Closing Arguments and Post-Hearing Comments

Public Hearing on the Application for LUPC Subdivision Permit SP 4103

11/23/2026

Materials are presented in the following order:

Applicant, Intervenor 1, Intervenor 2, general public comments

Applicant

MAIN-LAND
DEVELOPMENT
CONSULTANTS, INC.

ENGINEERS, SURVEYORS, SCIENTISTS

P.O. BOX Q LIVERMORE FALLS, ME 04254
TEL: (207) 897-6752/FAX: (207) 897-5404
WWW.MAIN-LANDDCI.COM

STATE OF MAINE
LAND USE PLANNING COMMISSION

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

Applicant's Post Hearing Comments

Introduction:

The Applicant Team respectfully submits the following post-hearing comments. The comments below provide additional clarification regarding matters raised by the intervenors, Commission, and Sebago Technics at the public hearing, technical session, and subsequent testimony & review.

Stormwater and Phosphorus Control:

Adverse Drainage Impacts to Abutting Properties: Reduction of peak runoff rates in the post-development condition during the 25-year storm event is a widely accepted methodology utilized by both Maine engineers and the Maine DEP to demonstrate that a project will not result in undue adverse stormwater impacts to downstream or abutting properties.

Upon further review of Maine DEP Chapter 500, the 50-year Type II rainfall event for Franklin County is 4.9 inches, which was the rainfall event modeled and provided in the record. Accordingly, the HydroCAD analysis submitted for this project is more conservative than originally described. Furthermore, as noted by Sebago Technics in its October 31, 2026, review, hydrologic models of this nature are generally conservative and are intended to account for a range of assumptions and potential variability.

To reiterate key design elements, the proposed filter ponds discharge to existing natural drainageways. None of the proposed design elements direct discharges to downhill areas where they were not already flowing. As observed during the October 2026 site walk, the pre-existing drainageway located on the property of Mr. Fish and Ms. Burch bypasses the existing structure and continues along its natural flow path.

06-96 DEPARTMENT OF ENVIRONMENTAL PROTECTION

APPENDIX H. 24-hour duration rainfalls for various return periods

COUNTY	Storm Type	1-YR	2-YR	5-YR	10-YR	25-YR	50-YR	100-YR	500-YR
ANDROSCOGGIN	III	2.5	3.0	3.7	4.3	5.4	6.4	7.6	11.1
AROOSTOOK C (Presque Isle Area)	II	1.9	2.3	2.8	3.2	3.9	4.6	5.3	7.6
AROOSTOOK N (Fort Kent Area)	II	1.9	2.2	2.7	3.1	3.7	4.3	5.0	7.0
AROOSTOOK S (Houlton Area)	II	2.1	2.5	3.0	3.4	4.1	4.7	5.4	7.5
CUMBERLAND NW (Bridgton Area)	III	2.5	3.0	3.7	4.3	5.4	6.3	7.5	10.9
CUMBERLAND SE (N Windham Area)	III	2.6	3.1	3.9	4.6	5.8	6.9	8.1	12.1
FRANKLIN	II	2.0	2.4	2.9	3.4	4.2	4.9	5.7	8.2
HANCOCK	III	2.5	2.9	3.6	4.2	5.2	6.1	7.2	10.5
KENNEBEC	III	2.4	2.8	3.5	4.2	5.2	6.1	7.2	10.6
KNOX	III	2.6	3.2	3.9	4.6	5.7	6.7	7.9	11.5
LINCOLN	III	2.5	3.1	3.8	4.5	5.5	6.5	7.6	11.1
OXFORD E (Rumford Area)	II[1]	2.3	2.7	3.3	3.9	4.8	5.7	6.7	9.7
OXFORD W (Gilead Area)	II	2.2	2.7	3.4	4.0	4.9	5.8	6.9	10.1
PENOBSCOT N (Millinocket Area)	II	2.2	2.6	3.2	3.8	4.7	5.6	6.5	9.5
PENOBSCOT S (Hudson Area)	II	2.3	2.7	3.4	3.9	4.9	5.7	6.7	9.7
PISCATAQUIS N (Chesuncook Area)	II	2.0	2.4	2.9	3.4	4.2	5.0	5.8	8.5
PISCATAQUIS S (Monson Area)	II	2.2	2.7	3.3	3.9	4.8	5.7	6.8	10.0
SAGADAHOC	III	2.6	3.2	3.9	4.6	5.7	6.7	7.8	11.4
SOMERSET N (Pittston Farm Area)	II	2.0	2.3	2.8	3.3	4.0	4.7	5.4	7.8
SOMERSET S (Solon Area)	II	2.3	2.7	3.4	3.9	4.9	5.7	6.7	9.8
WALDO	III	2.4	2.9	3.6	4.2	5.2	6.1	7.2	10.5
WASHINGTON	III	2.5	2.8	3.4	3.9	4.8	5.5	6.4	9.0
YORK	III	2.6	3.3	4.1	4.9	6.2	7.3	8.7	13.2

1 Use Type III rainfall for the towns of Brownfield, Buckfield, Denmark, Hartford, Hebron, Hiram, Oxford, and Porter.

Source: Data extracted by the Maine Department of Environmental Protection from the Northeast Regional Climate Center website (http://precip.eas.cornell.edu), Extreme Precipitation Tables. Data from this website was obtained from the National Oceanic and Atmospheric Administration's Regional Climate Center Program.
June 2014

Contrary to the sketch presented by Ms. Burch at the technical hearing, Filter Pond 2's spillway and a stone berm level spreader, which again provides additional energy dissipation and flow distribution, straddles the property

boundary between the Intervenors' property and that of their abutter's, rather than directing runoff exclusively onto the Intervenors' property.

For these reasons, the Applicant and 3rd Party Engineer continue to conclude that the project will not create undue adverse drainage impacts to abutting properties.

Adequate Buildout Assumptions: The HydroCAD analysis includes provisions for full project buildout. As future development of the subdivision lots cannot be forecast with certainty, reasonable engineering assumptions have been applied. Given the surrounding rural recreational area, and the size of the building envelopes proposed, the following assumptions were utilized:

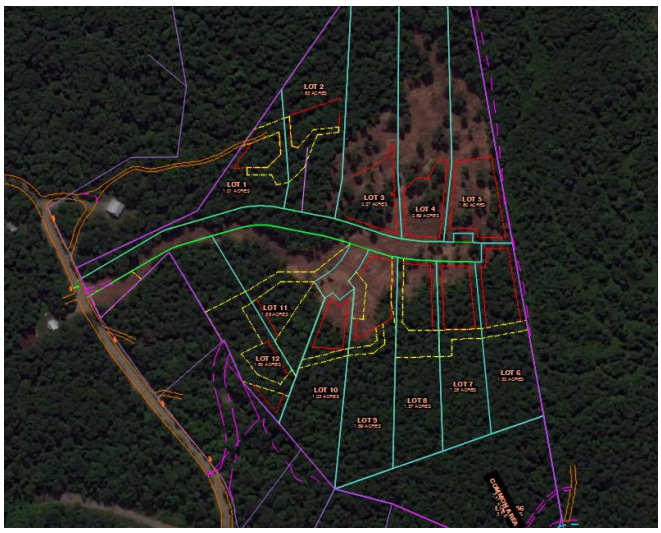
- 1,500 square feet of roof area (footprint not living area);
- 8,700 square feet of lawn; and
- driveway impervious area generally based on 14 feet wide by 80 feet long configuration, as they will likely be drive in – back out. There may be a few driveways that will utilize more of the Maine DEP allotted 1,750 square feet, however those are shared driveways and serve two lots, therefore already conservatively represented in the analysis.

These assumptions are reasonable and appropriate for the proposed development. Additionally, phosphorus calculations are unaffected by these assumptions as the phosphorous model utilizes Maine DEP's per-lot factors that are only dependent on the 1,750 sf of driveway area and 12,000 sf of cleared area.

Filter Pond 2 Level-Spreader Design Calculation Inconsistency: As discussed in the technical session, Dr. Knapp identified a typographical error within the supporting sizing spreadsheet for Filter Pond 2. The error did not affect the actual design shown on the plans. The hydrograph results for Pond P2: FP2 indicates a 10-year storm outflow of 2.13 cfs, which equates to 9 feet in berm length and rounded up to 10 feet on the design plans. Of note, the stone berm level lip spreaders are not a DEP requirement, rather an additional measure to help dissipate the flow.

Shallow Subsurface Drainage Continuity: Shallow subsurface ground water contributions are not included in the stormwater calculations because the intercepted groundwater volume is orders of magnitude less than the surface runoff volumes during storm events.

Impacts from Previous Harvesting Activities: According to Google Earth imagery, a portion of the property, estimated at approximately 5 to 5.5 acres, appears to have been selectively harvested between 2007 and 2011 by a previous owner. Here is Google Earth image overlaid onto the proposed project for reference.



Site observations indicate the area has successfully regenerated and does not exhibit evidence of significant long-term disturbance. Little slash or harvesting debris was observed, and no substantial rutting was evident during site review. Furthermore, any potential overland flow paths associated with historic harvesting activities would be intercepted by the proposed stormwater management system. Because vegetation has re-established and existing soil conditions were documented by the CSS investigation, the pre-development hydrologic modeling utilized forested land cover assumptions, which makes the model more conservative.

Filter Pond Setback to Wells: Contrary to Ms. Burch's testimony, Maine DEP Chapter 500 regulation does not establish a setback requirement between stormwater filter ponds and private wells unless over highly permeable soils and unlined. The filter ponds are located over hydrologic group C or D soils, not highly permeable and in addition have been designed with an impervious pond liner, as noted on the plans in Exhibit 10.

Vernal Pool Delineation: At the time the application was prepared and found complete (and as Dr. Knapp confirmed on cross-exam), applicable regulations required evaluation of vernal pools located on the subject property only, which was performed as part of the 2024 natural resources delineation. No vernal pools were identified on the subject property, as documented in Exhibit 35. In addition, no mapped vernal pools have been identified by IF&W in the immediate vicinity of the project.

Stream Verification: While topography is an important factor in stormwater modeling, it does not determine the presence or extent of jurisdictional natural resources. The natural resource delineation was completed by a qualified environmental professional in 2024. Directly below the road crossing location, the mapped stream channel disperses into a wetland area before becoming channelized again down gradient, this appears to be the area where the Intervenors claim to have seen multiple streams during the site visit. These features are depicted on the plans contained in Exhibit 10. Although the channelized stream segments are relatively short, the associated wetland remain protected and buffered as if the stream was continuous. Existing field flagging should not be relied upon as evidence of the resources delineated, as flagging may be removed, disturbed, or no longer visible over time.

Northern Spring Salamander: This species was raised by the Intervenors during the Technical Session as an environmental concern that had not been addressed. However, the Maine Department of Inland Fishers and Wildlife was consulted and determined that the species is not present based on the characteristics of the stream and surrounding habitat. Correspondence documenting this determination was submitted in Exhibit 25.

Stormwater & Phosphorus Impacts in Winter Conditions:
Rain events occasionally occur in winter months during frozen ground conditions. This project does not change that fact. The same run-off processes that occur naturally during winter months in the un-developed condition will occur in the developed conditions. Additionally, stormwater modelling using TR-55 methodology allows for input of different Antecedent Moisture Conditions (AMC) which can simulate saturated or frozen ground. This can help engineers adequately assess appropriate sizing of culverts and stormwater management features.

Access via Mountain Road:

As a threshold matter, it should be reiterated that Mountain Road is pre-existing, public roadway maintained and overseen by Coplin Plantation. Its features, regardless of their safety and convenience, existed long before the Applicant proposed its project and they will persist regardless of whether the development is approved and built. This is not a situation where the Applicant proposes to build a new road that is arguably non-compliant with applicable regulations. The Applicant simply seeks to use Mountain Road as it exists for the same purposes of other property owners.

Mountain Road Grades: Contrary to Ms. Burch's oral testimony, the Applicant's pre-filed testimony explicitly noted that the grade summary table did not include vertical curve transitions and that the entirety of Mountain Road, from Mountain Village Road to the proposed entrance, was evaluated. This is a common practice as vertical curves typically have their own review criteria.

The differences between the Applicant's data and the Intervenors' data are likely attributable to differing data collection methods and that the Intervenors appear not to take into consideration curvature. While slight variations

exist between the datasets, both indicate that the steeper roadway segments are relatively short in length and do not constitute sustained grades.

LUPC Code Interpretation: The parties generally agree that the Class 1 Road standards contained within LUPC Chapter 10 are intended for the design of new roads but may provide a reasonable reference guidance when evaluating existing road conditions on Mountain Road. The Applicant team's interpretation of the applicable standards, however, differs from that offered by the Intervenors.

LUPC Chapter 10.25(D)(4)(c)(3): Maximum sustained grade for Class 1 roadways may be increased by up to five percent over that specified in Table 10.25,D-1, provided certain conditions are met, including a maximum segment length of 300 feet and adequate separation from the next downhill road intersection.

Based upon our professional experience and interpretation of the code, the 300-foot allowance applies to individual roadway segments rather than cumulatively across the entire length of the road. According to data analyzed by a Professional Engineer, no roadway segment exceeding a 10 percent grade extends beyond 300 feet in length, and the limited sections exceeding 15 percent grade do not constitute sustained grade.

The Applicant team also interprets the next downhill road intersection referenced to be the intersection of Mountain Road and Porcupine Trail, where a vehicle traveling downhill on Mountain Road encounters a required stopping point. This interpretation is consistent with common roadway design practices and ordinance provisions in other Maine towns. Roadways such as Hedgehog Trail and Armstrong Lane intersect Mountain Road but no stopping is required on Mountain Road at these intersections and therefore are not considered downhill intersections for purposes of this provision. Under either dataset, the area within 150 feet of the Porcupine Trail intersection contains only a short section exceeding 15 percent grade and does not constitute a sustained grade condition.

LUPC Chapter 10.25, D, 2. Access onto any roadway must comply with all applicable Maine Department of Transportation safety standards. Mountain Road is not under the jurisdiction of the Maine Department of Transportation (MDOT). As such, MDOT access standards do not directly apply to Mountain Road itself. Nevertheless, the available sight distance Mountain Village Road may satisfy applicable MDOT criteria following vegetation clearing associated with the project. In addition, Moose Track Trail utilizes an existing access location rather than creating a new entrance.

Based on the Applicant team's interpretation of the applicable LUPC standards and data, Mountain Road generally conforms to the intent of Class 1 Road design criteria and can provide adequate and safe access to and from both the proposed development and the existing development it currently serves.

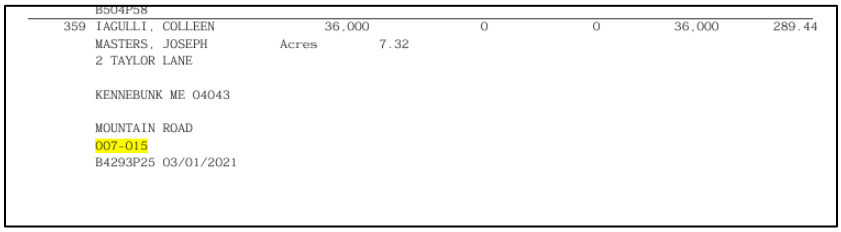
Coplin Plantation Road Maintenance: As noted by the Commission during the technical session, several public and Intervenor comments appear to relate to the condition of the road to the maintenance practices of the existing public roadway rather than impacts directly attributable to the proposed project. The Applicant proposes to utilize an existing public roadway that, in our opinion, generally aligns with the applicable roadway guidance and is currently serving existing development in the area. To the extent concerns have been raised regarding ongoing public roadway maintenance, such matters are more appropriately directed to the Plantation. Accordingly, those concerns should be evaluated separately from the project's compliance with applicable permitting standards. Furthermore, the additional tax dollars generated from developed lots should serve to better fund maintenance efforts.

