the widths of other roads in the Hedgehog Village Subdivision (since he relied on Mountain Road and at least one other road within Hedgehog Village to access his land), it is unlikely that LaPlante would have failed to reserve sufficient width to create access to multiple lots, and the right to use the easement to access multiple lots, if access to multiple lots had been contemplated and intended by LaPlante. Additionally, the steepness of the grade in the easement area reserved by LaPlante, and the unsuitability of these grades for regular vehicular use, are further evidence that LaPlante did not contemplate reserving the right to improve Moose Track Road as access for multiple lots. Given the totality of the circumstances, it is unlikely a Maine court would find that the easement rights reserved by LaPlante includes the right to use Moose Track Road as access for multiple lots. Rather, using Moose Track Road to access multiple lots would be overburdening the easement.

Legal Right of Access to Subdivision Lots

LUPC Rule 10.25 (Q) (3) (f) provides that, "any lot in a subdivision created after June 17, 2019 must be accessible from a public road by a legal right of access. . . . by road or by water. A legal right of access by road exists when the subdivision land . . . benefits from an easement, appurtenant to the land, that provides for vehicular access. [However] if the road over which legal access is provided does not exist, ***it must be reasonable that the road could be built*** (*emphasis added*). Additionally, the legal access provided must be sufficient to support the land uses allowed in the subdivision, including any associated construction, maintenance, and use of structures." Rule 10.25 (Q) (3) (f) (1).

Here, it is reasonable to state that the road contemplated for use as a shared driveway, over the easement area known as Moose Track Road, does not exist as a road. Moose Track Road certainly exists as a trail, and has probably been used for logging in the distant past. But, it is not a road, and certainly not an existing gravel road as Applicant has stated.

The Commission walked a significant portion of Moose Track Road during the site visit and experienced the 29.9% grade of the road where the Moose Track Road meets the Peters' dooryard. The Commissioners have observed the easement area of Moose Track Road for themselves, and therefore know that it is not reasonable that a shared driveway to access two residential lots can be built in this location. The

Commissioners also know that the width of the trail that is the Moose Track Road easement area is not sufficient to support residential comings and goings, including construction and maintenance of homes, fuel deliveries, or the passage of ambulances and fire trucks.

Because the LUPC rule states that it must be reasonable that a road can be built, and the access must be sufficient to support the land uses allowed in the subdivision, the Commission must not approve any application seeking to use the Moose Track Road easement area as residential access to multiple lots.

Sincerely,



Jenny Burch

JB:ms

LAND USE PLANNING COMMISSION: LOAF LAND SUBDIVISION APPLICATION
Subdivision Permit No: SP4103
Technical Session: November 12, 2026

INTERVENORS' TESTIMONY REGARDING MOUNTAIN ROAD

At the Site Visit on October 13, 2026, members of the Commission observed the necessity to ascend and descend Mountain Road to access all residential lots of the project. The Application lacks detail regarding Mountain Road, other than to say it is a public road.

When we fell in love with the camp we bought on Mountain Road, we called our friend, a plumber who lives in the neighborhood, to ask, what Mountain Road is like in the winter. Our friend told us, "There will be times when you won't get up there."

About Intervenors' qualifications:

Fish is a licensed Maine Realtor, has been involved in several subdivision and road design projects, has constructed several driveways, has an eye for distance and grade, and has helped people consider site conditions, including driveway and road grade, and location of driveways and roads, for the past 25 years. Fish has also practiced law, both in Maine and Washington, DC.

Burch is a licensed Maine attorney in good standing. Burch has been in private practice concentrating on real estate matters for 17 years. Burch has also worked as a carpenter, and has taught elementary school, special education, and remedial reading and math.

In addition, Fish and Burch are qualified to measure grade and distance using the methods stated below because both have completed four years of high school mathematics courses, both also took mathematics in college, and both are familiar and competent with the use of levels and tape measures.

<u>Driving Mountain Road in the winter is a dangerous undertaking</u>.

At the public hearing, members of the Commission heard numerous members of the public share experiences of unsafe conditions on Mountain Road.

We have had similar experiences in our seven years of winters on Mountain Road:

- One snowy night, my husband and I both tried, but could not get my 4WD Subaru up the hill. We had to leave it in a driveway on Porcupine Trail for the night.
- A friend we invited could not drive her car up the road, even though there no fresh snow in the road, and had to leave it at the Armstrongs' for the weekend.
- Our son failed to drive his front wheel drive car with studded snow tires up the hill, on multiple weekends, and left it, for multiple weekends, at the eastern intersection of Mountain Road and Porcupine Trail, alongside other cars which could not ascend the hill or Mountain Road.
- My son's friend failed to drive his car up the road, got stuck, and left his car in a snowmobile trail for the weekend.
- I have slid off the road going uphill and been stuck in the snowbank.
- I have slid off the road going downhill and been stuck in the snowbank.
- My daughter has slid off the road in her 4WD Xterra and has been stuck in the snowbank.
- My husband has pulled people we don't know out of the snowbank with his truck.
- I saw Mr. Peters towing a vehicle up the road with a tow strap while I was doing the dishes and looking out the window.

Intervenors, Russell Peters and Cathryn Peters, have also had similar experiences:

- Prior to purchasing AWD vehicles, there were several instances when they had to leave vehicles below and walk to their camp.
- They have had to tow family members and friends up the hill twice. One of the vehicles towed had 4WD.
- The Peters have lost control of their vehicles going downhill. Fortunately, they were able to get this back on the road.

The technical characteristics of Mountain Road explain the dangerous experience of driving Mountain Road.

The roadway has varying widths, in some places, as narrow as 15.4 feet.

Mountain Road narrows further when snowbanks are present.

Mountain Road is very steeply crowned.

Mountain Road has an extremely steep grade.

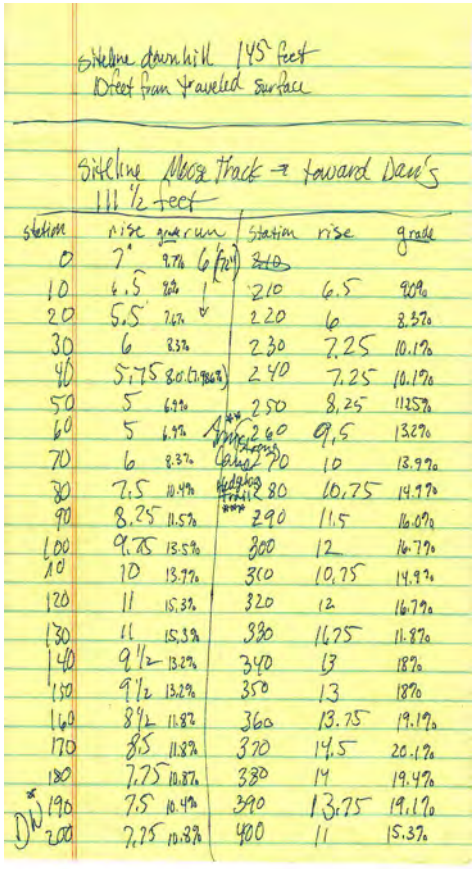
HOW STEEP?

Intervenor Fish and I undertook to measure the grade of Mountain Road on October 31, 2026, using the following method:
We extended a 100 foot long tape measure along the ground at the edge of the roadway. Beginning at 0 feet, we used a six foot long level to measure the grade of the first six feet of each ten foot segment of the road between the intersection with Porcupine Trail and the flagged location of the start of proposed Mountain Village Road. One person determined when the six foot level was held at level, and the other person measured, at right angles from the level, the distance between the bottom of the six-foot-level and the road. We considered the rise to be the distance between the road and the bottom of the level, and the run to be 72 inches (the length of the six-foot-level). We calculated the grade using the generally accepted formula for determining grade:

$$\frac{\text{rise}}{\text{run}} \times 100 = \text{grade}$$

We measured the grade at 106 points on Mountain Road – every ten feet.
We have displayed our data for you in several ways, since we are not qualified to prepare a drawing of the road profile.

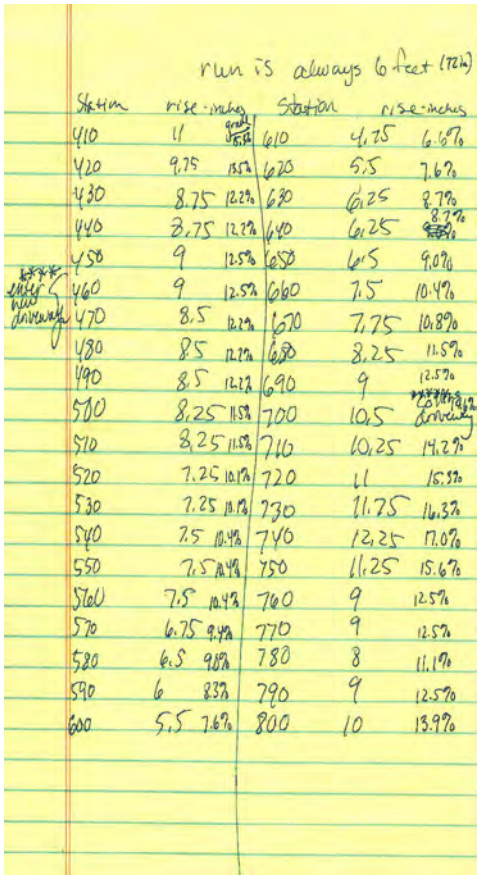
Table A: Field Measurements



Sideline downhill 145 feet
Direct from traveled surface

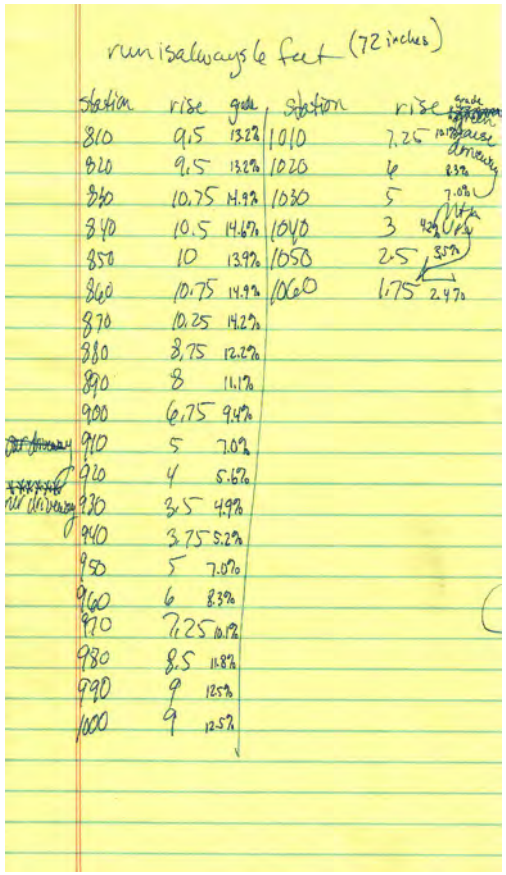
Sideline Block track → toward Dan's
111 ½ feet

station	rise	grade run	station	rise	grade
0	7"	9.7% 6 (72")	210	6.5	9.0%
10	6.5	9.0%	220	6	8.3%
20	5.5	7.6%	230	7.25	10.1%
30	6	8.3%	240	7.25	10.1%
40	5.75	8.0%	250	8.25	11.5%
50	5	6.9%	260	9.5	13.2%
60	5	6.9%	270	10	13.9%
70	6	8.3%	280	10.75	14.9%
80	7.5	10.4%	290	11.5	16.0%
90	8.25	11.5%	300	12	16.7%
100	9.75	13.5%	310	10.75	14.9%
110	10	13.9%	320	12	16.7%
120	11	15.3%	330	11.75	11.8%
130	11	15.3%	340	13	18%
140	9½	13.2%	350	13	18%
150	9½	13.2%	360	13.75	19.1%
160	8½	11.8%	370	14.5	20.1%
170	8.5	11.8%	380	14	19.4%
180	7.75	10.8%	390	13.75	19.1%
190	7.5	10.4%	400	11	15.3%
200	7.75	10.8%			



run is always 6 feet (72")