It is also noteworthy that during the October 2026 site visits, the Applicant team observed what appeared to be recent ditching and drainage improvements along portions of Mountain Road. These improvements may enhance drainage performance and aid winter maintenance operations.

Road Precedence: As noted during the public hearing by Mr. Armstrong, a resident of Mountain Road, Armstrong Lane was recently classified as roadway within Coplin Plantation part way up Mountain Road. While the Applicant team has not reviewed the associated permit application or supporting design documentation, as those materials do not appear reliability available to the public, the recent recognition of Armstrong Lane suggests that Mountain Road has previously been deemed capable of serving additional development under similar conditions. While each application must be evaluated on its own merits, this recent action provides relevant context and precedence when considering the suitability of Mountain Road as access to the proposed development.

Access via Moose Track Trail

Notice of Intent to File: While Mr. and Mrs. Peters are not identified on the abutter list contained within Exhibit 7, the exhibit does identify the previous owner of Tax Map 7, Lot 15. The ownership information utilized was obtained from the Coplin Plantation Tax Commitment Book and corresponding Tax Map 7 records available at the time the application was prepared in 2025. The Tax Map did not reflect the subsequent lot division. Accordingly, the Applicant provided abutter notification based on the best information reasonably available from Plantation records, and the intent to provide proper notice was present throughout the application process.


B504P58
359 TAGULLI, COLLEEN 36.000 0 0 36.000 289.44
MASTERS, JOSEPH Acres 7.32
2 TAYLOR LANE

KENNEBUNK ME 04043

MOUNTAIN ROAD
007-015
B4293P25 03/01/2021

As evidenced by their testimony at the Technical Hearing and their January 2026 correspondence with the Commission requesting a public hearing, the Peters were aware of the proposed project for nearly a year prior to the hearing and had the opportunity to review project information available on the LUPC Featured Projects webpage beginning in February 2026. The project description included in the LUPC notice form is intentionally brief and serves to direct interested parties to additional project information and supporting materials.

Legal Issues Related to Moose Track Road (Section provided by Dave Johnson, Esq. with Marcus | Clegg): As the Intervenors note, the Commission's *Land Use District and Standards* require, among other things, that all applicants "demonstrate 'evidence of sufficient right, title or interest in all of the property that is proposed for development or use.' 12 M.R.S.§ 1685-B(2)(D)." Ch. 10, Rule 10.24(a)(1). Put another way, an Applicant "must have the type of relationship to a site that gives . . . a legally cognizable expectation of having the power to use that site in the ways that would be authorized by the permit or license [sought]." *Rancourt v. Town of Glenburn*, 635 A.2d 964, 966 (Me. 1993) (internal citation omitted).

Here, the Applicant has sufficient right, title or interest in the Peters' parcel to develop the two lots above it (lots 1 and 2) utilizing its easement across that land as proposed in the Plan. The 2025 deed from Olivier Pelletier to the Applicant[1] transfers to the Applicant the easement created in the 1991 deed from Peter LaPlante to Carl E. Petterson[2] by the following language:

> EXCEPTING AND RESERVING, HOWEVER, to Peter P. LaPlante, Jr. his heirs and assign, 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.

When an easement is created without a detailed grant of rights, Courts look to surrounding circumstances to determine the extent of those rights:

[1] Filed in the Franklin County Registry of Deeds at Book 4611, Page 256.
[2] Filed in the Franklin County Registry of Deeds at Book 1234, Page 28.

> And if the object of the grant is stated or known from the surrounding circumstances, then the quality and quantity of the right of way or passage, may be determined by finding the reasonable way or passage which will give effect in concrete form to the presumed object or intention of the party using the language, here the testatrix.

Perkins v. Perkins, 158 Me. 345, 350, 184 A.2d 678, 681 (1962); *see Rancourt,* 635 A.2d at 965 ("When the purposes of an express easement are not specifically stated, a court must ascertain the objectively manifested intention of the parties in light of circumstances in existence recently prior to the execution of the conveyance.") (internal quotation omitted) Here, the "object of the grant" is found in the following deed language: "the right to use for foot and vehicular travel and to establish and maintain electric and telephone lines over and along Moose Track Road . . . ." The scope of the easement, therefore, must be sufficient to "give effect in concrete form to the presumed object to the presumed . . . intention" of the grantor (*see Perkins, supra*), which, given the express rights to traverse the Peters' property on foot or by vehicles and install and maintain utilities, must be to access and develop the (now Applicant's) property above. Since the easement language does not provide metes and bounds for the right of way, the width and other characteristics must be, in quality and quantity, sufficient to give effect to the grantor's intent. That means, among other things, that the width of the easement must be sufficient to allow the Applicant to access its property via an appropriately-sized driveway (or road).[3]

The Intervenors' suggestion that the scope of the easement is fixed as it looks today (*e.g.*, Written Testimony of Attorney Jenny Burch, p. 2) is simply wrong. As Attorney Burch noted, the easement language states that the right of way is "as it runs". But that language requires analysis of the scope and nature of the easement "as it ran" at the time of the original grant in 1991 (in the LaPlante to Petterson deed), not in 2026. The Intervenors conceded at the Technical Hearing that they had no information about the scope of the easement – *i.e*., the width, angle, surface material – as it existed in 1991. As such, Maine law requires the Commission to look to "the object of the grant" – which was clearly to provide the dominant estate (now held by the Applicant) with the ability to access and develop the upland portion of property – to determine the nature and scope of the easement. Here, that means the easement must be sufficient to allow the Applicant vehicular access, together the installation and maintenance of utilities.

The Applicant's proposed development of 2 lots above the Peters' property would not overburden the easement. In determining whether a given use overburdens an easement, the Court must "evaluate whether it is reasonable to conclude that a particular use was within the contemplation of the parties to the conveyance and, in that context, whether the contested use made of the servient estate by the dominant estate exceeds the rights granted to the user." *Poire v. Manchester,* 506 A.2d 1160, 1163 (Me. 1986). As discussed above, it is eminently reasonable to conclude that the grantor, Mr. LaPlante, reserved the easement with the intent to develop the uphill portion of his retained property, hence the ability to traverse the Peters property by vehicle and install and maintain utilities. Moreover, and contrary to Intervenors' argument, there is no basis for the Commission to include that the grantor intended to use that easement to develop only one lot, instead of the proposed two. That suggestion is grounded in nothing more than Attorney Burch's *ipse dixit*. The easement language contains no such restriction and there is no reason to think that the grantor was not reserving the right to develop the uphill parcel in any fashion allowed by applicable law and regulation, including multiple parcels, if so permitted.

The Applicant has demonstrated sufficient right, title and interest in the easement running over the Peters' property to develop lots 1 and 2 to satisfy 12 M.R.S.§ 1685-B(2)(D) and Ch. 10, Rule 10.24(a)(1). The easement language

---

[3] A comparison between the Applicant's proposed use of its easement and that if the dominant estate holder in *Rancourt* is instructive. There, the plaintiff requested a permit to place a dock at the end her right way, which led to a lake. 635 A.2d at 965. The Court affirmed a zoning board of appeals decision finding she did not have a legally cognizable right to place a dock on the right of way because her easement granted her only a right or "ingress and egress" to the lake as well as "any and all other rights, easements, privileges and appurtenances" attached to her land. *Id.* Because neither the "ingress and egress" language nor the developer's initial site plan for the property indicated that a dock was contemplated or permitted, the Court agreed with the board that the plaintiff did not have sufficient legal interest in the right of way to place a dock. *Id.*at 966. That decision stands in stark contrast to the instant application. Here, the Applicant seeks nothing more than to do exactly what the easement allows it to do: access its upland property and establish utilities to lawfully develop the same.

clearly provides the Applicant with "a legally cognizable expectation of having the power to use that site" as proposed. *See Rancourt*, 635 A.2d at 966.

Future Use by the Peters: The possibility that the Peters, or a future property owner, may utilize Moose Track Trail in the future is neither unexpected nor unreasonable, as it is their property. Their stated intention to use the trail also suggests they consider it suitable and safely passable for access purposes, which contrasts with portions of their testimony. Any future development that necessitates improvements to meet applicable roadway standards would be the responsibility of the Peters or a subsequent owner. The current proposal is limited to two lots and therefore constitutes a shared driveway, not a roadway, and is not required to meet road construction standards.

Utilities: As discussed in Mr. Johnson's section above, the easement expressly grants rights to establish and maintain electric and telephone lines along the access. Consistent with this purpose, the *Central Maine Power Handbook of Requirements for Electric Service and Meter Installations* requires a minimum access drive width of 10 feet and an 8 foot vegetation clearance from overhead electrical lines. As such, the clearing and maintenance activities associated with utility installation and operation are anticipated to be approximately 25 feet in width. This is both foreseeable and reasonably contemplated by the easement language.

Plan Updates:

There have been two updates to the design plans since the previous submission. First, the Eustis Fire Department recommended installation of a guardrail along the section of roadway where the adjacent fill-slope is sustained. The Applicant takes no exception to the guardrail addition and has incorporated it into the revised plans.

Second, as noted in the Applicant's Pre-Filed Testimony, the culvert located at approximately Station 2+75 on Mountain Village Road was proposed to be increased to 24 inches in diameter. This change has been incorporated into the design and is reflected in the revised plan set. No other plan changes have been proposed.

Closing Statement:

While the Applicant is proposing a residential project within an established residential area, the project and its design are anything but "boilerplate". This repeated statement by Attorney Burch was disrespectful to the Applicant. It is difficult to reconcile with the extensive project-specific analysis, revisions, and agency review documented throughout the record. As the Commission can tell from the travel of this application through the approval process, the Applicant has devoted significant time, resources, and site-specific analysis to the planning and design of this project because the team believes this parcel is a good location for residential development. Others who live and recreate in the area appear to passionately believe the same.

Throughout the review process, the Applicant and project team have worked cooperatively with LUPC Staff, responded to information requests, participated in the public hearing and technical session, and provided supplemental information when requested. They have also endeavored to address the concerns raised by the Intervenors.[4] The final proposal reflects a thoughtful and deliberate design process intended to balance development objectives with protection of the surrounding area and compliance with all applicable standards.

[4] The Applicant and team respectfully note several inconsistencies in the Intervenors' testimony. Applicant has communicated with the previous property owner, who indicated that, contrary to the testimony of Mr. Fish and Ms. Burch, neither individual was ever under contract to purchase the subject property. In addition, the Peters testified that they were unaware of the project until September 2026, when they were contacted by Mr. Fish. However, the record reflects that the Peters contacted LUPC via email in January 2026 requesting a public hearing. The Applicant submits that these inconsistencies are relevant considerations in evaluating the weight afforded to testimony.

As demonstrated through the testimony and supporting materials entered into the record, the Applicant believes the proposed project complies with all applicable regulatory requirements and approval standards. The Applicant appreciates the thorough review conducted by LUPC Staff and the Commission throughout this process and respectfully requests approval of the application.

Main-Land Development Consultants, Inc.

Emily Hastings

Emily J. Hastings, PE
Senior Project Engineer
2026-11-22

Marcus | Clegg

/s/ David C. Johnson
David C. Johnson, Esq.

NOTES

1. CONTOURS SHOWN ARE BASED ON STATE OF MAINE LIDAR DATA AND WERE DOWNLOADED FROM HTTP://COAST.NOAA.GOV WITH A CONTOUR INTERVAL OF 1-FOOT.
2. WETLANDS AND STREAMS SHOWN WERE DELINEATED BY MAIN-LAND IN JULY 2024 AND LOCATED WITH A MAPPING GRADE GPS.
3. SUMMARY OF WETLAND IMPACT:
   - A: 354± S.F.
   - B: 636± S.F.
   - C: 160± S.F.
   - TOTAL: 1,150± S.F.
4. ADD 4" LOAM, SEED AND MULCH TO DISTURBED AREAS UNLESS OTHERWISE NOTED. PROVIDE EROSION CONTROL MESH ON ALL SLOPES 6:1 OR STEEPER, AND ALONG DITCH CHANNELS.
5. GRADE SURFACES TO DRAIN AWAY FROM BUILDING. PUDDLING OF WATER WILL NOT BE ACCEPTABLE EXCEPT FOR AREAS DESIGNATED AS PONDS.
6. MAINTAIN TEMPORARY EROSION CONTROL MEASURES FOR THE FULL DURATION OF CONSTRUCTION. INSPECT WEEKLY AND AFTER EACH STORM AND REPAIR AS NEEDED. REMOVE SEDIMENTS FROM THE SITE, PLACE IN AREA OF LOW EROSION POTENTIAL, AND STABILIZE WITH SEED AND MULCH.
7. PLACE TEMPORARY SOIL STABILIZATION WITHIN 7 DAYS OF INITIAL DISTURBANCE. PLACE PERMANENT SOIL STABILIZATION WITHIN 7 DAYS OF FINAL GRADING.

N

MOOSE TRACK ROAD

MOUNTAIN VILLAGE ROAD

COURTNEY LANE

MOUNTAIN ROAD

LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
LOT 7
LOT 8
LOT 9
LOT 10
LOT 11
LOT 12

STREAM SETBACK (TYP)
STREAM CENTERLINE (TYP)
NEW 1:1 SLOPE
NEW GRASSED UNDERDRAINED FILTER POND #4, SEE C6.4
PROPERTY BOUNDARY (TYP)
WETLAND (TYP)
UPLAND (TYP)
TEMPORARY STONE CHECK DAM (TYP)
NEW 18" OF D50=6" RIP-RAP ON NON-WOVEN GEOTEXTILE (TYP)
FLOW DIRECTION ARROW (TYP)
ANTICIPATED LEDGE OR BOULDER FACE
WETLAND IMPACT AREA "A" APPROX. 354 S.F.
WETLAND IMPACT AREA "C" APPROX. 160 S.F.
WETLAND IMPACT AREA "B" APPROX. 636 S.F.
NEW 24"ø HDPE CULVERT
NEW 15"ø HDPE CULVERT
NEW 2:1 SLOPE
15" OF D50=6" RIP RAP ON NON-WOVEN GEOTEXTILE AT CULVERT INLET & OUTLET (TYP)
NEW TREELINE (TYP)
NEW 15" ø HDPE CULVERT
NEW 15"ø HDPE CULVERT
15' TYP
MATCH EXISTING GRADE
TEMPORARY CONSTRUCTION EXIT
NEW GRASSED UNDERDRAINED FILTER POND #1, SEE C6.1
TEMPORARY SILTFENCE (TYP)
NEW GRASSED UNDERDRAINED FILTER POND #2, SEE C6.2
NEW 4" LOAM, SEED AND MULCH TO DISTURBED AREAS UNLESS OTHERWISE NOTED. PROVIDE EROSION CONTROL MESH ON ALL SLOPES 6:1 OR STEEPER, AND ALONG DITCH CHANNELS
NEW GRASS SWALE (TYP)
NEW GRASSED UNDERDRAINED FILTER POND #3, SEE C6.3
NEW LEVEL LIP SPREADER (TYP)

LEGEND

- PROPERTY BOUNDARY LINE
- ABUTTING BOUNDARY LINE (APPROX.)
- EASEMENT LINE
- BUILDING SETBACK
- 490 EXISTING MAJOR CONTOUR LINE
- EXISTING MINOR CONTOUR LINE
- 490 PROPOSED MAJOR CONTOUR LINE
- PROPOSED MINOR CONTOUR LINE
- STREAM (CENTERLINE)
- EXISTING EDGE OF GRAVEL
- SF TEMPORARY SILTFENCE
- NUD NEW UNDERDRAIN
- EXISTING TREELINE (APPROX.)
- NEW TREELINE (APPROX.)
- NEW GUARDRAIL
- STREAM BUFFER
- WETLAND IMPACT AREA
- NEW GRAVEL
- EROSION CONTROL MIX AREA
- FLOW DIRECTION ARROW
- TEMPORARY STONE CHECK DAM
- RIP-RAP
- TYPICAL WETLAND BOUNDARY

MAIN-LAND DEVELOPMENT CONSULTANTS, INC.
69 MAIN ST. LIVERMORE FALLS, MAINE
367 US ROUTE 1 FALMOUTH, MAINE
182 MOOSEHEAD TRAIL, NEWPORT, MAINE
PH: (207) 897-6752 FAX: (207) 897-5404
WWW.MAIN-LANDDCI.COM

PLAN SHOWING

LOAF LAND SUBDIVISION

MOUNTAIN ROAD & HEDGEHOG TRAIL
TOWN OF COPLIN PLT., COUNTY OF FRANKLIN, STATE OF MAINE

OWNER OF RECORD

LOAF LAND DEVELOPMENT, LLC

626 CARRYING PLACE ROAD
CARRYING PLACE TWP., ME 04961

MADE FOR

LOAF LAND DEVELOPMENT, LLC

626 CARRYING PLACE ROAD
CARRYING PLACE TWP., ME 04961

DRAWING SCALE:

40 0 20 40
(IN FEET)
1 INCH = 40 FT

SUBMISSION NOTES:

SUBMISSION 1: 2026-09-01 ERL FOR PERMITTING. REVISED PER LUPC COMMENTS.

SUBMISSION 2: 2026-09-17 TLB FOR PERMITTING. REVISED PER LUPC COMMENTS.

SUBMISSION 3: 2026-10-05 TLB FOR PERMITTING. REVISED PER LUPC COMMENTS.

SUBMISSION 4: 2026-11-17 TLB FOR PERMITTING. REVISED FOR LUPC PERMITTING.

PROJ. MGR:	EJH
DRAWN BY:	TLB/ ERL
CHECKED BY:	EJH
SURVEY DATE:	N/A
PLAN DATE:	2026-11-17
SUBMITTED FOR:	REVIEW

NOT FOR CONSTRUCTION

GRADING & EROSION CONTROL PLAN

SEAL:

STATE OF MAINE
EMILY J. HASTINGS
No. 16337
LICENSED PROFESSIONAL ENGINEER
Emily Hastings
Date 11-17

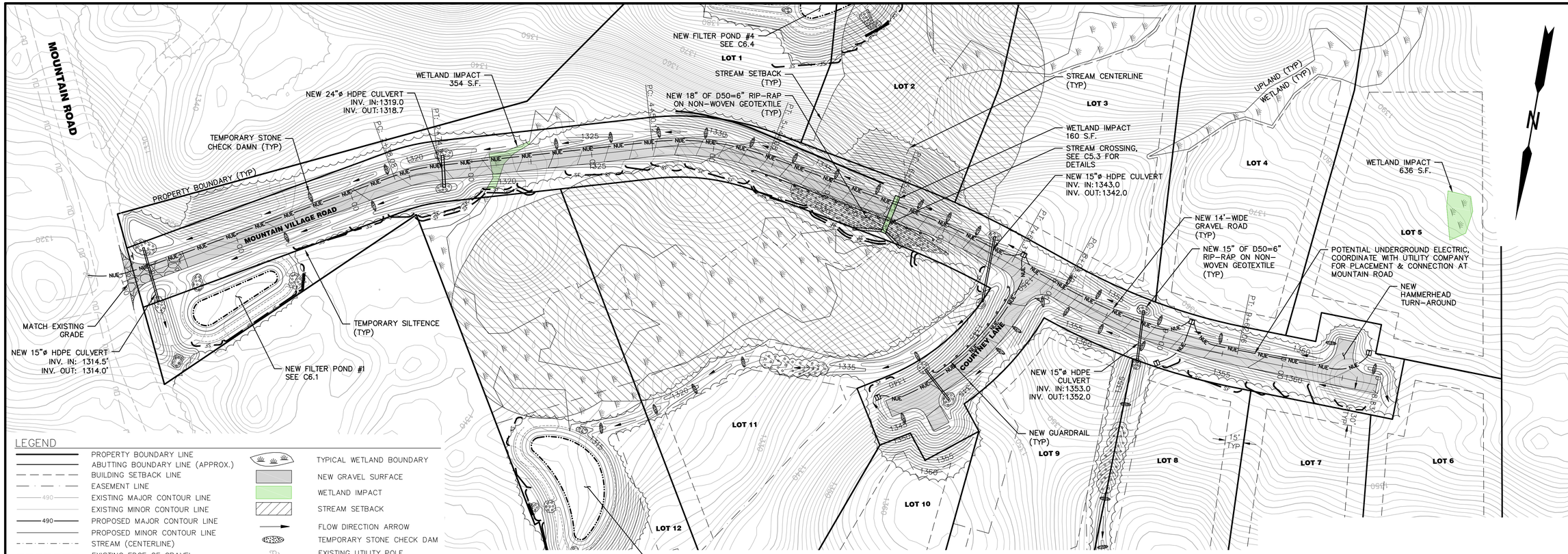
EMILY J. HASTINGS ME PE#16337

DRAWING NO.

C3.1

MLDC NO. 25-040 8 OF 8

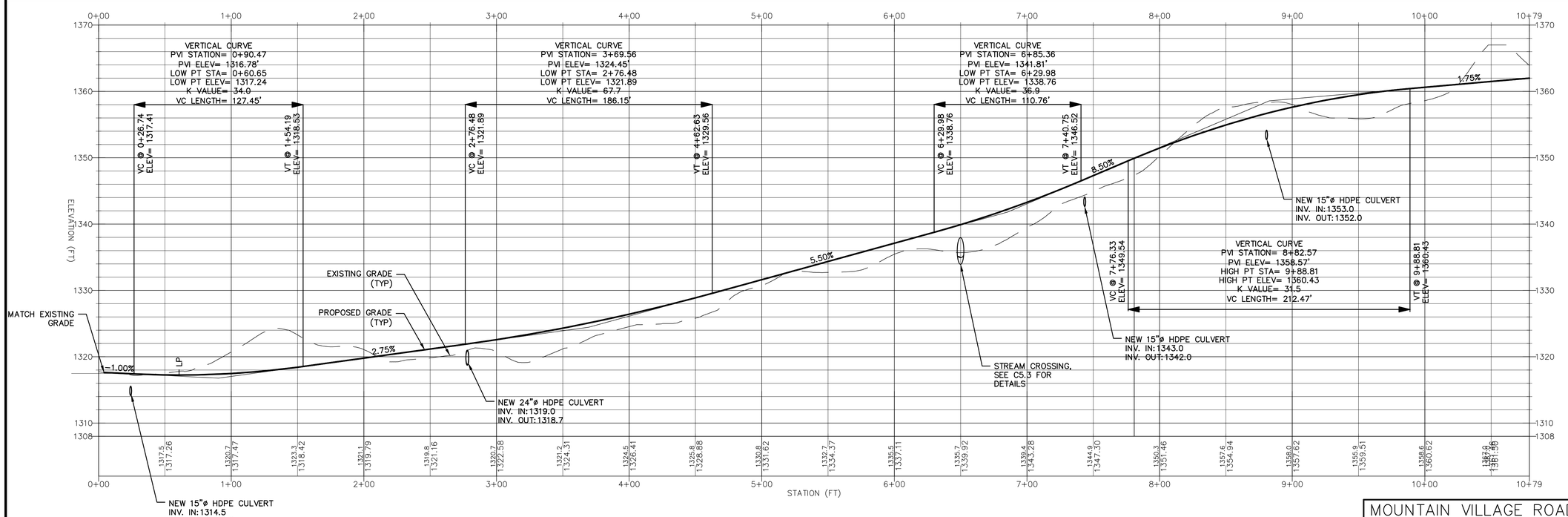
1PLN-OVERALL GRADING PLAN.dwg - PLOTTED ON 11/17/2026 1:09 PM BY TANNER BINETTE



LEGEND

- PROPERTY BOUNDARY LINE
- ABUTTING BOUNDARY LINE (APPROX.)
- BUILDING SETBACK LINE
- EASEMENT LINE
- 490 EXISTING MAJOR CONTOUR LINE
- EXISTING MINOR CONTOUR LINE
- 490 PROPOSED MAJOR CONTOUR LINE
- PROPOSED MINOR CONTOUR LINE
- STREAM (CENTERLINE)
- EXISTING EDGE OF GRAVEL
- EXISTING TREELINE (APPROX.)
- NEW TREELINE (APPROX.)
- SF TEMPORARY SILTFENCE
- NUE NEW UNDERGROUND ELECTRIC
- OU OVERHEAD UTILITY
- NEW GUARDRAIL
- TYPICAL WETLAND BOUNDARY
- NEW GRAVEL SURFACE
- WETLAND IMPACT
- STREAM SETBACK
- FLOW DIRECTION ARROW
- TEMPORARY STONE CHECK DAM
- EXISTING UTILITY POLE
- RIP-RAP
- NEW TRANSFORMER

MOUNTAIN VILLAGE ROAD PLAN — SCALE: 1"=40' — B1



MOUNTAIN VILLAGE ROAD PROFILE — HORIZONTAL SCALE 1" = 40' VERTICAL SCALE 1" = 8' — A1

MAIN-LAND DEVELOPMENT CONSULTANTS, INC.
69 MAIN ST. LIVERMORE FALLS, MAINE
367 US ROUTE 1 FALMOUTH, MAINE
182 MOOSEHEAD TRAIL, NEWPORT, MAINE
PH: (207) 897-6752 FAX: (207) 897-5404
WWW.MAIN-LANDDCI.COM

PROJECT

LOAF LAND SUBDIVISION

MOUNTAIN ROAD & HEDGEHOG TRAIL
COPLIN PLT. MAINE

OWNER OF RECORD

LOAF LAND DEVELOPMENT, LLC

626 CARRYING PLACE ROAD
CARRYING PLACE TWP., MAINE 04961

MADE FOR

LOAF LAND DEVELOPMENT, LLC

626 CARRYING PLACE ROAD
CARRYING PLACE TWP., MAINE 04961

DRAWING SCALE:

40 0 20 40
(IN FEET)
1 INCH = 40 FT

SUBMISSION NOTES:
SUBMISSION 1: 2025-09-23 ERL FOR REVIEW.
SUBMISSION 2: 2026-04-09 TLB FOR REVIEW.
SUBMISSION 3: 2026-07-31 ERL FOR REVIEW.
SUBMISSION 4: 2026-09-17 TLB FOR REVIEW.
SUBMISSION 5: 2026-10-05 TLB FOR REVIEW.
SUBMISSION 6: 2026-11-17 TLB FOR PERMITTING. REVISED FOR LUPC PERMITTING.

PROJ. MGR:	EJH
DRAWN BY:	TLB/ERL
CHECKED BY:	EJH
SURVEY DATE:	N/A
PLAN DATE:	2026-11-17
SUBMITTED FOR:	REVIEW

NOT FOR CONSTRUCTION

ROAD PLAN AND PROFILE

SEAL:

STATE OF MAINE — EMILY J. HASTINGS No. 16337 — LICENSED PROFESSIONAL ENGINEER — 2026-11-17

EMILY J. HASTINGS ME PE#16337

DRAWING NO.

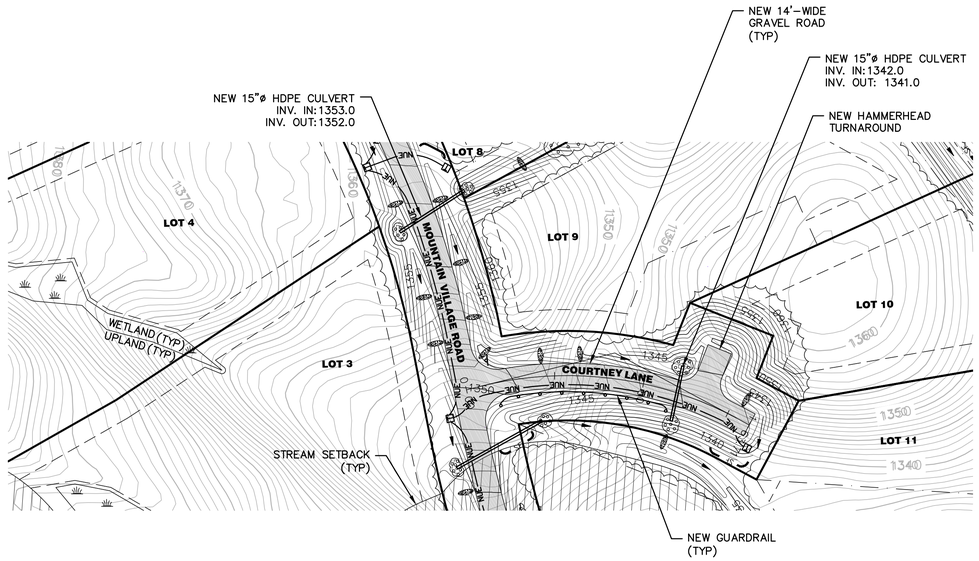
C5.1

MLDC NO. 25-040 1 OF 1

1PLN-ROAD PLAN & PROFILE.dwg — PLOTTED ON 11/17/2026 1:21 PM BY TANNER BINETTE

LEGEND

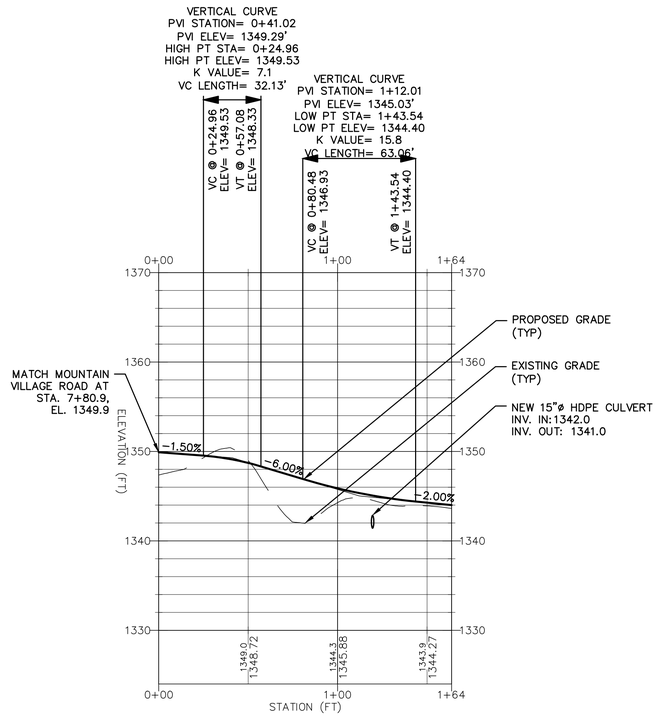
- PROPERTY BOUNDARY LINE
- ABUTTING BOUNDARY LINE (APPROX.)
- BUILDING SETBACK LINE
- EASEMENT LINE
- 490 EXISTING MAJOR CONTOUR LINE
- EXISTING MINOR CONTOUR LINE
- 490 PROPOSED MAJOR CONTOUR LINE
- PROPOSED MINOR CONTOUR LINE
- STREAM (CENTERLINE)
- NEW TREELINE (APPROX.)
- SF TEMPORARY SILTFENCE
- NUE NEW UNDERGROUND ELECTRIC
- OU OVERHEAD UTILITY
- NEW GUARDRAIL
- TYPICAL WETLAND BOUNDARY
- NEW GRAVEL SURFACE
- STREAM SETBACK
- FLOW ARROW
- CHECK DAM
- EXISTING UTILITY POLE
- RIP-RAP



COURTNEY LANE PLAN

SCALE: 1"=40'

B1



COURTNEY LANE PROFILE

HORIZONTAL SCALE 1" = 40' VERTICAL SCALE 1" = 8'

A1

MAIN-LAND DEVELOPMENT CONSULTANTS, INC.
69 MAIN ST. LIVERMORE FALLS, MAINE
367 US ROUTE 1 FALMOUTH, MAINE
182 MOOSEHEAD TRAIL, NEWPORT, MAINE
PH: (207) 897-6752 FAX: (207) 897-5404
WWW.MAIN-LANDDCI.COM

PROJECT

LOAF LAND SUBDIVISION

MOUNTAIN ROAD & HEDGEHOG TRAIL
COPLIN PLT. MAINE

OWNER OF RECORD

LOAF LAND DEVELOPMENT, LLC

626 CARRYING PLACE ROAD
CARRYING PLACE TWP., MAINE 04961

MADE FOR

LOAF LAND DEVELOPMENT, LLC

626 CARRYING PLACE ROAD
CARRYING PLACE TWP., MAINE 04961

DRAWING SCALE:

40 0 20 40
(IN FEET)
1 INCH = 40 FT

SUBMISSION NOTES:

SUBMISSION 1: 2025-09-23 ERL FOR REVIEW.