Station	rise - inches	grade	Station	rise - inches	grade
410	11	15.3%	610	4.75	6.6%
420	9.75	13.5%	620	5.5	7.6%
430	8.75	12.2%	630	6.25	8.7%
440	8.75	12.2%	640	6.25	8.7%
450	9	12.5%	650	6.5	9.0%
460	9	12.5%	660	7.5	10.4%
470	8.5	11.8%	670	7.75	10.8%
480	8.5	11.8%	680	8.25	11.5%
490	8.5	11.8%	690	9	12.5%
500	8.25	11.5%	700	10.5	14.6%
510	8.25	11.5%	710	10.25	14.2%
520	7.25	10.1%	720	11	15.3%
530	7.25	10.1%	730	11.75	16.3%
540	7.5	10.4%	740	12.25	17.0%
550	7.5	10.4%	750	11.25	15.6%
560	7.5	10.4%	760	9	12.5%
570	6.75	9.4%	770	9	12.5%
580	6.5	9.0%	780	8	11.1%
590	6	8.3%	790	9	12.5%
600	5.5	7.6%	800	10	13.9%



run is always 6 feet (72 inches)

Station	rise	grade	Station	rise	grade
810	9.5	13.2%	1010	7.25	10.1%
820	9.5	13.2%	1020	6	8.3%
830	10.75	14.9%	1030	5	7.0%
840	10.5	14.6%	1040	3	4.2%
850	10	13.9%	1050	2.5	3.5%
860	10.75	14.9%	1060	1.75	2.4%
870	10.25	14.2%			
880	8.75	12.2%			
890	8	11.1%			
900	6.75	9.4%			
910	5	7.0%			
920	4	5.6%			
930	3.5	4.9%			
940	3.75	5.2%			
950	5	7.0%			
960	6	8.3%			
970	7.25	10.1%			
980	8.5	11.8%			
990	9	12.5%			
1000	9	12.5%			

This table summaries our grade measurements.

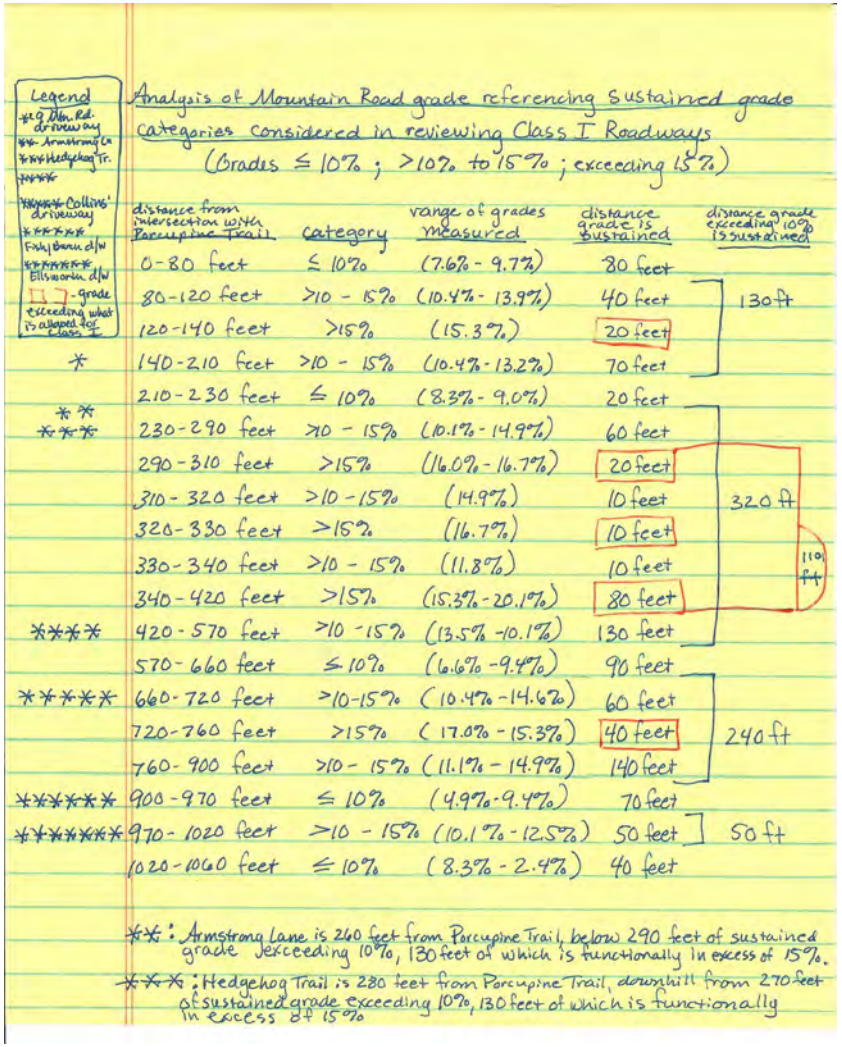
Mountain Road has five short segments with grade of 10% or less – (covering 300 feet of 1060 total feet).

Mountain Road has four longer segments with grade exceeding 10%. Contained within these segments are 170 feet of grade exceeding 15%, including grade as steep as 20.1%.
(Grade exceeding 10% covers 760 feet out of 1060 total feet.)

Armstrong Lane and Hedgehog Trail intersect with Mountain Road where grade exceeds 10%.

Steep grade stops only 80 feet from the downhill intersection with Porcupine Trail.

Table B: Summary of Grade Measurements



Analysis of Mountain Road grade referencing sustained grade categories considered in reviewing Class I Roadways
(Grades ≤ 10% ; >10% to 15% ; exceeding 15%)

Legend
*e.g. Elm Rd. driveway
** Armstrong Ln
*** Hedgehog Tr.
**** Porcupine Trail
***** Collins' driveway
****** Fish/Bench d/w
******* Ellsworth d/w
[ ] - grade exceeding what is allowed for Class I

	distance from intersection with Porcupine Trail	category	range of grades measured	distance grade is sustained	distance grade exceeding 10% is sustained
	0-80 feet	≤ 10%	(7.6% - 9.7%)	80 feet	
	80-120 feet	>10 - 15%	(10.4% - 13.9%)	40 feet	130 ft
	120-140 feet	>15%	(15.3%)	20 feet	
*	140-210 feet	>10 - 15%	(10.4% - 13.2%)	70 feet	
	210-230 feet	≤ 10%	(8.3% - 9.0%)	20 feet	
**	230-290 feet	>10 - 15%	(10.1% - 14.9%)	60 feet	
***	290-310 feet	>15%	(16.0% - 16.7%)	20 feet	
	310-320 feet	>10 - 15%	(14.9%)	10 feet	320 ft
	320-330 feet	>15%	(16.7%)	10 feet	
	330-340 feet	>10 - 15%	(11.8%)	10 feet	110 ft
	340-420 feet	>15%	(15.3% - 20.1%)	80 feet	
****	420-570 feet	>10 - 15%	(13.5% - 10.1%)	130 feet	
	570-660 feet	≤ 10%	(6.6% - 9.4%)	90 feet	
*****	660-720 feet	>10-15%	(10.4% - 14.6%)	60 feet	
	720-760 feet	>15%	(17.0% - 15.3%)	40 feet	240 ft
	760-900 feet	>10 - 15%	(11.1% - 14.9%)	140 feet	
******	900-970 feet	≤ 10%	(4.9% - 9.4%)	70 feet	
*******	970-1020 feet	>10 - 15%	(10.1% - 12.5%)	50 feet	50 ft
	1020-1060 feet	≤ 10%	(8.3% - 2.4%)	40 feet	

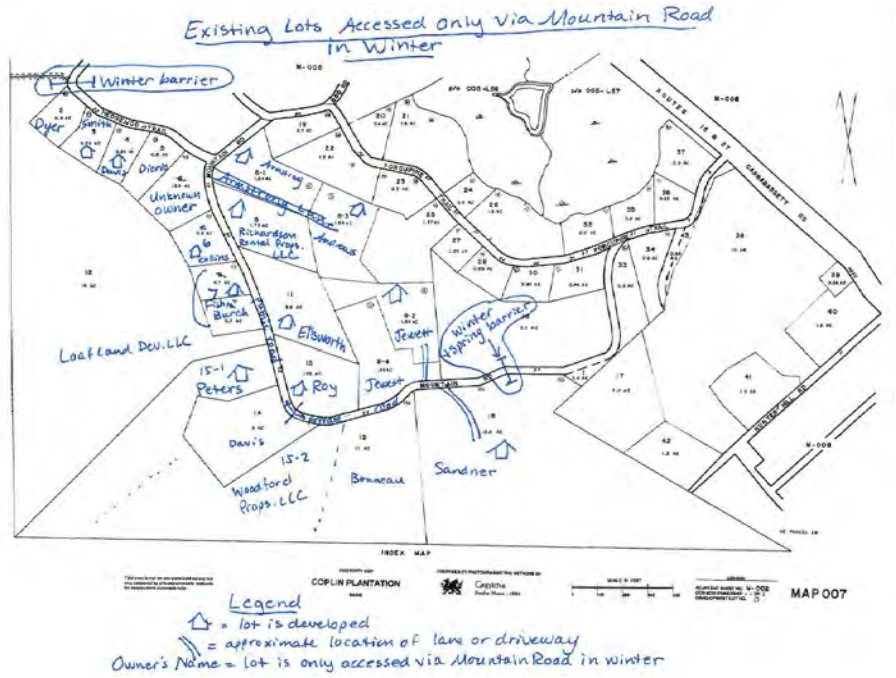
**: Armstrong Lane is 240 feet from Porcupine Trail, below 290 feet of sustained grade exceeding 10%, 130 feet of which is functionally in excess of 15%.

***: Hedgehog Trail is 280 feet from Porcupine Trail, downhill from 270 feet of sustained grade exceeding 10%, 130 feet of which is functionally in excess of 15%

Mountain Road currently serves as the sole winter access to 20 existing tax parcels, 12 of which are already developed with residential structures. The Commission should keep in mind that, when fully developed, without further partition or subdivision of existing parcels, Mountain Road will serve 20 residences. Coplin Plantation Tax Commitment pages showing assessment information for Parcels accessed via Mountain Road are attached as Appendix A.

Applicant proposes to add 11 lots (by subdividing its parcel into 12 lots), which would bring the total number of lots accessed via Mountain Road (and depending on Mountain Road as their sole winter access) to 31 lots.

Table C



LUPC Rules require the Commission to consider facts about Mountain Road in reviewing the Application because Mountain Road must be navigated to arrive at or leave from the project site.

Chapter 10 of the Commissions Rules and Standards provides the following:

Rule 10.24 (A) (1) (B): The commission may not approve an application, unless . . . adequate provision has been made for . . . circulation of land . . . traffic in, on and from the site, and for assurance that the proposal will not cause congestion or unsafe conditions with respect to existing or proposed transportation arteries or methods. (Emphasis added.)

and

Rule 10.25 (D) (1): General Circulation. Provision must be made for vehicular access to . . . the project premises in such a manner as to avoid traffic congestion and safeguard against hazards to traffic and pedestrians along existing roadways . . . . Development must be located . . . so that the roadways and intersections in the vicinity of the development will be able to safely and efficiently handle the traffic attributable to the development in its fully operational stage. (Emphasis added.)

In a nutshell: the LUPC must consider whether the proposed subdivision will create or worsen unsafe transportation conditions.

If Mountain Road was being built today to access the 20 existing lots, Mountain Road would have to be constructed as a Class I Roadway.

If the Application is approved, Mountain Road will serve 31 lots, not just 20. It is clear that the Commission's Rules and Standards require a Class I Roadway to access this many residential lots. To determine otherwise sets a dangerous precedent for locating development in inappropriate locations accessed by dangerous and substandard roads. The Commission should not abdicate its role in ensuring LUPC's traffic and safety standards are met.