SUBMISSION 2: 2026-04-09 TLB FOR REVIEW.

SUBMISSION 3: 2026-07-31 TLB FOR REVIEW.

SUBMISSION 4: 2026-09-17 TLB FOR REVIEW.

SUBMISSION 5: 2026-11-17 TLB FOR PERMITTING. REVISED FOR LUPC PERMITTING.

PROJ. MGR:	EJH
DRAWN BY:	TLB/ERL
CHECKED BY:	EJH
SURVEY DATE:	N/A
PLAN DATE:	2026-11-17
SUBMITTED FOR:	REVIEW

NOT FOR CONSTRUCTION

ROAD PLAN AND PROFILE

SEAL:

STATE OF MAINE
EMILY J. HASTINGS
No. 16337
LICENSED PROFESSIONAL ENGINEER
Emily Hastings
2026-11-17

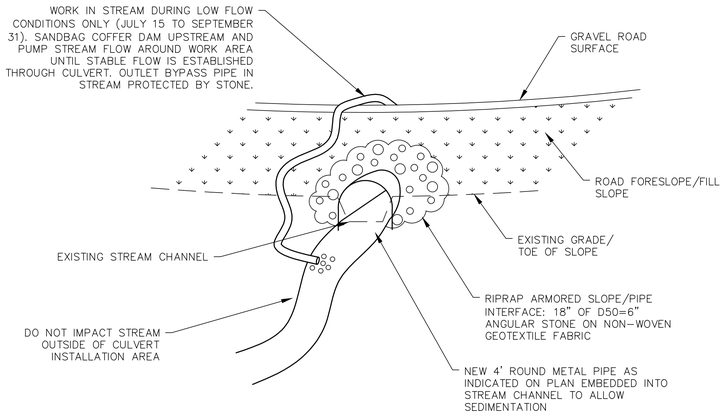
EMILY J. HASTINGS ME PE#16337

DRAWING NO.

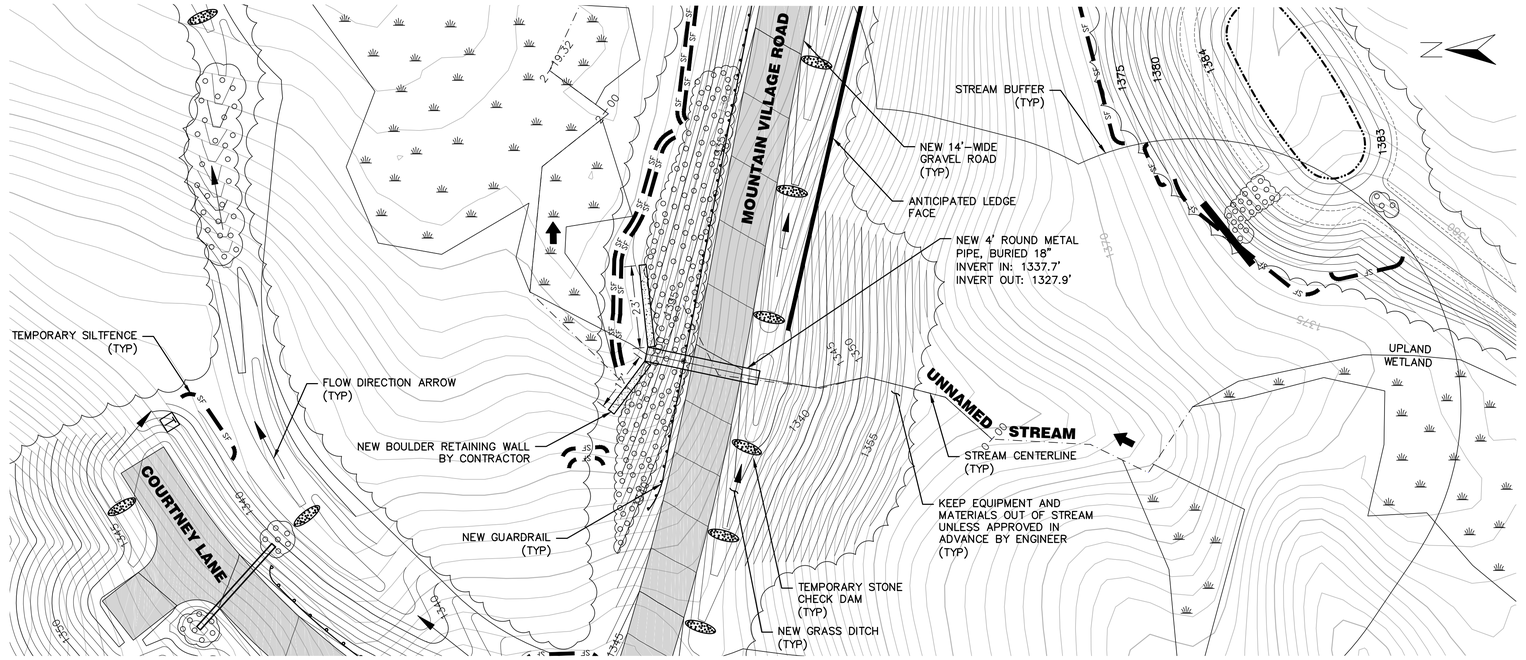
C5.2

MLDC NO. 25-040 1 OF 1

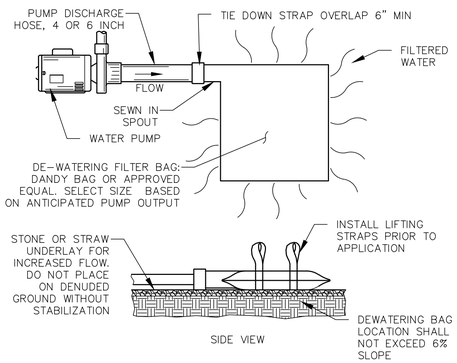
TPLN-ROAD PLAN & PROFILE.dwg - PLOTTED ON 11/17/2026 1:22 PM BY TANNER BINETTE



TYPICAL STREAM CROSSING — NOT TO SCALE — B2

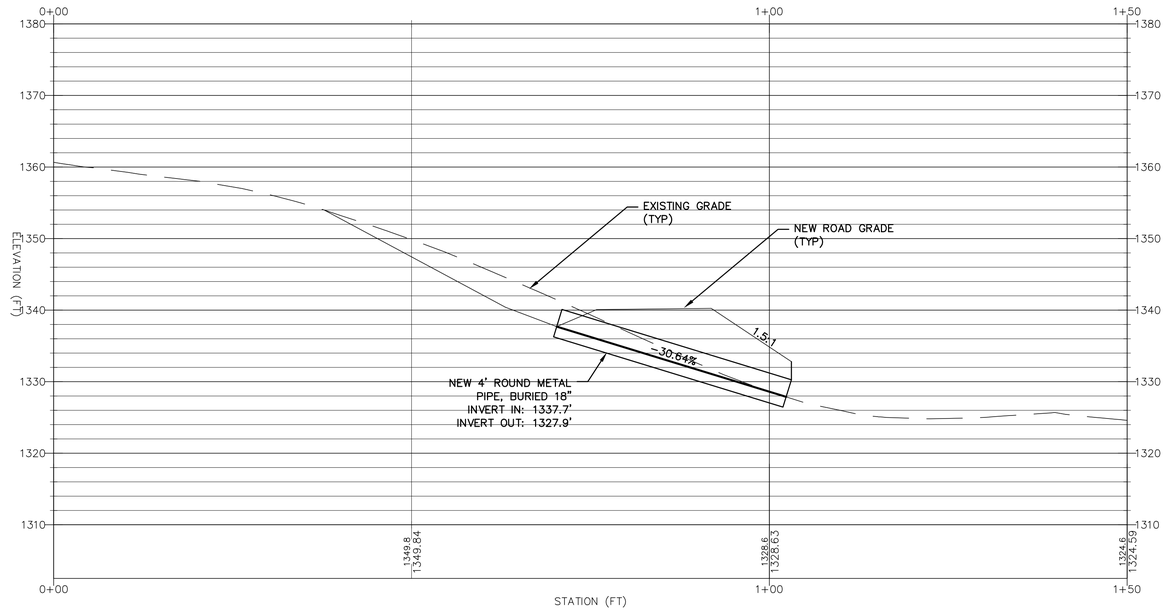


STREAM CROSSING PLAN — SCALE 1" = 20' — B1



Mechanical Properties	Test Method	Units	MARV
Grab Tensile Strength	ASTM D 4632	kN (lbs)	0.9 (205) x 0.9 (205)
Grab Tensile Elongation	ASTM D 4632	%	50 x 50
Puncture Strength	ASTM D 4833	kN (lbs)	0.58 (130)
Mullen Burst Strength	ASTM D 3786	kPa (psi)	2618 (380)
Trapezoid Tear Strength	ASTM D 4533	kN (lbs)	0.36 (80) X 0.36 (80)
UV Resistance	ASTM D 4355	%	70
Apparent Opening Size	ASTM D 4751	Mm (US Std Sieve)	0.180 (80)
Flow Rate	ASTM D 4491	l/min/m² (gal/min/ft²)	3866 (95)
Permittivity	ASTM D 4491	Sec⁻¹	1.2

DE-WATERING FILTER BAG DETAIL — NOT TO SCALE — A2



STREAM CROSSING PROFILE — SCALE 1" = 10' — A1

MAIN-LAND DEVELOPMENT CONSULTANTS, INC.
69 MAIN ST. LIVERMORE FALLS, MAINE
PH: (207) 897-6752 FAX: (207) 897-5404
WWW.MAIN-LANDDCI.COM

PROJECT
RESIDENTIAL SUBDIVISION
MOUNTAIN ROAD & HEDGEHOG TRAIL
COPLIN PLT. MAINE

OWNER OF RECORD
LOAF LAND DEVELOPMENT, LLC
626 CARRYING PLACE ROAD
CARRYING PLACE TWP., MAINE 04961

MADE FOR
LOAF LAND DEVELOPMENT, LLC
626 CARRYING PLACE ROAD
CARRYING PLACE TWP., MAINE 04961

DRAWING SCALE:
20 0 10 20
(IN FEET)
1 INCH = 20 FT

SUBMISSION NOTES:
SUBMISSION 1: 2025-09-23 ERL FOR PERMITTING
SUBMISSION 2: 2026-07-31 TLB FOR PERMITTING. REVISED PER LUPC COMMENTS.
SUBMISSION 3: 2026-09-17 TLB FOR PERMITTING. REVISED PER LUPC COMMENTS.
SUBMISSION 4: 2026-11-17 TLB FOR PERMITTING. REVISED FOR LUPC PERMITTING.

PROJ. MGR:	EJH
DRAWN BY:	ERL
CHECKED BY:	EJH
SUBMISSION NO.	4
SURVEY DATE:	N/A
SUBMISSION DATE:	2026-11-17
SUBMITTED FOR:	REVIEW

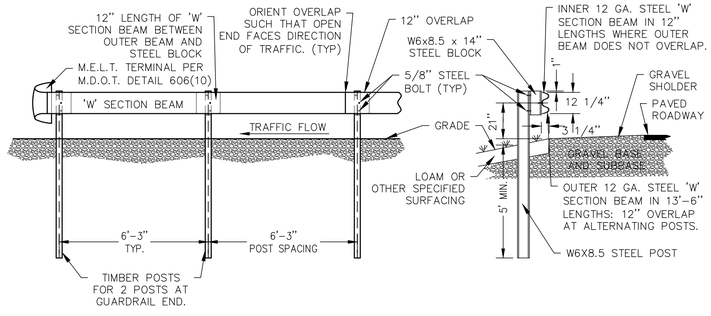
NOT FOR CONSTRUCTION

STREAM PLAN & PROFILE

SEAL:
STATE OF MAINE
EMILY J. HASTINGS No. 16337
LICENSED PROFESSIONAL ENGINEER
Emily Hastings
2026-11-17

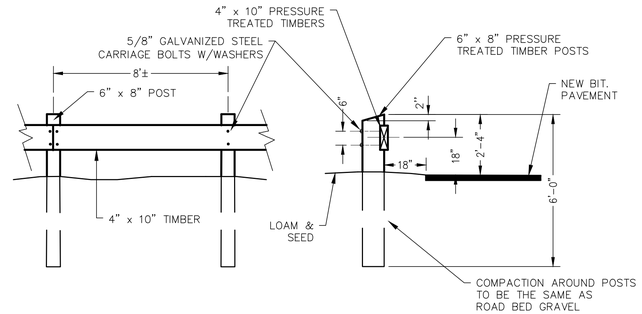
EMILY J. HASTINGS ME PE#16337

DRAWING NO.
C5.3
MLDC NO. 21-211 1 OF 1



METAL GUARDRAIL DETAIL — A2

NOT TO SCALE



WOODEN GUARDRAIL DETAIL — A1

NOT TO SCALE

MAIN-LAND
Development
Consultants, Inc.
69 Main St. Livermore Falls, Maine
367 US Route 1 Falmouth, Maine
182 Moosehead Trail, Newport, Maine
PH: (207) 897-6752 FAX: (207) 897-5404
WWW.MAIN-LANDDCI.COM

PROJECT

LOAF LAND SUBDIVISION

MOUNTAIN ROAD & HEDGEHOG TRAIL
COPLIN PLT. MAINE

OWNER OF RECORD

LOAF LAND DEVELOPMENT, LLC

626 CARRYING PLACE ROAD
CARRYING PLACE TWP., MAINE 04961

MADE FOR

LOAF LAND DEVELOPMENT, LLC

626 CARRYING PLACE ROAD
CARRYING PLACE TWP., MAINE 04961

DRAWING SCALE:

NOT TO SCALE

REVISION NOTES:

NO.	DATE	DESCRIPTION

PROJ. MGR:	EJH
DRAWN BY:	TLB
CHECKED BY:	EJH
SURVEY DATE:	N/A
PLAN DATE:	2026-11-17
SUBMITTED FOR:	REVIEW

NOT FOR CONSTRUCTION

DETAIL SHEET

SEAL:

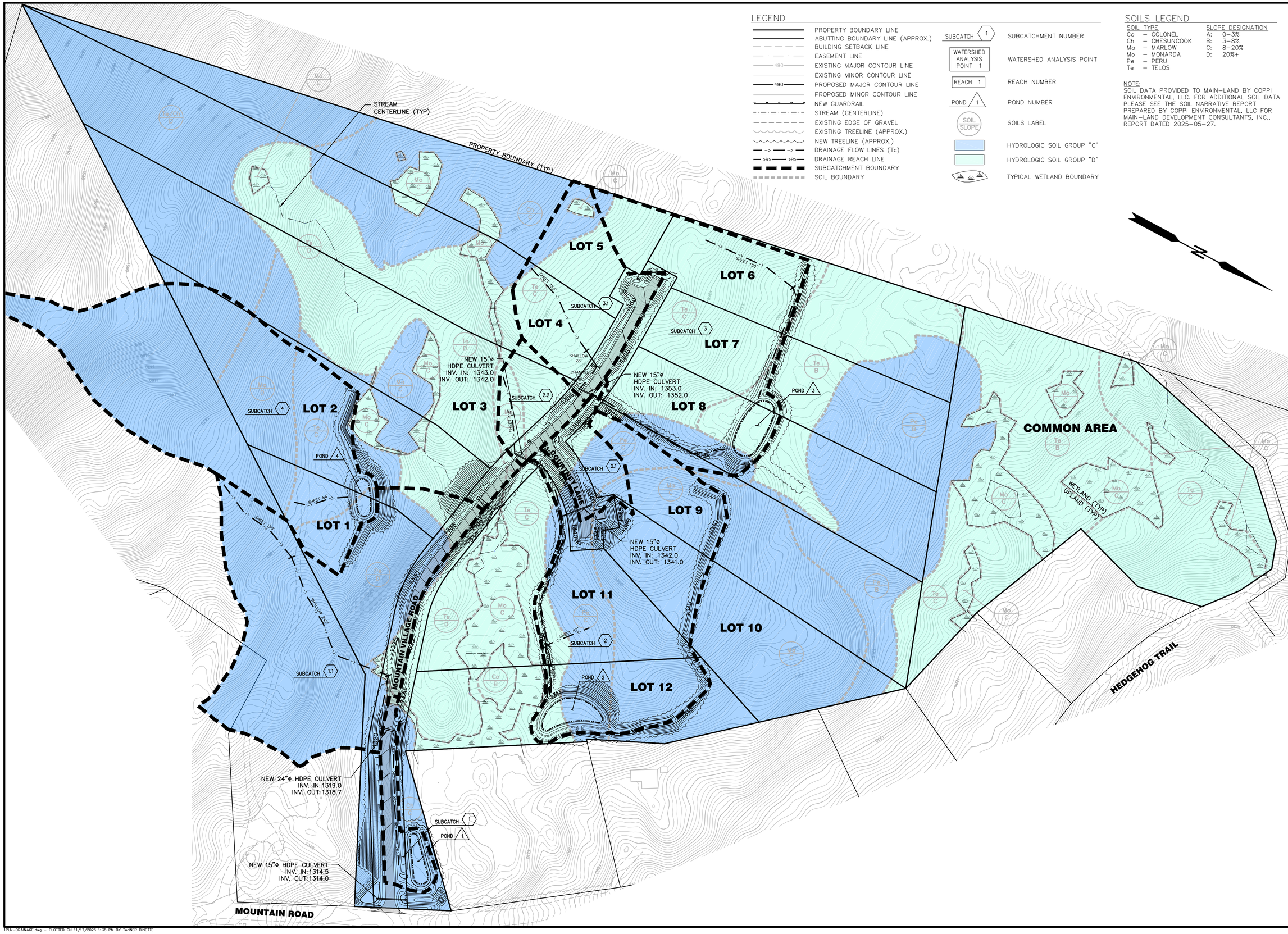
STATE OF MAINE
EMILY J. HASTINGS
No. 16337
LICENSED PROFESSIONAL ENGINEER
Emily Hastings
2026-11-17

EMILY J. HASTINGS ME PE#16337

DRAWING NO.

C9.2

MLDC NO. 25-040 1 OF 1



LEGEND

- PROPERTY BOUNDARY LINE
- ABUTTING BOUNDARY LINE (APPROX.)
- BUILDING SETBACK LINE
- EASEMENT LINE
- EXISTING MAJOR CONTOUR LINE
- EXISTING MINOR CONTOUR LINE
- PROPOSED MAJOR CONTOUR LINE
- PROPOSED MINOR CONTOUR LINE
- NEW GUARDRAIL
- STREAM (CENTERLINE)
- EXISTING EDGE OF GRAVEL
- EXISTING TREELINE (APPROX.)
- NEW TREELINE (APPROX.)
- DRAINAGE FLOW LINES (Tc)
- DRAINAGE REACH LINE
- SUBCATCHMENT BOUNDARY
- SOIL BOUNDARY

- SUBCATCH 1 — SUBCATCHMENT NUMBER
- WATERSHED ANALYSIS POINT 1 — WATERSHED ANALYSIS POINT
- REACH 1 — REACH NUMBER
- POND 1 — POND NUMBER
- SOIL SLOPE — SOILS LABEL
- HYDROLOGIC SOIL GROUP "C"
- HYDROLOGIC SOIL GROUP "D"
- TYPICAL WETLAND BOUNDARY

SOILS LEGEND

SOIL TYPE		SLOPE DESIGNATION	
Co	– COLONEL	A:	0–3%
Ch	– CHESUNCOOK	B:	3–8%
Ma	– MARLOW	C:	8–20%
Mo	– MONARDA	D:	20%+
Pe	– PERU		
Te	– TELOS		

NOTE:
SOIL DATA PROVIDED TO MAIN–LAND BY COPPI ENVIRONMENTAL, LLC. FOR ADDITIONAL SOIL DATA PLEASE SEE THE SOIL NARRATIVE REPORT PREPARED BY COPPI ENVIRONMENTAL, LLC FOR MAIN–LAND DEVELOPMENT CONSULTANTS, INC., REPORT DATED 2025–05–27.

MAIN-LAND
DEVELOPMENT
CONSULTANTS, INC.
69 MAIN ST. LIVERMORE FALLS, MAINE
367 US ROUTE 1 FALMOUTH, MAINE
182 MOOSEHEAD TRAIL, NEWPORT, MAINE
PH: (207) 897-6752 FAX: (207) 897-5404
WWW.MAIN-LANDDCI.COM

PROJECT
LOAF LAND SUBDIVISION
MOUNTAIN ROAD & HEDGEHOG TRAIL
COPLIN PLT. MAINE

OWNER OF RECORD
LOAF LAND DEVELOPMENT, LLC
626 CARRYING PLACE ROAD
CARRYING PLACE TWP., MAINE 04961

MADE FOR
LOAF LAND DEVELOPMENT, LLC
626 CARRYING PLACE ROAD
CARRYING PLACE TWP., MAINE 04961

DRAWING SCALE:
60 0 30 60
(IN FEET)
1 INCH = 60 FT

SUBMISSION NOTES:
SUBMISSION 1: 2025–09–23 ERL FOR REVIEW.
SUBMISSION 2: 2026–04–09 TLB FOR REVIEW.
SUBMISSION 3: 2026–07–31 EJH FOR REVIEW.
SUBMISSION 4: 2026–09–17 TLB FOR REVIEW. ADDITION OF SOIL DATA.
SUBMISSION 5: 2026–10–05 TLB FOR REVIEW. REVISED PER LUPC COMMENTS.
SUBMISSION 6: 2026–11–17 TLB FOR PERMITTING. REVISED FOR LUPC PERMITTING.

PROJ. MGR:	EJH
DRAWN BY:	TLB/ERL
CHECKED BY:	EJH
SURVEY DATE:	N/A
PLAN DATE:	2026–11–17
SUBMITTED FOR:	REVIEW

NOT FOR CONSTRUCTION

POND DRAINAGE PLAN

SEAL:
STATE OF MAINE
EMILY J. HASTINGS
No. 16337
LICENSED
PROFESSIONAL ENGINEER
Emily Hastings
2026-11-17

EMILY J. HASTINGS ME PE#16337

DRAWING NO.
D2.1
MLDC NO. 25–040 1 OF 1

1PLN–DRAINAGE.dwg – PLOTTED ON 11/17/2026 1:38 PM BY TANNER BINETTE

Intervenor 1

CLOSING ARGUMENTS OF INTERVENORS FISH/BURCH
SP-4013, COPLIN PLANTATION MAINE

Regarding Stormwater Design and Management:

For the reasons outline below, Intervenors respectfully request that the Commission deny the Application currently pending or require the applicant to resolve identified deficiencies and provide an opportunity for further technical review prior to an approval.

1. Applicant's stormwater design relies on the assumption that future owners of the subdivision lots will *self-limit* their construction of homes, garages, decks, patios, and all impervious surfaces other than driveways, to either 555 square feet (by one set of calculations) or 1,500 square feet (by another set of calculations).

At the technical session on November 12, 2026, Applicant reasoned that future owners and users of the residential lots will self-limit the impervious surfaces constructed on the lots because: the lots are "cozy," the Subdivision Covenants limit clearing on the lots to 12,000 square feet per lot, and she, herself, lives in a small house. The impervious surfaces to be self-limited include house roofs, garage roofs, decks, patios, sauna roofs, etc. When owners have the right to clear 12,000 square feet of land, this would amount to self-limiting improved spaces on the lots to a mere 12.5% of the area which can be cleared on each lot. Applicant also testified that for every lot with impervious surface exceeding 1,500 square feet, other lots will probably be developed with "tiny houses" to account for other lots' excesses in impervious area.

The proposed subdivision is located near Sugarloaf Resort, Flagstaff Lake, and recreational areas where future residential uses may include seasonal homes, garages, and accessory structures. These foreseeable improvements highlight the need to document a complete impervious area calculation rather than reliance on assumptions of future owners' uses of the lots.

Applicant's impervious surface calculations have not been clearly calculated with the anticipated residential improvements and include an enforceable total limited to these design assumptions. The Application does not provide for a clear accounting of each lot and the total impervious areas assigned to each for driveways, homes, garages, and other improvements.

Without a clear accounting of assumptions, the Commission can not determine that the system is designed with an allocation of 1,500 square feet of development-related impervious surface per lot. At the Technical Session, Dr. Dale Knapp testified that his review of Applicant's materials determined that approximately 555 square feet per lot remained for future impervious surface areas. The applicant should be required to clearly allocate and describe the basis of both figures and identify how much impervious area is allocated to driveways and the remaining treatment allowance for each.

Additionally, the proposed Covenants fail to limit impervious surface per lot to 1,500 square feet. Without such a restriction, the Commission can not assume that impervious surfaces on the lots will not exceed the impervious surface for which the stormwater system has been designed, if in fact it has been designed to handle 1,500 square feet per lot. However, there is no way to determine from the Application how much impervious surface will be located within the project when the project is at full operation.

The Applicant should provide a comprehensive submission accounting of all proposed and reasonably anticipated impervious surfaces for the full build-out of the proposed subdivision, together with enforceable lot limits consistent with the modeling performed in support of the project. The Commission lacks sufficient information to determine whether the stormwater design is appropriately sized. A covenant limiting future development to 1,500 square feet per lot would not, by itself, serve to resolve this concern.

2. Applicant has not demonstrated that the proposed unlined filter ponds satisfy applicable design criteria concerning proximity to private drinking water wells.

Applicant has not identified the locations of three drinking water wells on the abutting Fish/Burch property, or drinking water wells on Peter Collins' property. Intervenors have presented evidence all three drinking water wells on the Fish/Burch property may be within 300 feet of the proposed filter ponds. Well locations and measured distances to the proposed treatment facilities should be verified rather than inferred based solely on parcel boundaries and spillway locations.

Intervenors provided a Survey of their land in their pre-filed Testimony. The Survey is entitled, *Survey of Property for Caryl Malloy*, dated 11-22-2019, and made by Acme Land Surveying, LLC. If the Commission looks at this Survey, and compares it to Applicant's stormwater design plan, the Commission can see that the entire Fish/Burch property is located within 300 feet of the spillway location for Filter Pond 2, and within 300 feet of the entire east side of Filter Pond 2. The Commission can also see that the portion of the Fish/Burch property crossed by Peter Collins' driveway is the only portion of the lot located further than 300 feet from the location of the spillway for Filter Pond 1, and the entire north side of Filter Pond 1. Additionally, the Commission can see that the bulk of Peter Collins' land is located within 300 feet of the spillway location for Filter Pond 2, and can therefore assume that Mr. Collins' well is likely located within those 300 feet. The Commission can also see that both of these abutting properties are down-gradient from Applicant's spillways and Filter Ponds.

The developments proximity to abutting residential properties should have provided an early indication that documentation of nearby drinking water supplies could influence project design. The Applicants testimony that simply no well setback applies does not resolve whether the design meets the siting criteria that may be applicable based on the proposed treatment practices. The Commission should request well locations be identified, a clear treatment practice classification, along with appurtenant setbacks required from drinking water supplies.

Appendix E of the Maine DEP Stormwater Manual addresses stormwater basins, ponds and underdrained vegetated soil filters. Applicants' materials describe unlined, underdrained soil filters as a treatment practice. outlines criteria that are to be used in the LUPC process and whether the proposed treatment measures satisfy setback and siting requirements. The label "Filter Pond" does not by itself determine the technical standards that would apply.

Appendix E provisions that were cited by Intervenors address circumstances in which a soil filter may be constructed without a liner, including setbacks from private drinking water wells. The provision is not an unconditional prohibition but the Applicant should demonstrate the need for a liner or other compliance conditions that may be necessary to obtain any exception. Without representing the physical locations of drinking water supplies in relation to the proposed treatment measures associated with the subdivision and

the applicable standards, the Commission cannot determine whether Filter Ponds 1 and 2, and the spillways for both Filter Pond 1 and Filter Pond 2 adequately protect nearby drinking water supplies. Intervenors request these matters be resolved prior to any consideration of an approval.

3. Applicant has not clearly demonstrated that Filter Ponds 1 and 2 can be constructed, operated and maintained near the Fish/Burch boundary without the potential for adverse impacts off-site.

The Maine DEP's Stormwater Manual includes siting guidance for infiltration practices, while an underdrained soil filter is not considered an infiltration BMP due to the fact that some incidental infiltration may occur. Accordingly, a 25-foot infiltration treatment setback should not be considered to be the applicable limit without first establishing standards. The proposed treatment facilities and spillways appear to be very close to the Fish/Burch property line. The Applicant should address any changes to drainage entering the abutting property as a result of proposed treatment facilities, discharge locations, erosion controls, and maintenance access to these structures, and should include proper setbacks from Intervenors' 1.4 acre lot, or it should not be approved.

4. The locations of the proposed siting of the Filter Ponds near wetlands merits further evaluation and documentation under the applicable stormwater and natural resource protection standards.

Maine DEP Stormwater Manual, Appendix E contains siting criteria concerning detention basins and wetlands. Sebago Technics September 30, 2026 review memorandum described larger flows from Filter Pond 1 discharging into an off-site wet area on the Fish/Burch property. Intervenors also observed apparent wetland conditions present near Filter Pond 2. The applicant should provide documentation that the construction and operation of the proposed filter ponds will not discharge to or impact adjacent regulated natural resources.

5. Applicant's analysis of discharge of flows onto abutting land analyzes only one component designed to flow onto the Fish/Burch parcel and ignores the other two components which will discharge flows on the Fish/Burch parcel if the Application is approved.

Sebago Technics' peer review raised the issue of Applicant's stormwater design directing water onto the Fish/Burch lot. Filter Pond 1, Filter Pond 2, and the culvert crossing the proposed Mountain Village Road all direct water onto the Fish/Burch lot. In response to Sebago Technics' comments, Applicant ran a HydroCAD analysis of only Filter Pond 1, finding a slight reduction in runoff on the Fish/Burch lot. Sebago Technics then reported that they agreed with the general methodology and findings, and went on to point out inconsistencies, which Applicant did work to resolve. However, it is important to remember that any analysis is based on data, that no party has seen or verified Applicant's data, and that other data supplied by Applicant appears to be arbitrary or based on unsupported assumptions.

At the technical session, Applicant relied on the HydroCAD analysis for Filter Pond 1 in addressing potential adverse effects on the Fish/Burch property. The record should clearly establish how Filter Pond 2 and the Mountain Village Road Culvert may affect the same abutting property. The absence of a cumulative analysis accounting for all reasonably anticipated impervious surface should be addressed. Questions remain regarding wether or not the proposed project could alter discharge rates, stormwater volumes, velocities, or flow concentration. Intervenors request an comprehensive analysis of all proposed discharge locations

rather than speculation as to why detailed calculations were not provided.

Public testimony received described the sensitivity of downslope properties to changes in upgradient drainage conditions. Appendix E, Section 2 (c), included in the record, contains requirements to maintain pre-construction off-site flows when detention is used, unless drainage easements are obtained. The Commission should address the applicability of that provision and require pre and post development comparisons for all proposed discharge locations, and the combined potential effects on the Fish/Burch Property. No easements have been obtained from the Fish/Burch property owners. The existing record does not adequately establish that off-site drainage conditions will remain unchanged.