Rule 10.25 (D) (4) (a) provides: The commission shall determine which roadway classification is most appropriate for a particular project. For this purposes of (this) Section 10.25 (D) (4), the following general criteria shall apply:

> (1) Class 1 Roadway. Generally appropriate for . . . residential subdivisions with 15 or more lots.

More about Class I Roadways

Rule 10.25 (D) (4) (c) (3) provides: Roadways shall adhere to the applicable standards of Section 10.27, D and Section 10.27 H and the roadway specifications outlined in Table 10.25, D-1, . . . unless the applicant utilizes site-specific best management practices and the Commission determines that proposed alternative roadway specifications will meet the needs of the development and will not cause erosion or safety problems.

This rule goes on to say that Maximum sustained grade for Class I roadways may be increased by up to 5% [meaning up to 15%] if no other option is practicable, provided that

- the roadway portion exceeding [10%] is no longer than 300 feet in length; and
- is greater than 150 feet from the next down-hill road intersection; and
- the Commission determines that the proposed alternative grade will not cause unreasonable drainage, erosion or public safety impacts.

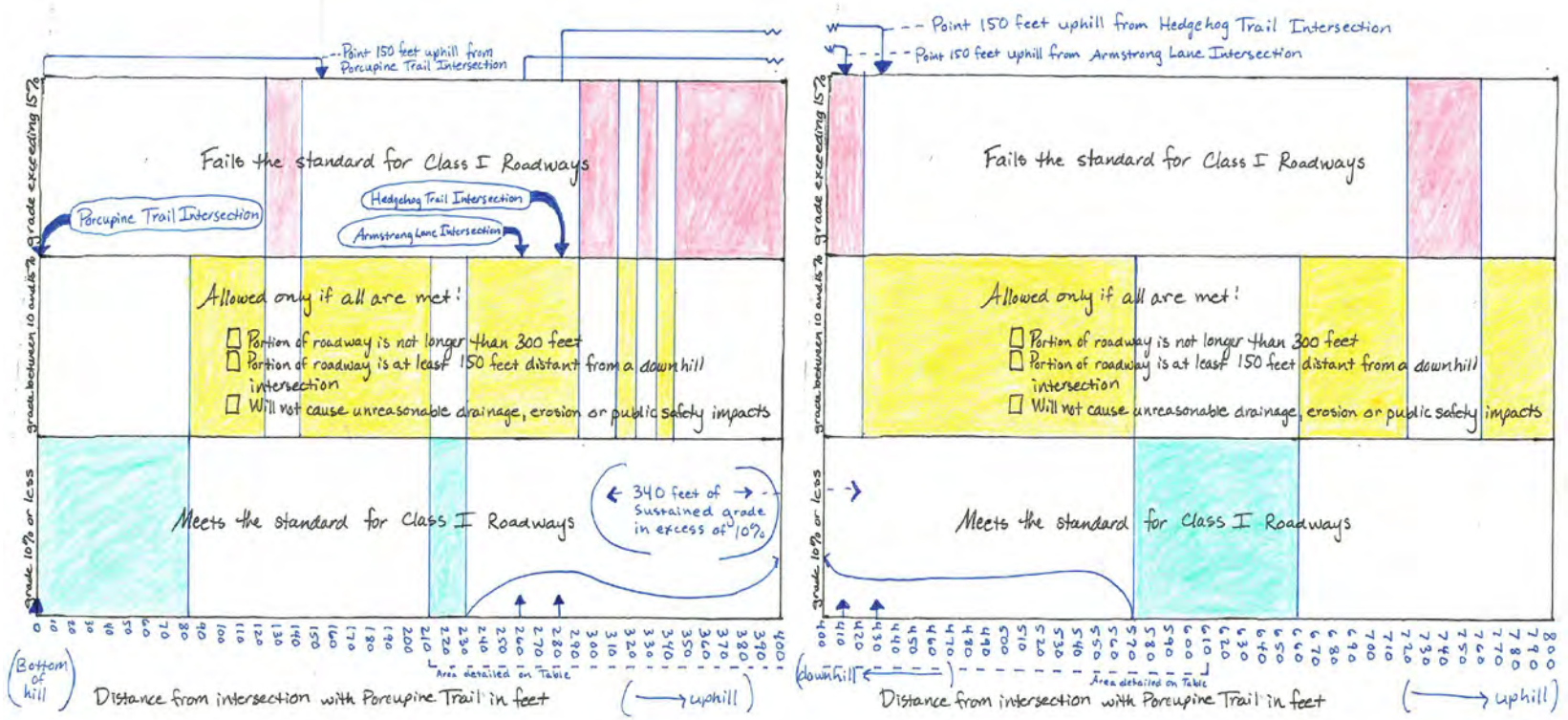
Table 10.25, D-1 design specifications for Class I Roadways:

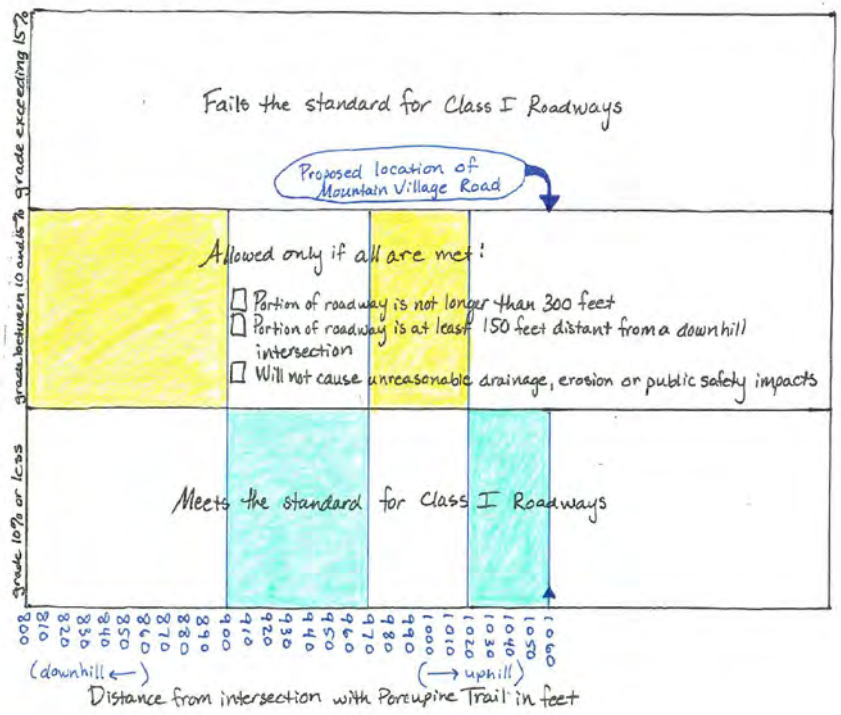
Minimum roadway surface width:	18 feet or 14 feet with turnouts every 500 feet, on average
Minimum base (coarse gravel):	18 inches
Minimum wearing surface:	3 inch fine gravel or 2.5 inch bituminous concrete
Maximum sustained grade:	10 %

This table (in three panes) illustrates how Mountain Road's grade compares to the standard for grade presented in LUPC Table 10.25 D-1 for Class I Roadways:

Table D: Grade of Mountain Road Running Uphill (3 panes)

(Areas shaded green meet the standard; areas shaded yellow require further analysis; and areas shaded red fail the standard)




Fails the standard for Class I Roadways
Proposed location of Mountain Village Road
grade between 10 and 15% grade exceeding 15%
Allowed only if all are met:
Portion of roadway is not longer than 300 feet
Portion of roadway is at least 150 feet distant from a downhill intersection
Will not cause unreasonable drainage, erosion or public safety impacts
grade 10% or less
Meets the standard for Class I Roadways
800 810 820 830 840 850 860 870 880 890 900 910 920 930 940 950 960 970 980 990 1000 1010 1020 1030 1040 1050 1060
(downhill ←)
(→ uphill)
Distance from intersection with Porcupine Trail in feet

LUPC's Rule lays out the characteristics required for a road to serve as safe access for 15 or more homes. The Commission should use this rule as guidance in determining if additional development can be located at the top of Mountain Road. To do otherwise would be to ignore its own standards.

When reviewed as a potential Class I Roadway, the segment of roadway running between points located 230 feet and 570 feet from the intersection with Porcupine Trail, causes Mountain Road to fail the test provided by LUPC Rule 10.25 (D) (4) (c) (3).

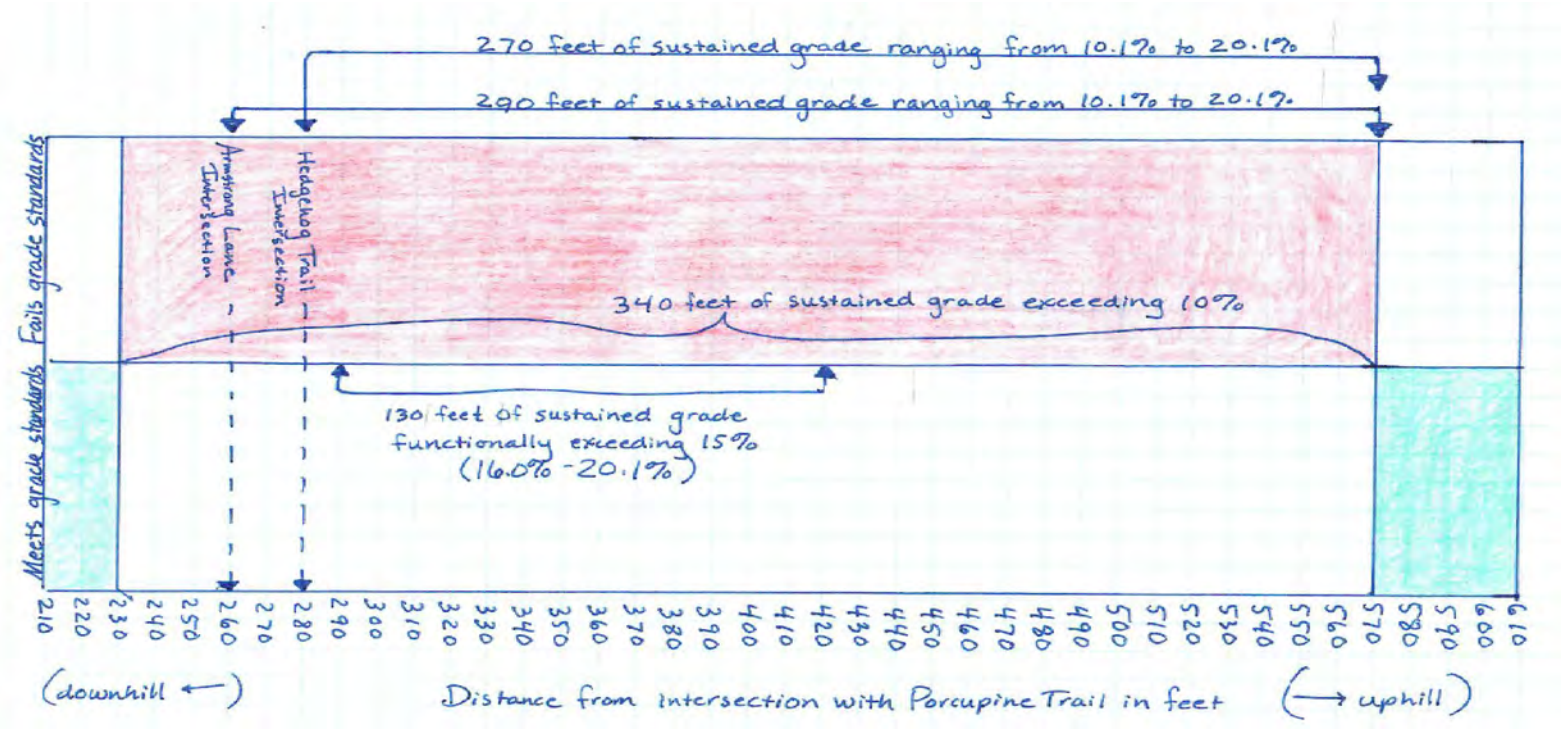
The Rule: Maximum sustained grade for Class I roadways may be increased [to 15% when] no other option is practicable, provided that:

- ❑ the roadway portion exceeding [10%] is no longer than 300 feet in length;
  Table E, below, makes it clear that the roadway portion exceeding 10% is 340 feet long.