6. It is not clear whether the calculations, which form the basis for Applicant's stormwater and runoff design, include stormwater and runoff entering the project site from upgradient slopes.

The Applicant should provide drainage area maps along with modeling subcatchment boundaries showing all contributing off-site upgradient areas contributing runoff into the development area. This should include runoff that will enter proposed road crossing, ditches, and treatment facilities. If upslope drainages are excluded from these areas that will receive it, calculated design flows and treatment capacities may be understated. If any upslope runoff is expected to bypass any treatment, this should also be clearly documented. Applicants' evident uncertainty during the Technical Session warrants verification of all stormwater modeling inputs.

7. The Applicant has not clearly demonstrated whether or not the proposed stormwater infrastructure has the necessary capacity under readily foreseeable rain on snow/frozen ground conditions.

The December 18, 2023 storm illustrates the potential significance of intense winter precipitation, that has become more commonplace within this region. The Applicant testified that the stormwater design addresses frozen ground but does not model rapid melting of snowpack combined with a heavy rainfall event. Although standard design methodologies may not frequently consider this, the steep contributing watershed and high existing potential for winter runoff warrant evaluating stormwater controls and treatment practices for adequate protection and capacity under these conditions that will inevitably occur onsite. Intervenors request supplemental analysis or a reasoned engineering explanation, rather than reliance on predictions regarding future regulatory amendments.

8. The Application does not address or account for historical logging related soil disturbance or compaction in relation to the stormwater analysis.

Intervenors provided testimony regarding deep skidder ruts and compacted areas being present during a 2019 visit to the property. Such disturbance will reduce stormwater infiltration and redirect and channelize stormwater runoff. The absence of any specific discussion on this topic does not necessarily mean these areas have not been accounted for, but it remains unclear. The Applicant should provide a field investigation methodology, along with the results of the investigation, that support hydrologic soil groups, runoff assumptions, and existing drainage patterns. Therefore, the Commission can not be sure that Applicant's stormwater systems have been designed for the actual conditions existing on the project site.

9. It is not clear whether Applicant's Application has accurately identified all natural resources related to

stormwater and runoff on the project site.

Intervenors testified to seeing a stream not shown on Applicant's plans, and to hearing a Commission member exclaim about the existence of a "confluence of streams" on the site walk, where only one stream is depicted on Applicant's plans. Intervenors also presented photographs of the two streams viewed at the place where a Commissioner used the word, "confluence." Applicant testified that what Intervenors saw, and what they heard a Commissioner call, "confluence," was only one stream.

The Application should clearly document how the recommendations of the Maine Department of Inland Fisheries and Wildlife correspondence have been resolved. The Northern Spring Salamander (NSS) is state listed species of Special Concern and is documented as being present in this region. The department lists the greatest threats to this species as development, intensive forestry, and climate change affecting small streams, seeps, and cold-water habitats. The record should include the results of a presence/absence survey or demonstrate compliance with the published Best Management Practices for development proximate to potential habitat for NSS. One of these BMP's includes a 250-foot buffer from any potential stream habitats where NSS may be present.

Taken together, these two examples of lack of detail, suggest that Applicant's stormwater and runoff designs are based on incomplete analysis of the project site.

10. Limited site access has constrained independent verification of the Applicant's engineering and regulated natural resource information.

At the Technical Session, Dr. Knapp identified inconsistencies in spillway lengths for similarly sized filter ponds, which applicant characterized as typographical errors. The applicant should identify the corrected calculations and confirm the stormwater calculations and construction details that are being proposed for use.

Intervenors requested permission for an independent soil scientist or stormwater engineer to inspect the property, but were were denied access. That limitation prevents any independent verification of soils conditions, existing drainage, and mapped regulated natural resources. The Commission should ensure that the record contains complete and verified site specific information that are being represented and used in developing setbacks and design constraints associated with the project.

11. The Application does not clearly establish enforceable, adequately funded long term maintenance of proposed stormwater treatment facilities.

Applicant testified that maintenance responsibility would ultimately be transferred to a homeowner's association. The commission should require the applicant to provide a proposed maintenance plan, inspection schedule, access rights to perform the work, funding amount and mechanism, and enforceable obligations for both project phases (construction and homeowner's association). A maintenance failure could result in an adverse impact on abutting properties and a general expectation that association members will be responsible is not an acceptable substitute for an enforceable plan.

12. The proposed design of proposed Mountain Village Road has not adequately addressed existing

subsurface hydrology and how shallow groundwater drainages will be maintained.

Dr. Knapp testified that existing topography indicates that substantial shallow groundwater can be expected to be present onsite. A road cut across the existing slope has a high probability to intersect these subsurface drainages and could break groundwater out onto the soil surface and channel these flows downslope on the soil surface. Rather than utilizing a engineered solution, such as a "rock-sandwich", that could be incorporated in a site specific design standard construction techniques have been proposed. The Applicant should evaluate whether a permeable aggregate layer, additional culverts, or other measures are necessary to maintain existing shallow groundwater connectivity. The record should be updated to included locations where these features can expect to be encountered and the road sections where alternative methods should be employed specific to this concern in higher elevation and steep terrain.

These unresolved issues concerning existing subsurface drainages, together with the stormwater modeling and siting questions raised in other sections, warrant additional technical documentation and evaluation before the Commission determines whether or not the proposed project satisfies the applicable criteria. The concerns identified above raise material questions concerning impervious-area assumptions, treatment structure siting, cumulative off-site drainage, upgradient contributing areas, existing soil conditions, and long-term maintenance of necessary infrastructure. Intervenors respectfully request that the Commission deny the Application on the present record or require revised plans, supporting calculations, supplemental survey results, and enforceable development and maintenance provisions, with an appropriate opportunity for technical review, before considering approval.

Regarding access to the project site via Mountain Road:

Intervenors respectfully request that the Commission deny the Application for the following reasons related to the projects dependence on access via Mountain Road:

1. Accessing twelve new residential lots via Mountain Road will worsen the unsafe conditions on Mountain Road, and safety alone can serve as a reason to deny the Application.

When reviewing a Subdivision Application, the LUPC must consider whether the proposed subdivision will create or worsen unsafe transportation conditions.

LUPC Rule 10.24 (A) (1) (B) provides that "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." The Commission has heard testimony regarding unsafe transportation and pedestrian conditions on Mountain Road from all four Intervenors, five members of the public who submitted written comments to the Record, and nine members of the public (including one town official) who presented oral testimony at the public hearing – being a total of 18 individuals. In contrast, no individuals have offered any testimony to the contrary. Clearly, adding users of 12 new residential lots to the traffic on Mountain Road would worsen the already unsafe conditions on Mountain Road.

Mountain Road is unsafe while serving 12 developed lots. It follows that adding another 12 developed lots would double the traffic on an already unsafe road. And, it must be remembered that there are also 7 additional undeveloped lots accessed by Mountain Road (8 if we include Applicant's lot) which could be developed without subdivision review process, bringing total users to 31 lots. Furthermore, it should also be remembered that none of these lots has an alternative access during winter.

Commissioners asked if the Mountain Road problem could possibly be solved by more frequent winter maintenance. Intervenors do not believe that the problem could reasonably be solved this way because Mountain Road must be plowed with heavy equipment, not the plow trucks which circulate through the town during snow events, and because slick conditions on Mountain Road's excessive grade develop so quickly when vehicles travel on even a small amount of fresh snow.

Intervenors assert that LUPC Rule 10.24 (A) (1) (B) provides the Commission with sufficient reason to deny the Application. If the Commission wishes to further understand why Mountain Road should not be used to access twelve new residential subdivision lots, it can look to its Rule 10.25 (D).

2. Analysis of the design of Mountain Road, paired with LUPC Rule 10.25 (D), is helpful in understanding why Mountain Road is not a safe access for twelve additional subdivision lots.

Both Intervenors and Applicant undertook an analysis of Mountain Road at the Technical Session.

Intervenors measured the grade of the road on site running from its downhill intersection with Porcupine Trail to the uphill site of the proposed intersection with Mountain Village Road, collecting data for each ten foot segment of road, 106 segments in all – a total of 1,060 feet of road analyzed. In contrast, Applicant analyzed some sections of the road using data supplied by Maine LiDAR (known to be inaccurate in the range of 4 to 24 inches – Intervenors testified that a discrepancy of 4 inches would result in a difference in grade calculation of about 5.5% grade). Specifically, Applicant analyzed only 705 of the feet of road between Hedgehog Trail and the proposed Mountain Village Road, and Intervenors analyzed the entire 1,060 feet of the road (a difference in 355 feet analyzed).

Intervenors' data has been presented to the Commission using several methods:

- Table A, which lists Intervenors' field measurements at all 106 stations;
- Table B, which summarizes Intervenors' grade measurements by similar segments, presented as they run up the road;
- Table D, which uses the classic stoplight colors (green, yellow and red) to show the locations of road segments of acceptable, acceptable only under certain conditions, and prohibited grade for certain roadways;
- Table E, presenting detail regarding the steepest section of Mountain Road, which is also the section including and immediately uphill from its intersections with two other roads; and

- Map 1, which shows the categories of grade, again using "stoplight" colors, overlaying a tracing of an aerial photograph of Mountain Road.

Applicant's data has been presented as a table, but that table provides no way to figure out where the sections of road Applicant analyzed are located in relation to the other sections or intersections, or where the unanalyzed 355 feet are located.

LUPC Rule 10.25 (D) can be used as a "roadmap" for the Commission's review of existing roads, such as Mountain Road, serving as access to new subdivisions.

To begin, Rule 10.25 (D) (1) addresses general circulation as follows: "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*." This rule serves as a reminder that the Commission must determine whether new development is <u>located</u> in a way that traffic and pedestrians, roadways and intersections in the vicinity can safely handle the subdivision's new traffic in the subdivision's fully operational state. This rule expressly applies to the Commission's review of this Application.

As we know, the proposed subdivision is located at the top of Mountain Road, a road which subdivision-related traffic would share with 12-20 additional users going forward. If construction of Mountain Road was being proposed today for the purpose of accessing the 20 existing lots, and the 12 proposed subdivision lots (being a total of 31 lots because Applicant's lot is already counted as one of the 20), the Commission would have to require that Mountain Road be constructed as a Class I Roadway.

The Commission can use its Class I Roadway Standards in deciding whether the proposed subdivision should be <u>located</u> at the top of Mountain Road, and both Intervenors and Applicant have testified before the Commission that it makes sense for the Commission to use these Rules in making its decision. This is because the Commission would have to require a Class I Roadway to access 15 or more residential lots if the road was being built today.

Specifically, Rule 10.25 (D) (4) provides that a Class 1 Roadway is generally appropriate for residential subdivisions with 15 or more lots."

Rule 10.25 goes on to supply the design standards for Class I Roadways in Section (D) (4) (c) (3) and Table 10.25 D-1, specifically:

- The maximum sustained grade is capped at 10%, but can be increased to, but can not exceed, 15%, but only if:

    1. The section of roadway with grade of 10-15% is no longer than 300 feet in length; <u>and</u>

    2. The section of roadway with grade of 10-15% is farther than 150 feet from the

next downhill intersection; and

3. "The Commission determines that the proposed alternative grade will not cause unreasonable drainage, erosion or public safety impacts."

- The minimum roadway surface width must be 18 feet unless there are turnouts every 500 feet, on average.

(Let's begin with width – Intervenors testified that some sections of Mountain Road are as narrow as 15.4 feet. Also, Mountain Road does not have turnouts. The Commission has taken testimony at the Public Hearing and the Technical Session about the crown of this narrow road causing vehicles to bridge the crown by staying in the center of the road or risk sliding off the road, making the road inaccessible to two-way traffic in winter. Mountain Road can not be widened further. It is up against its boundaries. Wells and septic systems are right up against the road.)

Intervenors' data can be used by the Commission to analyze whether Mountain Road could be approved as a Class I Roadway by today's standards, again, standards which Applicant testified should apply to Mountain Road if it is to be used to access the project's twelve residential lots, while currently also serving as access to so many other lots.

Tables A, B, D and E, and Map 1 all show that Mountain Road contains sections of sustained grade exceeding 15%. Sustained grade exceeding 15% causes Mountain Road to fail as a Class I Roadway.

Tables A, B, D and E, and Map 1 all show that Mountain Road contains sections of sustained grade exceeding 10% for a distance of 340 feet, when grades exceeding 10% on Class I Roadways may not persist for more than 300 feet. This duration of grade in excess of 10% also causes Mountain Road to fail as Class I Roadway.

Tables A, B, D and E, and Map 1 all show that Mountain Road contains sections of sustained grade exceeding 10% within the 150 feet uphill from the next downhill intersections (being 270 feet of sustained excessive grade as one proceeds downhill toward the Hedgehog Trail intersection, and 290 feet of sustained excessive grade as one proceeds downhill toward the Armstrong Lane Intersection). The location of the 340 feet of excessive grade also causes Mountain Road to fail as a Class I Roadway.

Applicant's analysis skipped 355 feet of road. Applicant acknowledged her decision not to measure "vertical curves," and determined that Mountain Road should pass as a Class I Roadway. Given that there are 340 feet of sustained excessive grade (too long a stretch for a Class I Roadway), and that those 340 feet are located mainly in the area directly uphill from two intersections (expressly afoul of the Rule), it is clear that Applicant was able to determine that Mountain Road passes as a Class I Roadway only by skipping analysis of the steepest 340 continuous feet – much too great a distance to be considered a "vertical curve." Everyone driving Mountain Road has to drive the vertical curve! It can not be ignored.

Testimony brought to light the fact that there is no actual distance in the accepted definition of "sustained grades," rather the determination of whether a grade is sustained is made functionally – meaning based on whether the grade interferes with use of a road. Again, the Commission has heard testimony from 18

individuals regarding unsafe conditions on Mountain Road, all of which include anecdotes about the grade refusing uphill traffic in winter. Therefore, one must conclude that the grades exceeding 10% on Mountain Road are sustained grades. This, paired with knowing that the grades exceeding 10% span a distance in excess of that tolerated for Class I Roadways, should be conclusive evidence that the excessive grades on Mountain Road are sustained grades.

Even if the percent, length and locations of sustained grades in excess of 10% did not cause Mountain Road to fail as a Class I Roadway, the Commission would still have to grapple with the final element of Rule 10.25 (D) (4) (c) (3): the determination that *the proposed alternative grade will not cause unreasonable drainage, erosion or public safety impacts*. We know that this Rule was drafted to guide approval of new roads, and because a guiding Rule is helpful to the review of access to new lots via an existing road, both Applicant and Intervenors have agreed that the Commission should scrutinize Mountain Road under this Rule. Intervenors do not see how the Commission could determine that adding the traffic, from a new twelve lot residential subdivision, to a road that already has public safety problems, will not cause unreasonable public safety impacts.

This analysis point us back to the more general rules, Rule 10.24 (A) (1) (B) (stating that the Commission can only approve an application when there is assurance that the proposal will not cause congestion or unsafe conditions with respect to existing transportation arteries), and Rule 10.25 (D) (1) (which requires new projects to safeguard against hazards to traffic and pedestrians along existing roadways, and to 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), both of which expressly apply to the Commission's review of the Application at hand.

Because the reality of Mountain Road prevents the Commission from being assured that the proposal will not cause unsafe conditions, and the reality of Mountain Road prevents safeguarding against hazards to traffic and pedestrians if use of the road is increased by twelve residential lots, and the reality of Mountain Road shows that the proposed development is not located in a spot where the road can efficiently handle the traffic attributable to the development at full operation (about twice what the road attempts to handle today), Rules 10.24 (A) (1) (B) and 10.25 (D) (1), which expressly apply here, should serve as sufficient grounds to deny the Application. Neither the parties, nor the Commission, can cure this substantial and dangerous defect.