- ❑ and is greater than 150 feet from the next down-hill road intersection;
  Table E, below, also shows that the intersections with Armstrong Lane and Hedgehog Trail are located within an area of grade exceeding 10%, and are directly downhill from 290 feet and 270 feet, respectively, of road segment built on grade steeper than 10%. (The grade also exceeds 10% within 150 feet of the Porcupine Trail intersection - not shown on Table E.)

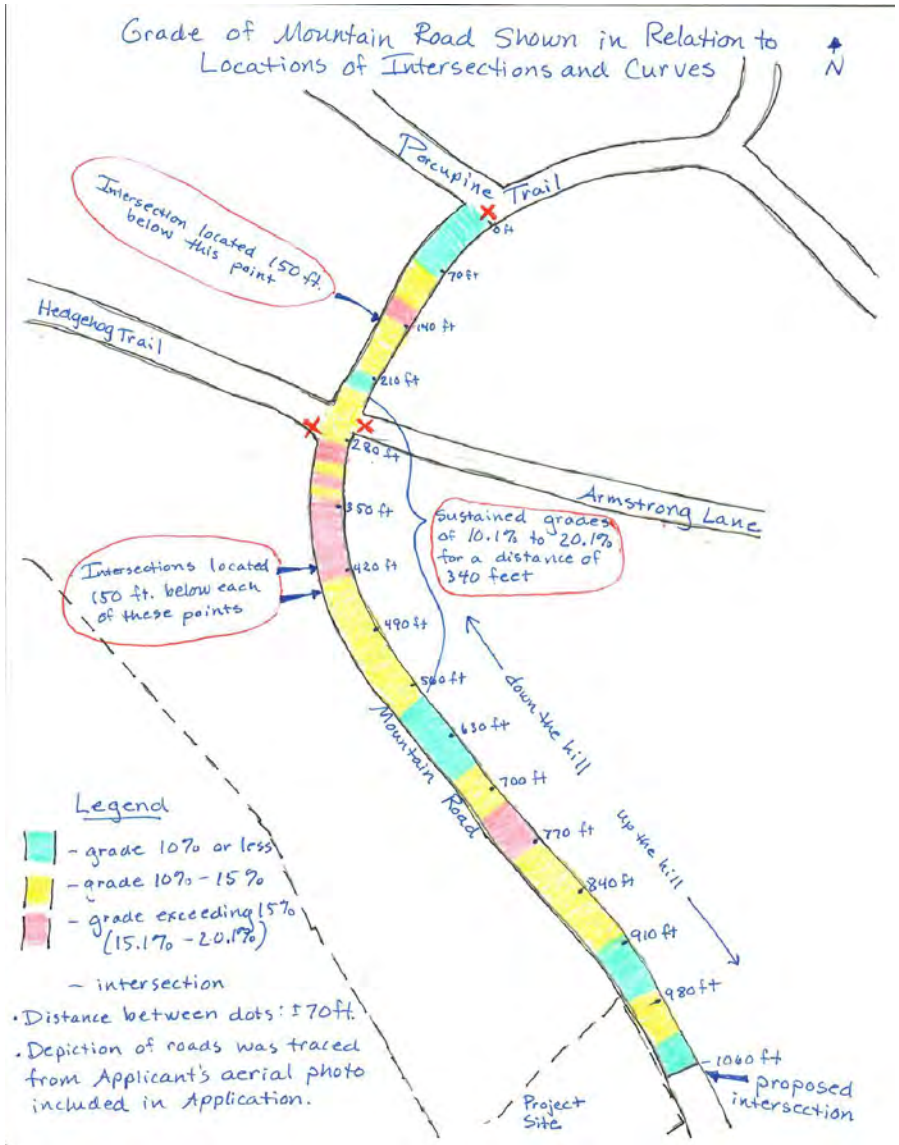
- ❑ and the Commission determines that the proposed alternative grade will not cause unreasonable drainage, erosion or public safety impacts.
  The Commission has already taken testimony regarding unsafe conditions on Mountain Road which can only be made worse by approving the project, anticipated by the Applicant to generate 123 daily trips on Mountain Road, increasing congestion, compaction of snow, thereby causing icy conditions to develop sooner than otherwise.

Table E: Detail of Mountain Road between 230 feet and 570 feet from Intersection



Mountain Road would fail as a Class I Roadway on the section road detailed here alone. Failure is due to the 340 feet of grade exceeding 10% (including 130 feet of sustained grade functionally exceeding 15%) within the area 150 feet directly uphill from the intersections with Hedgehog Trail and Armstrong Lane. It also fails because of the other segments of road with grades exceeding 15%, and the steep slopes in the vicinity of the Porcupine Trail intersection, all as shown on Table D above.

Map 1



<u>Map 1 also shows why Mountain Road fails as a Class I Roadway</u>:

One portion of the roadway which exceeds 10% sustained grade is 340 feet long – in excess of the 300 foot limit.

All three intersections are located downhill from long stretches of grade in excess of 10% without the required 150 feet of gentler grade coming downhill toward each intersection.

Grades in excess of 15% are never allowed on Class I Roadways.

It is clear that some sections of steep grade also contain curves.



This photo shows the intersection of Mountain Road and Hedgehog Trail.

Parking is a problem here because drivers can't get up the hill in the winter and need somewhere to abandon their vehicles.

Walking up the hill when driving doesn't work is dangerous – especially because other drivers may be on the hill at the same time, experiencing unsafe driving conditions.

Hedgehog Trail is not wide enough to accommodate parking.

But Mountain Road is not a subdivision road . . .

Of course, the Applicant is likely to argue that there is no requirement for Mountain Road (which is outside the project) to be a Class I Roadway. However, when the Commission would require a Class I Roadway for access to 20-31 new homesites, and the Commission is already aware of dangerous conditions caused by existing traffic on Mountain Road, and the Commission can see numeric evidence proving that Mountain Road can not qualify as the type of road which could provide safe access to so many homes under its own Rules, the Commission can not reasonably find compliance with the

requirements of its Rules, 10.24 (A) (1) (B) (the LUPC rule governing location of development) and 10.25 (D) (1) (the LUPC rule governing subdivision roads).

The Commission knows that this proposal will cause unsafe conditions on Mountain Road to become more unsafe, and therefore, the Commission must find that the location of a 12 lot residential subdivision at the top of Mountain Road, which is reliant on Mountain Road as its sole access, can not be approved.

Applicant's lot is simply in the wrong spot for this type of development.

What about Sight Distances from proposed Mountain Village Road & Moose Track Trail Entrances onto Mountain Road?

The application appears to be silent regarding sight distances at the entrances, on Mountain Road, to both Mountain Village Road and Moose Track Trail.

LUPC Rule 10.25 (D) (2) provides as follows: Access Management. Access onto any roadway must comply with all applicable DOT safety standards.

Maine Department of Transportation Highway Driveway and Entrance Rules, provide that minimum allowable sight distances at the entrance to a driveway must be 155 feet for 20 MPH roads, 200 feet for 25 MPH roads, and 250 feet for 30 MPH roads.

Intervenor Fish and I measured the sight distances at the entrances to Mountain Village Road and Moose Track Trail using the following method suggested in the DOT Highway Driveway and Entrance Rules:

Method: We marked a pole at 4.5 feet. We marked a board at 3.5 feet. Fish stood at a point located 10 feet from the edge of Mountain Road, at the entrance to each road, and watched as Burch walked away in either direction. When the mark at 4.5 feet on the pole left Fish's view, Fish and Burch used a 100 foot tape measure to measure the distance, along the edge of the road, from the entrance to the new road to the point where a marking 4.5 feet above the road left Fish's view.

Measured Sight Distances

These are the sight distances for driveways required by the Maine DOT:

155 feet for 20 MPH roads,
200 feet for 25 MPH roads, and
250 feet for 30 MPH roads.

We assume Mountain Road to be a 25 or 30 MPH road, because slower speeds are not sufficient to ascend the road in winter.

From the proposed Mountain Village Road entrance, we measured the sight distance downhill to be 145 feet. The uphill sight distance appeared to be sufficient, so we did not measure it.

From the proposed Moose Track Trail entrance, we measured the sight distance continuing toward the private portion of Mountain Road to be 111.5 feet. The sight distance toward the intersection with Porcupine Trail appeared to be sufficient, so we did not measure it.

We do not know if the standard recited here is also the standard for roads.

Applicant should be required to study sight distances. This is not our burden.

Thank you, Commissioners and Staff, for your service to Maine and its people.

Appendix A: Coplin Plantation Tax Commitment Pages Showing Properties Depending on Mountain Road for Winter Access

Account	Name & Address	Land	Building	Exemption	Assessment	Tax
351	ANDREWS, NICHOLAS W. ANDREWS, TAMIKO L 98 ROSS ROAD OLD ORCHARD BEACH ME 04064 20 ARMSTRONG LANE 007-008-003 B4481P343 08/11/2022	104,200 Acres 1.84	189,500	0	293,700	1,644.72
200	ARAGONA, JODIE L 120 HARVEST LANE PRESQUE ISLE ME 04769 99 APPALACHIAN RD. 006-002 B3641P69	112,500 Acres 3.50	89,100	0	201,600	1,128.96
346	ARMSTRONG, READ P. ARMSTRONG, ANNE C. 13 SURRY LANE WOOLWICH ME 04579 8 ARMSTRONG LANE 007-008-001 B4185P143 05/13/2020 B4261P72 07/24/2006	104,200 Acres 1.84	263,900	0	368,100	2,061.36
1	ARNOLD, GLORIA J P.O. BOX 565 STRATTON ME 04982 12 GRAMPS WAY 005-012 B3290P304	124,300 Acres 16.30	188,500	25,000 55 Homestead	287,800	1,611.68
374	ARRUDA, DAVID M DEUS, HAILEY B 30 KENNEBAGO RD. COPLIN PLT ME 04970 64 KENNEBAGO ROAD 002-014-001 B4618P291 06/06/2024	105,000 Acres 2.00	171,500	0	276,500	1,548.40
58	ARSENAULT, ROGER ARSENAULT, BARBARA 400 ISTHMUS RD. RUMFORD ME 04276 HUNTER HILL RD. 008-009 B425P62	36,000 Acres 0.20	0	0	36,000	201.60

	Land	Building	Exempt	Total	Tax
Page Totals:	586,200	902,500	25,000	1,463,700	8,196.72
Subtotals:	1,495,000	1,379,400	25,000	2,849,400	15,956.64

Account	Name & Address	Land	Building	Exemption	Assessment	Tax
192	BOIS, MARIA C BOIS, ROLAND L P.O. BOX 539 STRATTON ME 04982 KENNEBAGO RD. 002-013	145,600 Acres 41.00	0	0	145,600	815.36
359	BONNEAU, HENRY G 43 GREENWOOD AVE SKOWHEGAN ME 04976 MOUNTAIN ROAD 007-015 B4704P2 01/27/2025 B4293P25 03/01/2021	99,000 Acres 7.32	0	0	99,000	554.40
225	BOOTH, DANIEL J BOOTH, JOAN ANN 87 S ALPINE STREET OAKLAND ME 04963 8 BOG RD. 005-042 B1335P156	74,000 Acres 0.40	166,900	0	240,900	1,349.04
17	BOSLEY, LLC PO BOX 992 RANGELEY ME 04970 30 KENNEBAGO RD. 002-014 B4618P291 03/06/2024	219,200 Acres 88.00	356,600	0	575,800	3,224.48
3	BOURASSA, DALE ROY, GILLIAN 870 WASHINGTON STREET BATH ME 04530 991 RANGELEY RD. 002-017 B4589P113 10/01/2023 B4104P320 07/17/2019	108,700 Acres 2.74	250,600	25,000 55 Homestead	334,300	1,872.08
266	BOUTET, LAUREN N 252 NEW COUNTY RD SACO ME 04072 CARRABASSETT RD. 009-050-009 B4130P326 10/15/2019	4,300 Acres 0.87	0	0	4,300	24.08