3. <u>Adding Applicant's proposed twelve-lot subdivision traffic to Mountain Road will overload the general neighborhood at times when Mountain Road is not accessible to uphill traffic</u>.

Intervenors have testified to the lack of appropriate space to leave vehicles when Mountain Road can not be ascended and people have to walk to their residences. Intervenors and members of the public have provided testimony to the regularity of Mountain Road users having to leave vehicles below and walk to their residences. Adding to the road additional users, who must ascend the entirety of the hill to arrive at their destination, can only increase congestion caused by abandoned vehicles. Other roadways are too narrow to accommodate parking, and the presence of abandoned vehicles interferes with snow removal on the roads. Intervenors presented a photograph showing the "No Parking" sign at the intersection of Mountain Road and Hedgehog Trail – which is at the downhill end of the steepest section of Mountain Road – the "landing spot" for vehicles which fail to make it up the road and slide back down. The Commission

can look to its Rule 10.24 (A) (1) (B), which states that the Commission can only approve an application when there is assurance that the proposal will not cause congestion, in considering the affects of vehicles abandoned in the general neighborhood when those vehicles can not ascend Mountain Road's steep grade.

4. Sight distances at the intersections of each of the two proposed subdivision roads, with Mountain Road, are insufficient.

With respect to the intersection of the proposed Mountain Village Road with Mountain Road, Applicant and Intervenor are in basic agreement regarding sight distances. However, the two parties are not in agreement regarding whether Maine DOT standards apply to this intersection, and about whether those standards, if they do apply, can be met at this intersection.

To begin, LUPC Rule 10.25 (D) (2) provides that "access onto any roadway *must* comply with all applicable DOT safety standards." Both parties agree that DOT requires the following sight distances at the following speeds:

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

The Mountain Village Road sight distance to the left was measured by both parties to be about 150 feet. Applicant has excused this short sight distance by testifying that the measurement was taken prior to removing vegetation and grading, which will be done. The vegetation and berm which would need to be removed are on Intervenors' land and Applicant has no right to remove them. Intervenors disagree, regardless, and have testified that is the decline of the hill which causes the short sight distance. Applicant has also excused this short sight distance by testifying that, while there is no posted speed limit on Mountain Road, its maximum speed is 25 MPH per Maine state law, and, given the "varying width, gravel surface, and rural residential area, actual vehicle speeds are *expected* to be lower." Intervenors and several members of the public have testified that, based on their own experience and observation, given the wintertime slick surface and grade of the road, actual vehicles speeds *are* in excess of 25 MPH so as to avoid being stopped by the grade and sliding off the side of, or back down, the hill. This means that a sight distance in excess of 200 feet should be required to meet DOT standards. From this testimony, the Commission can conclude that the proposed intersection with Mountain Village Road lacks the sight distance required for approval, given that the sight distance is not enough even for a 25 MPH road.

The sight distance to the right at the intersection of Mountain Road and Moose Track Trail was measured by Intervenors to be 111.5 feet. It was not measured by Applicant. Regardless whether Moose Track Trail lying west of the Peters' dooryard is considered to be a road or a driveway, the Moose Track Trail intersection with Mountain Road would serve at least three residences if the Application is approved, meaning that it would be a road, and therefore it must be held to DOT standards. A sight distance of 111.5 feet is insufficient for even a 20 MPH road.

Regarding Moose Track Trail Easement Area:

Intervenors respectfully request that the Commission deny the Application for the following reasons related to the Moose Track Easement Area:

1. Under Maine law, the Applicant lacks the right to relocate The Moose Track easement area, and the location of the easement is neither safe, nor sufficient to provide access to subdivision lots approved by a government agency.

2. It is not clear that the easement reserved across the Peters' land includes the right to improve the surface of the easement. To do so would subject to the Peters to conditions which would compromise their safety, and would likely be considered an overburden of the easement. Improvement to the surface of the easement area could lead to litigation, which is not an expected result of using an easement right depicted on an approved subdivision Plan.

3. The deed reserving the easement rights failed to expressly reserve the right to access multiple parcels using the Moose Track Easement Area. A determination of whether such a right exists would require the grant of confirmatory rights, by the Peters, to the Applicant, or a finding by a Maine court of competent jurisdiction. It would not make sense for the Commission to approve an Application relying on access, where such rights of access have not been determined as applying to the multiple lots proposed to be served by the access easement.

4. LUPC Rule 10.25 (Q) (3) (f) provides that a legal right of access by road exists, not just when an easement says it exists, but only when an easement is in place and it is reasonable that a road could be built in the easement area. Here, it is not reasonable that a road could be built in the location of the easement area because of the area's relation to the Peters' improvements, and the 29.9% grade at the entrance to the Peters' dooryard.

For all of the above stated reasons, Intervenors respectfully ask the Commission to deny the Application.

Intervenor 2

Post-Hearing Comments

Coplin Plantation Subdivision – SP 4103
Submitted by: Cathryn Peters and Russell Peters

1. Introduction

Thank you for the opportunity to submit these post-hearing comments regarding the proposed Coplin Plantation Subdivision, SP 4103.

We are submitting these comments because we have significant concerns about the proposed use of Moose Track Road to provide access to Lots 1 and 2. Our camp is located immediately beside the existing route, and the proposed residential use and any work necessary to prepare the route for that use could have a direct and lasting impact on our property.

We recognize that the applicant's proposal involves a 24.5-acre parcel and that the application identifies an existing easement over Moose Track Road. Our concerns are not based on denying that the easement exists. Rather, we ask the Commission to carefully consider the actual conditions of the route, the proposed residential use, the work that may be necessary, and the resulting impacts on our property.

2. Clarification Regarding Prior Testimony

I would like to clarify my testimony regarding when we first became aware of the subdivision application.

During the November 12, 2026 technical session, questions were raised about my statement that we first learned about the project in September. I understand that my earlier wording created confusion, and I want to clarify what I meant.

We were aware that a subdivision application existed, and Russell had asked to be included in project communications from LUPC in January 2026. However, we did not understand the specific proposal to use Moose Track Road to provide access to Lots 1 and 2, or the potential impact that proposed access could have on our property, until Curt Fish brought those concerns to our attention in September.

When I referred to first learning about the project, I was referring to learning about the proposed use of Moose Track Road and what it could mean for our property, not the first time we had heard that a subdivision application existed.

I acknowledge that I misspoke and regret that my wording caused confusion. I did not intend to mislead the Commission. I want the record to accurately reflect the distinction between my awareness of the application and my understanding of the proposed access through Moose Track Road.

3. Notification and Opportunity to Understand the Proposed Access

During the hearing, the Commission indicated that the notification issue could have been related to inaccuracies or outdated information in the town's tax maps. We understand that this was offered as a possible explanation, but it does not resolve our concern. We receive and pay property tax bills for our property, and we believe the people whose property is directly affected by a proposed access route should be clearly identified and given meaningful notice of the proposed work and its potential impacts.

The applicant's service list in Section 7 of the application did not identify us as property owners who could be affected by the proposed use of Moose Track Road. We also understand that the applicant had difficulty identifying ownership information during its efforts to prepare the application. Regardless of how that information became inaccurate or incomplete, the result was that we did not receive direct notice that clearly explained what was being proposed.

Had Curt Fish not brought the proposed access to our attention, we could have arrived at our camp one day to find construction vehicles and work taking place along the existing easement without having understood the proposed changes or their potential impact on our property.

We recognize that an easement exists over this portion of our property. However, the existence of an easement does not change the fact that we own the underlying property or eliminate the potential impacts that construction, grading, widening, and increased use of the route could have on our property and our ability to enjoy it.

Our concern is not simply that we did not receive a particular notice. It is that we did not have a meaningful opportunity to understand what was being proposed for a route located on our property, how it would be changed, and how those changes could affect us before the application moved forward.

We believe this history is important context for the Commission to consider when evaluating the proposed access and the information provided in support of it.

4. Our Understanding of the Proposed Access

The application proposes that Lots 1 and 2 will be accessed from Moose Track Road, while the remaining lots will be accessed through the proposed new road system.

This distinction is important. The application provides substantial detail about the proposed new subdivision roads, including their anticipated dimensions and design. However, the information provided about Moose Track Road does not appear to offer the same level of detail regarding its existing condition, the improvements that may be needed, or how it will safely accommodate residential traffic.

We ask the Commission to evaluate Moose Track Road as a separate access route, rather than assuming that the standards and information provided for the new subdivision roads also establish the suitability of Moose Track Road.

5. Existing Easement, Proposed Use, and Necessary Improvements

We understand that the original easement was established in 1991 and references the right to use the route for foot and vehicular travel, as well as to establish and maintain electric and telephone lines. We also understand that the applicant's position is that Lots 1 and 2 are within the original benefited parcel.

We are not asking the Commission to resolve questions concerning the interpretation or legal scope of the private easement. We recognize that those questions may involve private property rights beyond the scope of this proceeding.

Our concern is how the proposed residential access will function in practice and what changes may be necessary to accommodate it. The existence of an easement does not, by itself, answer the practical questions about the condition of the route, the work that may be required, the safety of its use, or the impacts on neighboring property.

The original easement language does not specifically describe the grading, widening, or other physical improvements that the applicant now indicates may be necessary to prepare the route for residential access.

The application describes Moose Track Road as an existing approximately 8-foot gravel trail right-of-way with steeper sections. It states that once the route is graded smoothly, it should be sufficient for residential use, leaving it to future lot owners to decide whether to adjust the private driveway for accessibility.

This description leaves important questions unanswered. The application does not clearly identify the extent of grading that may be required, whether the route would need to be widened, how the existing terrain would be altered, or how any work could affect neighboring property.

We are also concerned that grading, widening, or other improvements could change existing drainage patterns along the route. The application should explain how stormwater will be managed during and after construction and what measures will be taken to prevent runoff, erosion, and sediment impacts to neighboring properties.

We believe the Commission should have a clear understanding of the anticipated improvements, including their location, extent, and potential impacts, before evaluating the suitability of this access. We ask that the applicant provide specific information rather than relying on a general statement that the route can be graded to accommodate residential use.

6. Existing Conditions, Road Suitability, and Emergency Access

Moose Track Road is an existing narrow route with steep sections and surrounding terrain that should be considered in evaluating its suitability for residential access.

We have not used Moose Track Road for vehicle travel. No vehicle has used Moose Track Road during our family's ten years of ownership. We are asking the Commission to consider the physical conditions shown in the submitted exhibits and the applicant's own description of the route.

Exhibits D, E, and F show the terrain and incline along Moose Track Road, including the view of the trail coming down and the steep terrain alongside it. These photographs help illustrate why a general statement that the route can be graded smoothly does not adequately explain how it will be made suitable for residential use.

The application includes comments from Fire Chief Sprague concerning road design considerations for the proposed subdivision roads. Those comments discuss matters such as road width, pull-offs, vertical clearance, turning areas, and the ability of emergency vehicles to access and turn around.

We understand that those comments relate to the proposed subdivision road system. We do not interpret them as confirmation that Moose Track Road has been reviewed or approved for emergency vehicle access.

Because Lots 1 and 2 are proposed to use a different access route, we believe the Commission should have specific information addressing whether Moose Track Road can safely and reliably accommodate residential and emergency vehicle access.

The application should explain how the existing width, steep sections, terrain, and any proposed improvements will affect emergency vehicle access. It should also address whether the route can be maintained and kept usable under the conditions reasonably expected throughout the year.

7. Proximity to Our Camp, Safety, and Privacy

Our camp is located very close to the entrance of Moose Track Road. As shown in Exhibit A, the center of the easement entrance is approximately 25 feet from our front steps.

Our kerosene tank is approximately 41.8 feet from the center of the existing trail. Our well is approximately 18.7 feet from the driveway entrance leading to the easement entrance. The exhibit also identifies the location of our septic system and the areas we use for parking.

These distances demonstrate how closely the proposed access is situated to our home and the features of our property. Increased residential vehicle use, construction activity, grading, maintenance, and snow removal immediately beside our camp could affect our safety, privacy, and ability to comfortably use our property.

We are particularly concerned about vehicles traveling down the incline toward the camp. We cannot predict whether a vehicle could lose control, but the proximity of the route to our home and kerosene tank makes this a legitimate safety concern that should be evaluated.

We understand that the easement existed when we bought the camp. However, our concern is the practical impact of the proposed residential access and any work necessary to prepare the route for that use. We ask the Commission to consider those real-world impacts, rather than treating the existence of the easement as the only relevant consideration.

8. Parking and Use of Our Property

Parking is a significant concern for us because the area in front of our camp is an important part of how we use and access our property.

As shown in Exhibits A and C, we use the area in front of the camp for parking. When family and friends visit, which happens quite frequently, we often have six or more vehicles at the property. This is a normal and important part of how we use and enjoy our camp. The location of the septic system limits where we can park, making the area in front of the camp particularly important.

Winter conditions make this more difficult. Snow slides off the metal roof, and our snowplow contractor pushes and stores snow in the available area. This reduces the space available for parking and can require vehicles to park farther back. Exhibit B shows the property access in winter conditions, including the snowbanks.

During the hearing, Emily, the project engineer, indicated that we would need to find somewhere else to park. However, no specific alternative parking location was identified, and we were not shown how an alternative would safely and practically accommodate the vehicles we need to park at the camp.

We do not believe it is reasonable to assume that we can simply relocate our parking without identifying where those vehicles would go or considering the limitations of our property. Any alternative would need to be safe, practical, accessible throughout the year, and capable of accommodating the number of vehicles we regularly have at the camp.

We ask the Commission to consider the actual impact on our existing parking and require the applicant to identify a specific, workable alternative if the proposed access would interfere with the area we currently use.

9. Winter Conditions, Maintenance, and Drainage

Winter conditions are an important consideration at our property. Snow accumulation, snowbanks, and the limited space available for parking already affect how we use and maintain the camp.

We are concerned about how snow removal and storage would be handled if Moose Track Road becomes a residential access route. The application should clearly explain who will be responsible for snow removal, where snow will be stored, and how those activities will be conducted without interfering with our driveway, parking, or use of the property.

We are also concerned about potential changes to drainage and runoff if grading or other improvements are made along the route. Changes to the existing terrain could affect how water moves near our property, including in the vicinity of our well and crawlspace.

We are not claiming that contamination or damage has occurred. Rather, we are asking that potential drainage, erosion, and runoff impacts be evaluated before work is undertaken, and that appropriate measures be identified to protect neighboring properties.

The application should also clearly address responsibility for ongoing maintenance and repairs, including how those activities will be coordinated and how impacts to adjoining property will be avoided.

10. Requested Considerations

Based on the concerns described above and the evidence submitted, we respectfully ask the Commission to carefully consider the following before making a decision:

1. **Notification and property impacts.** Consider the circumstances surrounding our lack of direct notice and whether the application adequately identifies and addresses the impacts of the proposed access on the property owners directly affected.
2. **The suitability of Moose Track Road for residential and emergency access.** Consider the existing width, steep sections, surrounding terrain, and whether the route can safely accommodate the proposed use.
3. **The scope of proposed improvements.** Require the applicant to clearly identify any grading, widening, or other physical work that may be necessary, including where the work would occur and what impacts it could have.
4. **The proximity of the route to our camp.** Consider the approximately 25-foot distance between the center of the easement entrance and our front steps, as well as the nearby well, kerosene tank, septic system, and driveway.
5. **Parking impacts.** Consider our existing use of the area in front of the camp and require a specific, practical explanation of where our vehicles could safely be parked if the proposed access interferes with that area.
6. **Winter conditions and maintenance.** Require clear information about snow removal, snow storage, ongoing maintenance, and how these activities will be conducted without interfering with our property.
7. **Drainage and environmental impacts.** Ensure that potential runoff, erosion, and drainage impacts from any proposed work are evaluated and appropriately addressed.
8. **Impacts on neighboring property.** Consider the direct and lasting effects that increased vehicle use, construction, grading, maintenance, and snow removal could have on our safety, privacy, parking, and enjoyment of our camp.