	Land	Building	Exempt	Total	Tax
Page Totals:	650,800	774,100	25,000	1,399,900	7,839.44
Subtotals:	2,837,800	3,391,600	106,000	6,123,400	34,291.04

Account	Name & Address	Land	Building	Exemption	Assessment	Tax
131	COLLINS, PETER S 36 IRENE COURT BELLINGHAM MA 02019 19 MOUNTAIN RD. 007-006 B1322P317	101,200 Acres 1.25	69,900	0	171,100	958.16
86	COOK, BRYANT COOK, BETH PO BOX 672 80 STRATTON BROOK RD STRATTON ME 04982 80 STRATTON BROOK RD. 003-012 B1487P314	108,000 Acres 2.60	250,100	25,000 55 Homestead	333,100	1,865.36
362	COOKSON, GWENEVERE J. COOKSON, JACOB M. 360 MASALIN ROAD LINCOLNVILLE ME 04849 PORCUPINE TRAIL 007-022A B4254P116 11/12/2020	42,000 Acres 0.60	19,400	0	61,400	343.84
324	COPELAND, CHARLES COPELAND, DIANE P.O. BOX 498 15 MEADOW BROOK DR. STRATTON ME 04982 15 MEADOW BROOK DR. 009-050-002	100,000 Acres 0.95	320,000	25,000 55 Homestead	395,000	2,212.00
35	CORBIN, GARRETT H PO BOX 695 STRATTON ME 04982 144 PORCUPINE TRAIL 005-015 B3763P279	62,000 Acres 0.35	160,300	25,000 55 Homestead	197,300	1,104.88
221	CORSON, KEITH C CORSON, LOU ANN P.O. BOX 425 STRATTON ME 04982 0425 8205 CARRABASSETT RD. 004-025 B1596P166	104,500 Acres 1.90	112,500	25,000 55 Homestead	192,000	1,075.20

	Land	Building	Exempt	Total	Tax
Page Totals:	517,700	932,200	100,000	1,349,900	7,559.44
Subtotals:	9,492,000	7,853,500	231,000	17,114,500	95,841.20

Account	Name & Address	Land	Building	Exemption	Assessment	Tax
52	CURTIS, CHRISTOPHER LOUIS PO BOX 3 STRATTON ME 04982 9 WARRENS WAY 005-036 & 041 B4586P69 10/06/2023 B780P48	100,000 Acres 1.00	203,500	0	303,500	1,699.60
99	DALELIO, MARCELLO DALELIO, MISTY STARBUCK PO BOX 466 STRATTON ME 04982 51 PORCUPINE TRAIL 007-026 B3998P314 05/22/2018	103,000 Acres 1.60	258,600	25,000 55 Homestead	336,600	1,884.96
146	D'AMBOISE, PATRICK A D'AMBOISE, DENISE I 169 TOWN FARM ROAD NEW GLOUCESTER ME 04260 33 DAM RD. 005-064 B4207P248 07/14/2020 B434P365	84,000 Acres 0.40	212,900	0	296,900	1,662.64
218	DANSKY, MICHAEL J. & GERALDINE - LIVING TRUST 12 ARLINGTON ST PORTLAND ME 04101 1602 PORCUPINE TRAIL 005-030 B3623P29	84,000 Acres 0.50	201,300	0	285,300	1,597.68
110	DARIENZZO, MICHAEL J P.O. BOX 334 STRATTON ME 04982 193 BOURQUE RD. 002-007	200,100 Acres 44.10	365,900	0	566,000	3,169.60
97	DAVIS, JAMES R PO BOX 418 YORK ME 03909 MOUNTAIN RD. 007-014 B4623P69 03/25/2024 B1234P032 08/12/1991	60,000 Acres 3.00	0	0	60,000	336.00

	Land	Building	Exempt	Total	Tax
Page Totals:	631,100	1,242,200	25,000	1,848,300	10,350.48
Subtotals:	11,206,900	10,802,300	331,000	21,678,200	121,397.92

Account	Name & Address	Land	Building	Exemption	Assessment	Tax
98	DAVIS, THOMAS P 6 NEW MILL PLACE IPSWICH MA 01938 10 HEDGEHOG TRAIL 007-004 B814P9	92,000 Acres 0.65	137,800	0	229,800	1,286.88
100	DECAREAU, JOEL A 26 LOWELL RD. NORTH READING MA 01864 8018 CARRABASSETT RD. 009-048 B820P255	105,500 Acres 2.10	207,600	0	313,100	1,753.36
21	DEFROSCIA, MICHELLE A DEFROSCIA, BENJAMIN 9000 MAIN ST #11 CARRABASSETT VALLEY ME 04947 13 WELLHOUSE RD. 008-031 B2902P165	84,000 Acres 0.60	163,700	25,000 55 Homestead	222,700	1,247.12
13	DELCOURT, LEE'ANN DELCOURT, ANDREW P.O. BOX 427 STRATTON ME 04982 8256 CARRABASSETT RD.& 003-021 B3674P130	170,700 Acres 5.15	811,800	6,000 27 Gulf War	976,500	5,468.40
101	DEMPSEY, ROBERT P 45 NORTH FITZWILLIAM RD. ROYALSTON MA 01368 1284 RANGELEY RD. 002-038 B970P132	194,100 Acres 40.00	119,900	0	314,000	1,758.40
186	DEROCHE, CLIFFORD J, JR 15 ENNIS ST. WESTBROOK ME 04092 829 RANGELEY RD. 002-034 B809P84	100,000 Acres 1.00	195,100	0	295,100	1,652.56

	Land	Building	Exempt	Total	Tax
Page Totals:	746,300	1,635,900	31,000	2,351,200	13,166.72
Subtotals:	11,953,200	12,438,200	362,000	24,029,400	134,564.64

Account	Name & Address	Land	Building	Exemption	Assessment	Tax
289	DESCENDANTS OF WALLACE W. SCRIBNER INC. C/O MIKE LUCE 18 APPLEGATE LANE WILTON ME 04294 HARRIS PASTURE RD. 002-001 B1636P106 05/21/1997	89,200 Acres 78.00	0	0	89,200	499.52
256	DESPOSITO, PETER P DESPOSITO, JOANNE M 29 GREGORY WAY CALVERTON NY 11933 66 HUNTER HILL RD. 009-040 B289P215	100,500 Acres 1.10	300,200	0	400,700	2,243.92
103	DIORIO, ANDREW M DIORIO, SHARON A 123 ORCHARD ST. SUMMIT NJ 07902 0911 HEDGEHOG TRAIL 007-005 B446P357	46,000 Acres 0.80	0	0	46,000	257.60
148	DODSON, JOHN P.O. BOX 378 STRATTON ME 04982 15 LISHNESS RD. 003-005 B1312P277	101,500 Acres 1.31	135,700	25,000 55 Homestead	212,200	1,188.32
169	DOLAN, CONNOR PO BOX 651 STRATTON ME 04982 1 WILDCAT TRAIL 005-048 B4575P252 08/01/2023	84,000 Acres 0.50	223,900	0	307,900	1,724.24
29	DOLAN, JOAN A P.O. BOX 283 STRATTON ME 04982 9 WELLHOUSE RD. 008-030 B727P164	72,000 Acres 0.30	215,600	25,000 55 Homestead	262,600	1,470.56

	Land	Building	Exempt	Total	Tax
Page Totals:	493,200	875,400	50,000	1,318,600	7,384.16
Subtotals:	12,446,400	13,313,600	412,000	25,348,000	141,948.80

Account	Name & Address	Land	Building	Exemption	Assessment	Tax
129	DURGIN LUCY TRUST OF 2022 c/o BRIAN J DURIN & 533 EAST SHORE DRIVE JOANNA M LUCY - TTEES SILVER LAKE NH 03875 98 STRATTON BROOK RD. 003-010 B4522P231 01/13/2023	78,500 Acres 2.70	78,800	0	157,300	880.88
248	DUROST, STEVEN DUROST, LINDA 79 MAYNARD DRIVE TOPSHAM ME 04086 HUNTER HILL RD. 008-026 B4676P23 10/08/2024 B2931P84 B467P23 10/08/2024	46,000 Acres 0.90	0	0	46,000	257.60
216	DUROST, STEVEN DUROST, LINDA 79 MAYNARD DRIVE TOPSHAM ME 04086 41 HUNTER HILL RD. 008-013 B466P409	60,000 Acres 0.18	131,800	0	191,800	1,074.08
107	DYER, JOHN H 11 BARONS WAY STRATHAM NH 03885 4404 HEDGEHOG TRAIL 007-002	42,000 Acres 0.60	0	0	42,000	235.20
265	E23, LLC 20 OAK STREET OAKLAND ME 04963 8221 CARRABASSETT RD. 004-024 B4487P229 09/02/2022	117,500 Acres 3.50	75,900	0	193,400	1,083.04
19	EDMUNDS, SCOTT M. EDMUNDS, SARA C. 14 PADDOCK WAY FALMOUTH ME 04105 13 CURRIE ST. 004-006 B4782P316 11/14/2025 B474P507	101,000 Acres 1.20	142,200	0	243,200	1,361.92

	Land	Building	Exempt	Total	Tax
Page Totals:	445,000	428,700	0	873,700	4,892.72
Subtotals:	13,263,100	14,108,600	412,000	26,959,700	150,974.32

Account	Name & Address	Land	Building	Exemption	Assessment	Tax
188	ELLIS, JOSHUA S ELLIS, DANIELLE DOYON 547 HUSSEY HILL RD VASSALBORO ME 04989 43 STRATTON BROOK RD. 003-002 B4701P325 01/13/2025	101,000 Acres 1.20	123,300	0	224,300	1,256.08
175	ELLSWORTH, SEAN M 45 GREENACRE RD. LINCOLNVILLE ME 04849 44 MOUNTAIN RD. 007-011 B4217P212 08/05/2020 B4035P8 09/30/2018 B1508P178	111,000 Acres 3.20	82,400	0	193,400	1,083.04
111	EREMITA, MICHAEL EREMITA, MARILYN B 43 BROADLAWN DR. BREWER ME 04412 REED RD. 008-014 B436P10	36,000 Acres 0.20	0	0	36,000	201.60
112	EREMITA, NICHOLAS 821 ENVIRON LANE MERRITT ISLAND FL 32953 HUNTER HILL RD. 008-006	36,000 Acres 0.20	0	0	36,000	201.60
64	ERSKINE, BEVELIE D ERSKINE, RANDEL L P.O. BOX BOX 124 STRATTON ME 04982 58 STRATTON BROOK RD. 003-013 B3270P200	56,000 Acres 2.20	7,700	0	63,700	356.72
355	ESTATE OF ROBERT M. TANQUAY NIKALOUS TANQUAY, P.R. P.O. BOX 424 STRATTON ME 04982 CARRABASSETT RD. 008-001-002 B4852P117 07/08/2026 B4114P209 08/16/2019 B3767P6	77,500 Acres 2.50	28,800	0	106,300	595.28

	Land	Building	Exempt	Total	Tax
Page Totals:	417,500	242,200	0	659,700	3,694.32
Subtotals:	13,680,600	14,350,800	412,000	27,619,400	154,668.64

Account	Name & Address	Land	Building	Exemption	Assessment	Tax
150	EVANS, MARIA-AUSILIA 8004 CARRABASSETT RD #1 CARRABASSETT VALLEY ME 04947 8006 CARRABASSETT RD. 009-049 B3878P239 12/14/2016 B1011P312	92,000 Acres 0.70	205,600	0	297,600	1,666.56
45	FAENZA, JOSEPH M 211 UNION ST FRANKLIN MA 02038 12 RYAN RD. 003-016	113,500 Acres 3.70	270,100	0	383,600	2,148.16
89	FAHEY FAMILY JOINT REV LIVING TRUST PO BOX 237 BREMEN ME 04551 15 DAM RD. 005-057 B425P123	64,400 Acres 0.75	37,300	0	101,700	569.52
54	FALLOW, MARY WHITE, WILLIAM PO BOX 497 STRATTON ME 04982 54 HUNTER HILL RD. 008-027 B4361P39 08/20/2021 B4361P37 08/20/2021 B1068P153	60,000 Acres 0.15	152,700	0	212,700	1,191.12
195	FARRAR, ROBERT W FARRAR, BONNIE S PO BOX 551 STRATTON ME 04982 8111 CARRABASSETT RD. 006-006-001 B1627P167	109,500 Acres 2.90	273,100	25,000 55 Homestead	357,600	2,002.56
198	FISH, STANWOOD CURTIS JR BURCH, JENNY 19 PITCH PINE LANDING WOOLWICH ME 04579 37 MOUNTAIN RD. 007-007 B4149P105 12/01/2019	103,000 Acres 1.60	115,400	0	218,400	1,223.04

	Land	Building	Exempt	Total	Tax
Page Totals:	542,400	1,054,200	25,000	1,571,600	8,800.96
Subtotals:	14,223,000	15,405,000	437,000	29,191,000	163,469.60

Account	Name & Address	Land	Building	Exemption	Assessment	Tax
145	IVERSON, ANDREW IVERSON, JANIE B 11 STAPLES RD. FREEPORT ME 04032 RANGELEY RD. 001-003 B3640P190 B940P107	275,600 Acres 178.00	0	0	275,600	1,543.36
141	IVERSON, ANDREW P JR IVERSON, JANIE 11 STAPLES POINT RD. FREEPORT ME 04032 NARROW GAUGE RD. 002-039 B755P273	78,500 Acres 81.00	0	0	78,500	439.60
352	JEWETT, LLOYD 1144 MEMORIAL DRIVE WINTHROP ME 04364 MOUNTAIN RD 007-008-004 B4455P107 05/24/2022	54,700 Acres 1.95	0	0	54,700	306.32
347	JEWETT, LLOYD 1144 MEMORIAL DRIVE WINTHROP ME 04364 78 MOUNTAIN RD 007-008-002 B4455P107 05/24/2022	104,200 Acres 1.84	330,200	0	434,400	2,432.64
348	JORDAN VENTURES 479 MAIN STREET KINGFIELD ME 04947 902 RANGELEY RD. 002-033-001	50,000 Acres 1.00	44,700	0	94,700	530.32
26	JORGENSEN, JEFFREY W JORGENSEN, KATHLEEN S P.O. BOX 422 STRATTON ME 04982 3 KENNEBAGO RD. 002-015 B981P185	134,400 Acres 10.00	183,900	25,000 55 Homestead	293,300	1,642.48

	Land	Building	Exempt	Total	Tax
Page Totals:	697,400	558,800	25,000	1,231,200	6,894.72
Subtotals:	20,458,900	19,889,600	487,000	39,861,500	223,224.40

Account	Name & Address	Land	Building	Exemption	Assessment	Tax
287	LIBBY, MAHLON ARCHER, JENNIFER PO BOX 555 STRATTON ME 04982 8129 CARRABASSETT RD. 006-006 B4156P278 01/13/2020	120,500 Acres 5.10	38,100	0	158,600	888.16
95	LIBERTY, AIMEE 171 LUCIA BEACH ROAD OWLS HEAD ME 04854 18 MAZE RD. 005-053 B4585P220 10/04/2023	84,000 Acres 0.45	202,400	0	286,400	1,603.84
154	LOAF LAND DEVELOPMENT, LLC. 626 CARRYING PLACE ROAD CARRYING PLACE TOWNSHIP ME 04961 MOUNTAIN RD. 007-012 B4611P256 01/24/2024 B3200P161 B1587P228 B331P292	108,800 Acres 19.00	0	0	108,800	609.28
156	LOAF-IT LLC 116 TAYWOOD RD AUBURN ME 04210 110 PORCUPINE TRAIL 005-025 B4655P78 07/31/2024 B573P296	82,000 Acres 0.35	172,400	0	254,400	1,424.64
152	LONGFELLOW, JEFFERSON LONGFELLOW, KAREN 44 MATHEWS AVE. WATERVILLE ME 04901 163 PORCUPINE TRAIL 005-010 B3595P326 B1303P323	84,000 Acres 0.55	140,900	0	224,900	1,259.44
27	LOWELL, FRANCIS C LOWELL, LINDA L P.O. BOX 42 STRATTON ME 04982 1309 RANGELEY RD. 002-036 B741P269	183,000 Acres 72.00	173,400	25,000 55 Homestead	331,400	1,855.84

	Land	Building	Exempt	Total	Tax
Page Totals:	662,300	727,200	25,000	1,364,500	7,641.20
Subtotals:	22,693,500	22,893,400	587,000	44,999,900	251,999.44

Account	Name & Address	Land	Building	Exemption	Assessment	Tax
213	PEPIN, RICHARD J HOWE, SUSAN J P.O. BOX 96 STRATTON ME 04982 98 APPALACHIAN RD. 004-023 B1657P261	110,000 Acres 3.00	269,900	25,000 55 Homestead	354,900	1,987.44
73	PERKINS, DIANE 260 RIDGE RD CEDAR GROVE NJ 07009 0036 PORCUPINE TRAIL 005-014	42,000 Acres 0.50	0	0	42,000	235.20
363	PERRY, CHRIS 8 SCHOONER RD SCARBOROUGH ME 04074 14 LONGFELLOW LANE 002-004-007 B4672P129 09/25/2024 B4248P60 10/28/2020	105,000 Acres 2.01	104,000	0	209,000	1,170.40
183	PETERS, RUSSELL PETERS, CATHRYN 36 MESSINA DR SKOWHEGAN ME 04976-4176 53 MOUNTAIN RD. 007-015-001 B4687P49 11/18/2024 B3864P138 10/19/2016	131,900 Acres 8.30	208,400	0	340,300	1,905.68
341	PETILLO, ANTHONY L P.O. BOX 266 STRATTON ME 04982 NARROW GUAGE RD 002-022-001	65,300	0	0	65,300	365.68
300	PILLOW, GARY D PILLOW, MELISSA R 146 WATERVILLE ROAD. SOUTH CHINA ME 04358 95 KENNEBAGO RD. 002-004-001	90,000 Acres 5.00	42,900	0	132,900	744.24

	Land	Building	Exempt	Total	Tax
Page Totals:	544,200	625,200	25,000	1,144,400	6,408.64
Subtotals:	27,706,900	31,115,700	949,000	57,873,600	324,092.16

Account	Name & Address	Land	Building	Exemption	Assessment	Tax
241	RICHARDSON RENTAL PROPERTIES LLC 39 ORCHARD ROAD BAR HARBOR ME 04609 MOUNTAIN RD. 007-008 B4590P168 10/23/2023 B4349P21 07/22/2021 B4112P297 08/12/2019	106,900 Acres 2.39	466,200	0	573,100	3,209.36
191	RITTALL, JOAN M 477 WISCASSET RD. BOOTHBAY ME 04537 82 NASH STREAM RD 002-044 B564P408	36,000 Acres 0.20	0	0	36,000	201.60
227	ROHRER, LAURA BETH MURIN, CLAYTON M. 830 BYERLAND CHURCH ROAD WILLOW STREET PA 17584 131 PORCUPINE TRAIL 005-020 B4559P28 06/28/2023	92,000 Acres 0.65	79,300	0	171,300	959.28
139	ROLBIECKI, KYLIE TANGUAY, NIKALOUS A. PO BOX 424 STRATTON ME 04982 8109 CARRABASSETT RD. 008-001 B4034P47 09/27/2018	107,500 Acres 2.50	127,200	0	234,700	1,314.32
193	ROSBOROUGH, ASHLEY M WALLS, TRAVIS K 571 NICOLIN ROAD ELLSWORTH ME 04605 FANCYS WAY 005-052 B4514P273 12/06/2022	42,000 Acres 0.60	0	0	42,000	235.20

	Land	Building	Exempt	Total	Tax
Page Totals:	384,400	672,700	0	1,057,100	5,919.76
Subtotals:	30,703,100	33,203,900	1,061,000	62,846,000	351,937.60

Account	Name & Address	Land	Building	Exemption	Assessment	Tax
240	ROSSI, TONY DONOVAN, HEIDI A - LIVING TRUST DTD 12/16/23 PO BOX 401 STRATTON ME 04982 8226 CARRABASSETT RD. 003-024 B4665P234 09/04/2024 B3866P95	172,500 Acres 5.50	47,000	0	219,500	1,229.20
12	ROSSI, TONY DONOVAN, HEIDI A - LIVING TRUST DTD 12/16/23 PO BOX 401 STRATTON ME 04982 8252 CARRABASSETT RD. 003-022 B4665P236 09/04/2024 B1063P203	150,000 Acres 0.95	422,400	0	572,400	3,205.44
14	ROSSI, TONY A PO BOX 401 STRATTON ME 04982 8 MAZE RD. 005-055 B968P280	200,000 Acres 2.00	383,100	25,000 55 Homestead	558,100	3,125.36
133	ROSSI, TONY ALLEN PO BOX 401 STRATTON ME 04982 MAZE RD. 005-054 B4426P68 02/18/2022	50,000 Acres 1.00	0	0	50,000	280.00
72	ROY, JOHN P 23 STONERIDGE DR STANDISH ME 04084 5253 52 MOUNTAIN RD. 007-013	103,700 Acres 1.75	123,700	0	227,400	1,273.44
20	RUDDY, JULIA T. RUDDY, ROBERT D 1019 RANGELEY RD COPLIN PLT ME 04970 1019 RANGELEY RD. 002-016 B4024P249 08/27/2018	120,000 Acres 5.00	204,500	25,000 55 Homestead	299,500	1,677.20

	Land	Building	Exempt	Total	Tax
Page Totals:	796,200	1,180,700	50,000	1,926,900	10,790.64
Subtotals:	31,499,300	34,384,600	1,111,000	64,772,900	362,728.24

Account	Name & Address	Land	Building	Exemption	Assessment	Tax
87	SANDNER, BRENDA J SANDNER, JEFFREY R 6 MECHANICS WAY NEW CASTLE ME 04553 81 MOUNTAIN RD. 007-016 B805P188	158,600 Acres 18.60	244,700	0	403,300	2,258.48
143	SCHIFFS, LLC 134 WARREN AVENUE PORTLAND ME 04103 148 NARROW GAUGE RD. 002-023 B4404P271 12/13/2021	146,400 Acres 14.00	166,700	0	313,100	1,753.36
196	SCRIBNER JEFFREY C/O JEFFREY SCRIBNER 9 TRAIL CIRCLE DENMARK ME 04022 NASH STREAM RD. 001-004-LEASE-2 B380P425	0	1,900	0	1,900	10.64
46	SHERIDAN, MICHAEL P.O. BOX 19 STRATTON ME 04982 0019 88 PORCUPINE TRAIL 007-019 B1079P107	82,000 Acres 0.70	172,100	25,000 55 Homestead	229,100	1,282.96
203	SHERWOOD, LOWELL T JR 63 GRIFFIN AVE. HAMPDEN ME 04444 5 WILDCAT TRAIL 005-047 B1347P107	92,000 Acres 0.75	142,100	0	234,100	1,310.96
205	SHEVENELL, EDWARD 8073 CARRABASSETT RD. COPLIN PLANTATION ME 04982 8073 CARRABASSETT RD. 008-003 B4491P21 09/14/2022	105,000 Acres 2.00	237,000	25,000 55 Homestead	317,000	1,775.20

	Land	Building	Exempt	Total	Tax
Page Totals:	584,000	964,500	50,000	1,498,500	8,391.60
Subtotals:	32,634,200	36,130,300	1,161,000	67,603,500	378,579.60

Account	Name & Address	Land	Building	Exemption	Assessment	Tax
377	SMITH, MELANIE SMITH, JUSTIN 154 GARLAND ROAD WINSLOW ME 04901 8197 CARRABASSETT RD. 006-001-002 B4625P58 04/02/2024	106,000 Acres 2.20	117,300	0	223,300	1,250.48
209	SMITH, STERLING K PO BOX 16 STRATTON ME 04982 PORCUPINE TRAIL 007-027	42,000 Acres 0.55	0	0	42,000	235.20
210	SMITH, SUZANNE, D 41 AVALON ROAD PORTLAND ME 04103 1 SMITH DR./ 8 SMITH 007-025 B4209P91 06/26/2020 B4015P258 07/26/2018	190,000 Acres 1.95	207,500	0	397,500	2,226.00
5	SMITH, TIMOTHY L EDES, DEBORAH J 91 HIGHLAND CLIFF RD. WINDHAM ME 04062 22 HEDGEHOG TRAIL 007-003 B3791P103	92,000 Acres 0.75	74,100	0	166,100	930.16
366	SOUCY, CURTIS J. SOUCY, WHITNEY L. 251 GODING ROAD LIVERMORE ME 04253 4 STEPHENSONS RD. 002-004-010 B4424P146 02/14/2022	105,000 Acres 2.00	216,300	0	321,300	1,799.28
212	SPRAGUE, JONATHAN P SPRAGUE, ANNA K 93 WOODLAND ST W BOYLSTON MA 01583 PORCUPINE TRAIL 005-016 B453P344	36,000 Acres 0.32	0	0	36,000	201.60

	Land	Building	Exempt	Total	Tax
Page Totals:	571,000	615,200	0	1,186,200	6,642.72
Subtotals:	33,708,300	37,373,700	1,161,000	69,921,000	391,557.60

Account	Name & Address	Land	Building	Exemption	Assessment	Tax
88	WOODFORD PROPERTIES, LLC 5 WILDFLOWER LANE #1 FALMOUTH ME 04105 27 REED RD. 008-023 B4830P183 04/27/2026 B4241P216 10/13/2020	72,000 Acres 0.20	169,200	0	241,200	1,350.72
369	WOODFORD PROPERTIES, LLC 5 WILDFLOWER LANE #1 FALMOUTH ME 04105 MOUNTAIN RD 007-015-002 B4622P180 03/20/2024	71,800 Acres 1.37	0	0	71,800	402.08
316	WUESTE, HEIDI E PO BOX 490 STRATTON ME 04982 8013 CARRABASSETT RD. 008-003-002 B4285P205 02/04/2021	5,000 Acres 1.33	0	0	5,000	28.00
4	YELLOW BIRCH LLC. P.O. BOX 133 STRATTON ME 04982 991 RANGELEY RD. 002-009 B3707P260 B497P237	194,900 Acres 91.80	0	0	194,900	1,091.44
59	YORK, MARK A YORK, MEGAN E 70 ANGLERS ROAD WINDAM ME 04062 5 WARRENS WAY 005-035 B3718P142	82,000 Acres 0.62	152,900	0	234,900	1,315.44

	Land	Building	Exempt	Total	Tax
Page Totals:	425,700	322,100	0	747,800	4,187.68
Final Totals:	43,454,000	42,644,000	1,329,000	84,769,000	474,706.40

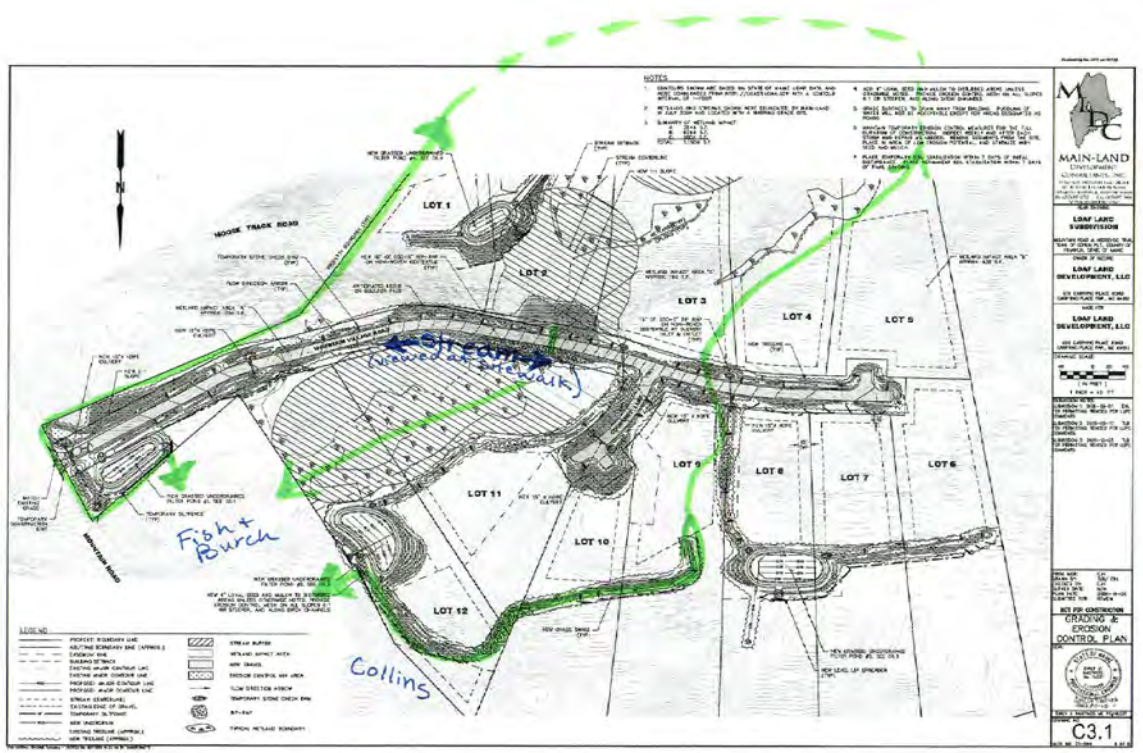
LAND USE PLANNING COMMISSION: LOAF LAND SUBDIVISION APPLICATION
Subdivision Permit No: SP4103
Technical Session: November 12, 2026

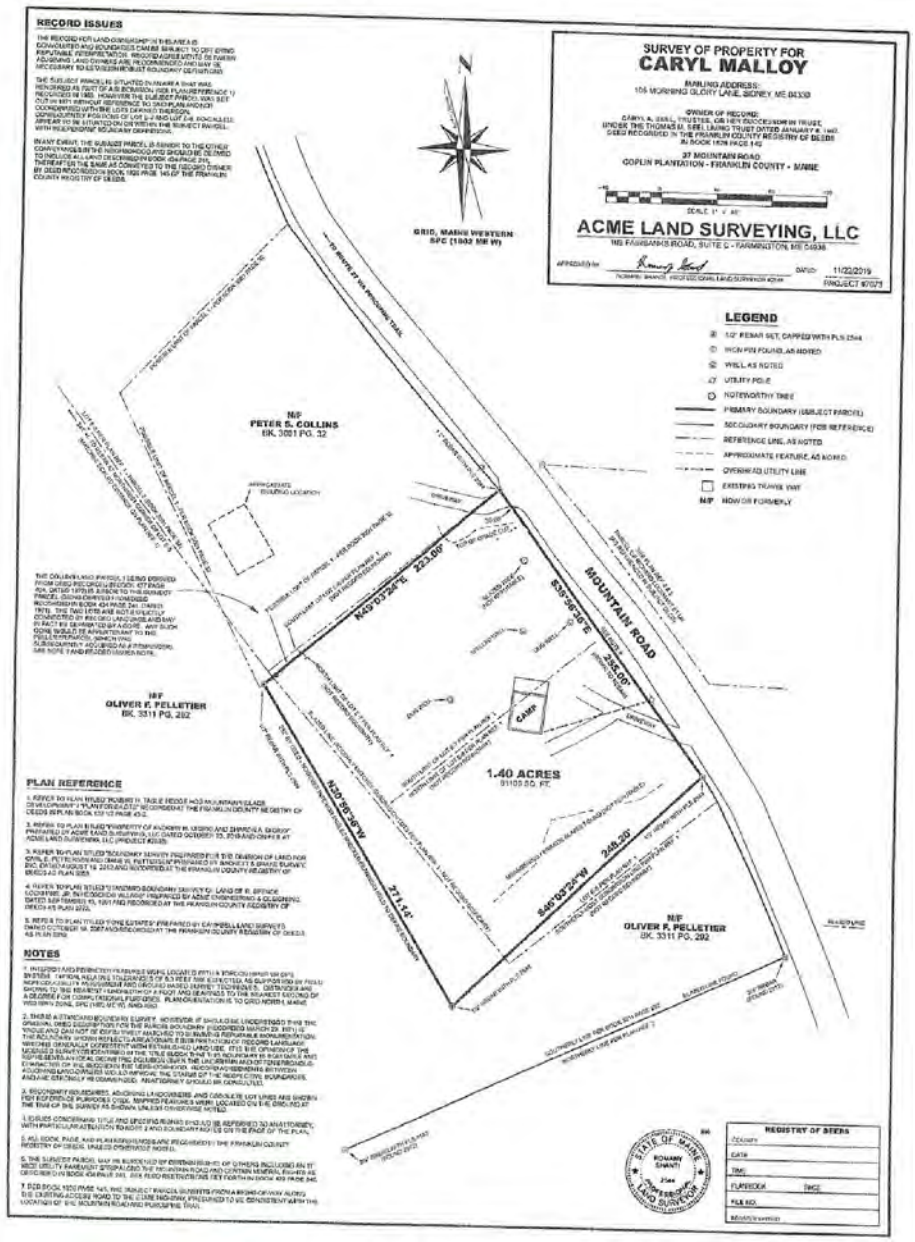
INTERVENORS' TESTIMONY REGARDING STORMWATER

We first understood we would be directly impacted by Applicant's stormwater design when we read the first Sebago Technics report in early September. The report identified us by name and made it clear to us that Applicant plans to direct the majority of the stormwater from its 19 acre lot and the slopes above it onto our tiny 1.4 acre lot. Applicant's filter ponds are designed for 10 year storm events. We have 100 year storm events all the time now, as recently as winter of 2024. Applicant should plan to keep its stormwater on its own huge lot.

Applicant plans to direct the stormwater and runoff from the area indicated into our small lot.

All the filter ponds, except Pond 3, spill directly or indirectly onto our small lot.





This is a survey of our 1.4 acre parcel.

Applicant's Plans don't show our camp.

Applicant's Plan shows the spillways for Ponds 1 & 2 right on our boundary without any setback. We believe Applicant is violating setback rules.

We are concerned that phosphorous and nitrates leaving Applicant's filter ponds will damage our wells. We believe there are well setbacks for filter ponds. Applicant's Plans don't show our wells.

We are concerned about stormwater affecting what we believe is our vernal pool. We didn't know Applicant was planning to direct water into this pool until September. It's the wrong time of year to check for vernal pools. NRPA and LUPC rules require Applicant to examine the 250 feet surrounding the project site for vernal pools. The letter from IFW in the Application reminds Applicant of this requirement, and reminds Applicant that not all vernal pools have been mapped. We believe Applicant ignored this IFW mandate and skipped its investigation for vernal pools.



Leaving the sitewalk, everyone walked along the portion of the proposed Mountain Village Road which runs parallel to a steep slope. In the area of the proposed 4 foot culvert, everyone was able to observe the stream meant to pass through the culvert flowing into at least one other stream. I heard a Commissioner use the phrase, "confluence of streams," at this point on the walk. Applicant's Plans only show one stream, not a confluence. We believe Applicant has failed to identify the location of at least one stream.

It is difficult to photograph a stream under fall leaves. This photograph shows the defined banks of a stream not depicted on Applicant's plans. We asked for permission to bring a professional onto Applicant's land to verify that all natural resources, such as streams, were identified in the Application. Applicant denied access. Applicant probably knows that not all streams have been identified.

This stream runs parallel with the proposed Mountain Village Road. It is not shown on the Application. It is not flagged with blue tape in the field.

This is the stream that runs through the 4 foot culvert. It is shown on the Application and is flagged with blue tape in the field.

Bot h photos were taken during the October 12, 2026 site visit.





Title 17 M.R.S. § 2808 provides that unreasonable use of land that results in altered flow of surface water that unreasonably injures another's land or that unreasonably interferes with another's use of another's land is a nuisance. Maine courts can issue injunctions preventing the alteration in flow of surface water onto the land of another.

Applicant has 19 acres. We have 1.4 acres. Applicant should not be allowed to direct their stormwater onto our tiny lot. The Commission should prevent this now. A Maine Court can and will prevent this construction if this stormwater design is approved.

Testimony Regarding Design Standards of the Easement Area called Moose Track Road in Easement Reservation

Intervenor Fish and I undertook to measure the grade of Moose Track Road easement area on October 31, 2026, using the following method:
We extended a 100 foot long tape measure along the ground at the edge of the trail. Beginning at 0 feet, we used a six foot long level to measure the grade of the first six feet of each ten foot segment of the road between the intersection between the point of departure from the Peters' dooryard and a point 106 feet distant, along the trail, from that point of departure. One person determined when the six foot level was held at level, and the other person measured, at right angles from the level, the distance between the bottom of the six-foot-level and the road. We considered the rise to be the distance between the road and the bottom of the level, and the run to be 72 inches (the length of the six-foot-level). We calculated the grade using the generally accepted formula for determining grade:

$$\frac{\text{rise}}{\text{run}} \times 100 = \text{grade}$$

Measurements and Calculated Grade along Moose Track Road Easement Area

(Run = 72 inches)

Station:	Rise (in inches):	Calculated Grade:
0	21.5	29.9 %
10	16	22.2 %
20	11	15.3 %
30	19.5	27.0 %
40	21.5	29.9 %
50	13.5	18.8 %
60	8	11.17 %
70	15.5	21.0 %
80	14	19.4 %
90	18.5	26.0 %
100	7.5	10.4 %



We also measured the width of the Moose Track Road easement area at a few points along the trail. These points measured between 7 and 9 feet in width.

Intervenor Fish is shown here measuring a 9 foot wide section of the easement area running between two objects which clearly mark the sidelines of the easement area: a ledge and a large maple tree.

JENNY BURCH
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Bath, ME 04530

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Jenny Burch
Email: jennyburch207@gmail.com

November 4, 2026

Loaf Land Development, LLC; Subdivision Permit Application for the Loaf Land Subdivision;
Coplin Plantation
SP4103

Intervenor's List of Witnesses

1. Jenny Burch
   Law Office of Jenny Burch & 207 Title, PC
   136 Front Street #4
   Bath, ME 04530

2. Stanwood Curtis Fish
   136 Front Street
   Bath, ME 04530

3. Dr. Dale F. Knapp, CSS, LSE, PWE, CPESC, CEP
   PO Box 8517
   Portland, ME 04104

4. Cathryn Peters
   36 Messina Drive
   Skowhegan, ME 04976

5. Russell Peters
   36 Messina Drive
   Skowhegan, ME 04976

JENNY BURCH
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WORK EXPERIENCE

Attorney, Law Office of Jenny Burch & 207 Title, PC. Sole practitioner specializing in real estate practice, estate planning, land use matters, business planning, LLC formation. November 1, 2016 to present.

Partner, Weiss & Burch, PA, Bath, Maine. Managing/Human Resources Partner, specializing in real estate practice, estate planning, land use matters, business planning, LLC formation. January 2015 to October 2016.

Associate Attorney, Weiss Law Office, Bath, Maine
Attorney at small firm, specialize in real estate work, estate planning, land use matters, municipal matters, business planning, LLC formation. September 2009 to December 2014.

Dale Knapp -
Chair, Program Committee
Walden Renewables

Dale has over 20 years of professional experience in natural sciences, permitting, and management. Energy projects have been a focus of Dale's professional practice and he has played a key role in the development and permitting of 17 operational wind projects, over 100 grid scale solar projects, and 15 high voltage transmission lines in New England alone.

Dale is a regionally recognized natural resource consultant, and carries the following professional certifications: Certified Soil Scientist, Licensed Site Evaluator, Certified Environmental Professional, Certified Professional in Erosion and Sediment Control, and Professional Wetland Scientist.

Oral Testimony – Moose Track Trail

Coplin Plantation Subdivision SP 4103
Cathryn Peters and Russell Peters – Intervenors

Good morning. My name is Cathryn Peters. My husband, Russell, and I are Intervenors in this matter. We are here to address the proposed use of Moose Track Trail for access to Lots 1 and 2.

To begin, please add to the official record the fact that neither Russell nor I received notice of the Application from the Applicant. If you review the service list in Section 7 of the Application, you will see that Russell and I are not listed. We purchased our property in November of 2024, well in advance of this Application. We only know about this project at all because our neighbor, Curt Fish, whom we had never met prior to the site visit, called and told us about this project in September.

With such short notice, we have not been able to secure our own attorney to represent us. The several attorneys I called were not able to help on this time schedule. We believe our interests have been negatively affected by this lack of notice, particularly because it left us unable to find legal representation on such short notice.

I am sure the Commissioners will recall their opportunity to observe Moose Track Trail at the site visit on October 13.

Moose Track Trail is a narrow, largely dirt trail, approximately 7–9 feet wide, not a developed residential access road. The Application describes it as an eight-foot gravel trail right-of-way, but the Commission had an opportunity to see its actual condition. No one has used it in 10 years of family ownership, and there is no evidence that a passenger vehicle has ever used it.

The part of Moose Track Trail that spills down into our parking area is located approximately 25 feet from our front steps. Our kerosene tank is located 41.8 feet from the center of the Trail. Our private well is located 18.7 feet from the driveway entrance that vehicles will use to access the easement.

We are particularly concerned about the potential for salt and de-icing materials to introduce chlorides and sodium into runoff and affect our private well. We do not know how much salt may be needed to make such a steep slope usable in winter, or how our well would be protected.

Because we cannot park on our septic system, which is located to the right of the camp, we rely on the area directly in front of the camp for parking. In winter, our driveway is plowed

and snow slides off our metal roof, creating large snowbanks around the camp. We already have to park farther back to accommodate these conditions.

We can't imagine having construction equipment, building materials, and contractors passing through our dooryard, then taking the bend up the steep slope onto the trail above our camp. We also can't imagine how vehicles could safely navigate the steep slope back down into our dooryard. We would fear being struck by vehicles right in our own dooryard. We would also fear for the safety of our pets, children, and elderly family members who come to visit.

The Applicant has not adequately addressed the narrowness, grade, or sight distances associated with Moose Track Trail, or how stormwater, runoff, erosion, maintenance, snow plowing, and snow storage will be handled. We fear damage could occur to our kerosene tank area and crawl space from additional runoff.

We also have serious concerns about emergency access. Section 17 includes comments from Fire Chief Sprague discussing road width, pull-offs, turning areas, vertical clearance, and the hazards snowbanks can create for emergency vehicles, particularly on a hill. However, those comments appear to address the proposed new subdivision roads. We have not seen a specific demonstration that fire apparatus, ambulances, or other emergency vehicles can safely access Lots 1 and 2 using this narrow, steep route, including in winter.

We see no way that the Commission can accept Moose Track Trail as a reasonable access to multiple subdivision lots. I understand that LUPC rules require compliance with MDOT standards, and that easements used to access lots be reasonable. Moose Track Trail simply is not reasonable access.

Thank you.

Cathryn & Russell Peters

EXHIBIT A: Property Features Map



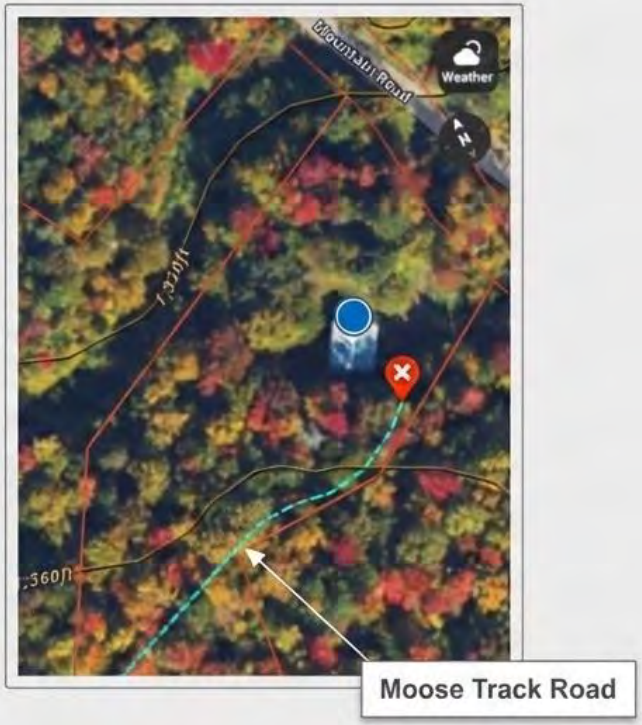
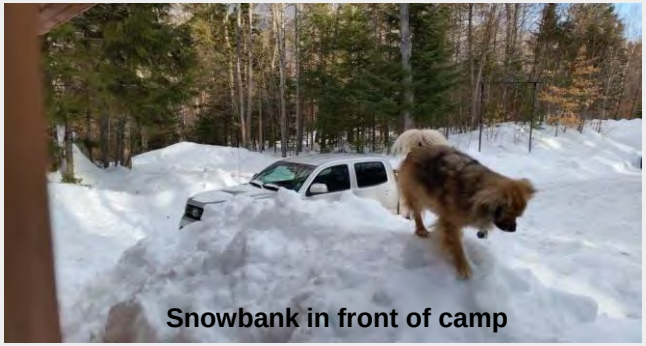


EXHIBIT B: Property Access (Winter Conditions)







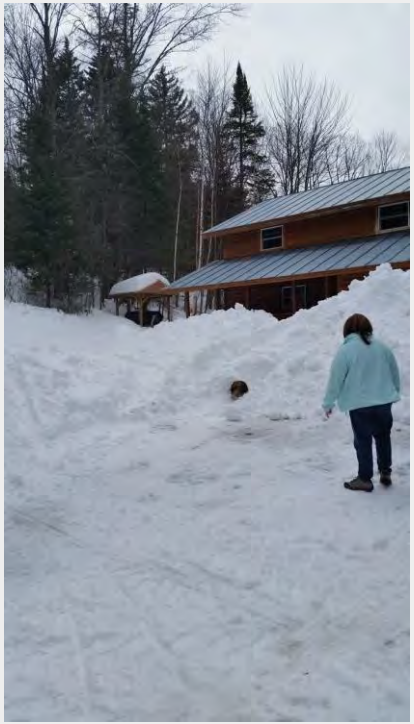


EXHIBIT C: Parking









Exhibit D: View of Moose Track Road Incline (Terrain)









Exhibit E: View of Moose Track Road (Coming Down)









Exhibit F: Steep Terrain off side of Moose Track Road