Ultimately, we ask the Commission to evaluate the proposed Moose Track Road access based on the actual conditions of the route and the impacts on the neighboring property, rather than relying on the assumption that the existing route can simply be graded and used for residential access.

11. Closing

Our camp is a place that has been part of our family for years. We purchased it from Russell's father in November 2024 so that he could continue receiving care for his Parkinson's at a long-term care

facility while remaining connected to the property. He passed away in October 2025. The camp continues to be an important place for our family, and protecting our ability to safely and privately use it is very important to us.

We understand that the applicant is seeking approval for a subdivision and that the property includes an existing easement. We are not asking the Commission to resolve private easement rights. We are asking that the proposed use of Moose Track Road be carefully evaluated in light of its physical condition, its close proximity to our camp, and the practical impacts that residential access could have on our property.

We respectfully ask the Commission to give these concerns and the submitted exhibits careful consideration when evaluating the proposed access for Lots 1 and 2.

Thank you for your time and consideration.

Cathryn Peters and Russell Peters

EXHIBIT A: Property Features Map



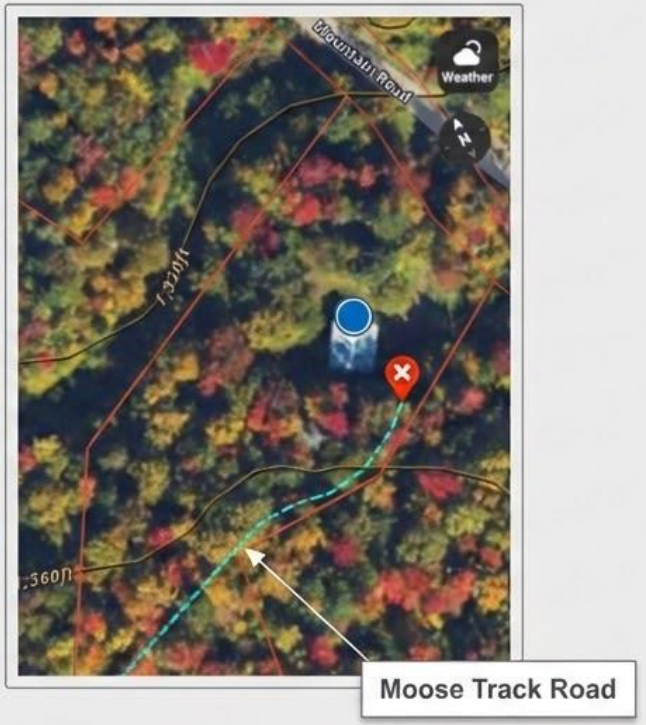


EXHIBIT B: Property Access (Winter Conditions)









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









General Post-Hearing Public Comments

November 13, 2026

Via email: tim.carr@maine.gov

Mr. Tim Carr, Acting Chief Planner Land Use Planning Commission 22 State House Station Augusta, ME 04333-0022

Re: Post-Hearing Comment — Subdivision Permit SP 4103, Loaf Land Development, LLC, Coplin Plantation, Franklin County (Map 7, Lots 2 & 12)

Dear Mr. Carr and Members of the Commission:

I am grateful for the care the Commission and its staff have given this application, and for the work of the Commission's contracted reviewer, Sebago Technics, whose successive reviews have steadily improved this proposal. I submit this comment for the post-hearing comment period (November 13–22, 2026) on the one subject the Maine Water Accountability Project follows in this proceeding: what this subdivision will send downhill, for as long as it stands, to the streams on the parcel, to Stratton Brook, and to Flagstaff Lake, in whose direct watershed the parcel lies.

Nothing in this comment asks the Commission to re-open matters its reviewer has closed. The record shows real progress: a phosphorus budget the reviewer agrees with, a modeling exercise for the Filter Pond 1 drainage that the reviewer accepts in methodology and result, and a long list of design comments answered. What remains, on the face of the record the Commission itself has built, is a small set of open questions and — because this subdivision's water protections are structures that must be maintained forever, not buffers that maintain themselves — the conditions that will make the paper compliance durable. I ask the Commission to address the following in its findings and, where it approves the permit, in its conditions.

1. The phosphorus margin is 0.024 pounds per year, and it rests on assumptions the permit should lock in.

The agreed Project Phosphorus Budget is 0.929 lbs/year. Untreated, the development would export 3.324 lbs/year. After treatment by the four underdrained soil filters, the export is 0.929 lbs/year — the budget exactly — and it is only a mitigation credit of 0.0235 lbs/year for treating the pre-existing Moose Track Trail surface that brings the final figure to 0.905 lbs/year. The allocation behind the budget (0.047 lbs/acre/year) is itself an average of the allocations for other Flagstaff Lake townships, because Coplin Plantation is not listed in Appendix C of the Department of Environmental Protection's Phosphorus Control Manual.

A margin that thin is not a reason, by itself, to deny a permit that meets the standard. It is a reason for the decision to state plainly the assumptions the number depends on — the clearing and impervious limits per lot, the treatment factors used, the mitigation credit, and the roughly 130 feet of road that receive no treatment — and to carry those assumptions into the recorded covenants and the permit conditions, so that the export the Commission approves is the export the lake actually receives. Phosphorus delivered to a lake does not come back out; the Commission's findings are the one place where this budget can be made to hold.

2. Before decision, the full-buildout accounting should be reconciled.

Intervenor 1's pre-filed technical review (EcoLink LLC, November 4, 2026) shows that the road area in the phosphorus worksheet (18,513 sq ft) plus the covenant driveway allowance (1,750 sq ft × 12 lots = 21,000 sq ft) totals 39,513 sq ft before any roof, garage, or other lot surface is counted, while the four filter-pond sizing worksheets assign 1.06 acres (46,174 sq ft) of impervious drainage to treatment — a difference of roughly 6,661 sq ft, about 555 sq ft per lot, that the application does not explain. The subdivision's infrastructure will be built before the homes are; the analysis should be shown, in one reconciled accounting, to cover the homes at full buildout. I ask the Commission to obtain that reconciliation — buildout impervious assumptions, a drainage-area map for each filter pond, and consistency across the phosphorus worksheets, the filter sizing worksheets, and the stormwater model — before it finds the standard met.

3. The Filter Pond 2 level-spreader calculation should be verified, and the other three checked.

The same review identifies an apparent arithmetic inconsistency in the Filter Pond 2 worksheet: a peak runoff of 4.33 cfs and a stated criterion of one foot of spreader per 0.25 cfs yield a required spreader length of about 17.3 feet, yet the worksheet states 9 feet required and proposes 10 feet. The Filter Pond 3 worksheet, using the same runoff and the same criterion, requires about 17 feet and proposes 18. If the full discharge reaches a 10-foot spreader, it arrives at roughly 0.43 cfs per foot, well above the design criterion, and a spreader that cannot spread becomes a point of concentrated flow on a steep hillside. I ask the Commission to have the applicant clarify or correct this calculation and verify the spreader sizing for all four ponds, with any plan revisions made before construction.

4. The last plan-level phosphorus items should be confirmed in the final plans and the as-builts.

In its September 30, 2026 memorandum, Sebago Technics noted that Filter Ponds 2 and 3 did not show sediment forebays for the secondary swales entering those ponds, and that the forebay callout for Filter Pond 4's secondary swale was missing on Plan Sheet C6.4. The applicant supplied updated sheets C6.1–C6.4, and the reviewer's October 30 memorandum records no further comment. I ask that any approval include a condition confirming those forebays are in the final plan set and are verified as built — forebays are what keep sediment from reaching and blinding the filter media on which the entire phosphorus budget depends.

5. Two questions Sebago Technics expressly left to the Commission should be answered in the decision.

First, adequacy of the design event for flooding control: the October 30 memorandum states that the modeling shows reduced runoff onto the abutting Fish/Burch property in the 25-year storm, and that "[i]t is up to the determination of the LUPC if the 25-year event is adequate for proving flooding control measures as some municipalities require up to the 50-year event with the Maine DOT using the 50-year event for open systems." On a steep hillside, in thin and compacted

glacial till that the Maine Geological Survey describes as having low permeability — till across which a possible former meltwater path, the likely route for water or debris flow in extreme events, crosses the proposed road — that determination deserves a stated basis in the findings.

Second, the emergency spillway: the same memorandum asks that "the location of the emergency spillway should be verified to be directed away from the existing downstream structure on the Fish/Burch Lot as it is not depicted on the plans." I ask the Commission to require that verification on the face of the final plans. The concern is not hypothetical: the record of the Commission's October 13, 2026 site visit shows Filter Pond 1's emergency spillway draining toward the Fish/Burch property, and the final plans should show that outlet's discharge directed away from the downstream lot, or the measures that protect it. Relatedly, because the record shows the ponds' emergency spillways activate in the 10-year storm, the slope-stability and energy-dissipation measures the reviewer repeatedly emphasized — the level spreaders and stone berm spreaders now in the design — should be carried as construction conditions, not only as plan notes.

At that same site visit, abutter Curt Fish identified what he believes is a vernal pool on his own property, adjacent to the Filter Pond 1 spillway outlet. The Maine Department of Inland Fisheries and Wildlife's record for the parcel reports no vernal pool. I do not ask the Commission to resolve that difference on my say-so; I ask that the spillway's final location and discharge path be set only after the question is answered on the record, because the ground the two accounts disagree about is the ground that outlet would discharge onto.

Peak flow is also not the whole of downstream impact. As Intervenor 1's review notes, lower peak flows at two analysis points do not by themselves show that formerly diffuse hillside flow will not leave the parcel as concentrated flow at culvert outlets and spillways, with the erosion and sediment transport that follow on their way to Stratton Brook. A finding addressed to flow concentration and velocity at the property line, alongside the model's peak-flow figures for its two watershed analysis points (2.10 → 2.01 cfs and 5.72 → 4.83 cfs in the 25-year event), would complete the analysis the reviewer began.

One smaller matter of record accuracy supports the same request for care: the applicant's pre-filed testimony describes the 25-year, 24-hour rainfall for Franklin County as 4.2 inches (DEP Chapter 500, Appendix H), while Sebago Technics' October 30 summary of the same modeling describes the 25-year event as 4.90 inches. I ask the Commission to have the rainfall input actually used in the HydroCAD model confirmed in its findings, so the decision rests on the model's real assumptions.

6. Long-term maintenance is where this permit will succeed or fail, and the record does not yet show it funded.

This project meets its phosphorus standard with high-maintenance structural measures rather than wooded buffers, because the terrain makes buffers impractical. Chapter 10, § 10.25(L)(4)(b) allows that course only where, among other things, the applicant has the financial capability to

properly design, construct, and provide for the long-term inspection and maintenance of the measures. Staff's August 27, 2026 letter asked the applicant to put the costs of post-installation inspection and maintenance into the project estimate, and to complete the Post-Construction Stormwater Inspection and Maintenance Plan so that the homeowners' association, once formed, assumes responsibility, keeps detailed records, and receives the applicant's logs at transfer.

Intervenor 1's review states what the record still does not contain: no quantified annual maintenance budget and no dedicated reserve for major repair or replacement, for either the applicant or the association that does not yet exist. The question is also the host community's. Coplin Plantation's Board of Assessors told the Commission on October 13 that while "the plan shows retention ponds to help control runoff, we question whether they will be adequate and who will be responsible for maintaining them, once constructed." The same Board, "very concerned about the level of regulatory oversight that will be required should this project be approved," recommended an independent third party conducting regular inspections, with authority to halt work found out of compliance. The conditions below ask for less than that; the Board's recommendation shows the concern is the community's own, not an outsider's. Underdrained soil filters fail quietly — by clogging, by erosion of a spillway, by a forebay never cleaned — and when they fail, the export returns toward the untreated figure of over three pounds a year into the Flagstaff Lake watershed. I therefore ask the Commission, if it approves the permit, to condition it on:

- an enforceable inspection and maintenance plan, recorded with the subdivision documents, naming the responsible party at each stage (the applicant, then the association), the inspection frequency, and the specific tasks the reviewer and the BMP Manual contemplate — sediment and forebay cleaning, vegetation management, outlet and spreader repair, erosion repair; - a stated funding mechanism, with a quantified annual amount and a reserve for major repairs, so that the § 10.25(L)(4)(b) finding of financial capability rests on figures in the record; - inspection records kept as staff described, transferred from the applicant to the association, and **inspection reports filed with the Commission for the first several years after construction**, so that compliance under § 10.25(M) is verifiable rather than assumed; and - maintenance access easements to every pond, swale, and spreader shown on the final plat, as staff requested early in this review.

7. Construction-phase protection and the site's subsurface water deserve the same specificity.

The Maine Department of Inland Fisheries and Wildlife recommends that in-stream work occur between July 15 and October 1 and that construction best management practices be closely followed, because eroded soils from this hillside can travel significant distances into fish habitat. A condition adopting that work window for the stream crossing, together with the erosion-control inspection regime of § 10.25(M), would put the agency's advice into enforceable form. Finally, I ask the Commission to make a finding on shallow subsurface drainage: the road will cut across a steep slope with seasonal high groundwater and restrictive till, and § 10.27(D)

requires road crossings to maintain existing hydrology, including shallow subsurface flow. The Plantation's Board of Assessors described the same ground from local knowledge: "The area is naturally wet with both surface water and underground water present, especially during wet periods of the year and during heavy rainstorms." Intervenor 1's review asks where the road intercepts that flow and what in the design (for example, free-draining layers) keeps it moving underground rather than releasing it onto the slope. The record should answer that question before the cut is made.

I am grateful to the Commission, to staff, and to the parties for a record that allows a comment of this kind to be specific. The receiving waters here — the parcel's two streams, Stratton Brook, and Flagstaff Lake — will live with whatever this Commission decides long after the hearing record closes on December 2. Findings and conditions that lock in the phosphorus budget's assumptions, verify the last calculations, and fund and document the maintenance these structures require would let the approval, if granted, protect those waters in fact and not only on paper.

Please reply by email: anthonysalisbury2020@gmail.com.

Respectfully submitted,

Anthony Salisbury Maine Water Accountability Project

Carr, Tim

From: Michael Dansky <dansky1@me.com>
Sent: Wednesday, November 18, 2026 4:57 PM
To: Carr, Tim
Subject: Project in Hedgehog Village

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Tim. My name is Mike Dansky. I own the house at 1 Mountain Road at the bottom of the hill where the proposed development would be. I spoke at the hearing in Stratton. We are one of the most impacted by this potential project. We are all the bottom of the hill where all the water comes. We are at the epicenter of the traffic and risk this is going to create. The road and hill are dangerous. Cars and trucks are constantly sliding down the road and failing to make it up the road. They leave their cars in front of our house or sitting in the road. There is not enough road in the winter to allow this kind of parking The road is too steep and not built for the traffic. The corner is blind. There are walkers, dogs, snow machines and ATVs all on the road for good or bad. Cars and trucks get running starts to climb the road far exceeding the speed limit and creating dangerous situations as it is. With the projected traffic increase this is going to be a dangerous intersection and road and people are going to get hurt. We are hugely concerned about our well and our septic and our house. There is a huge amount of water coming off the hill. They are constantly trying to to fix and redo the culverts. I walked the proposed subdivision with the group. It seems absurd to me that people would build there. If we remove all that vegetation the water is just going to come crashing down the hill in concentrated flows. The road will be ice and where is all that water going to end up? At my house most likely. There will be accidents and people are going to get hurt. Often the roads in hedgehog turn to mud and then to ruts. All this extra traffic is going to make it not passable a lot of the year in the rest of hedgehog. Cars are going to be left all over the road. I don't believe for a minute the "ponds" they are planning to create are adequate or even close. I'm up on that mountain a lot. On a practical level anyone that lives there or knows the contour of mountain land knows the ponds are not a solution. In life everything runs down hill. And we are at the bottom. The whole plan seems nightmarish to me. Building roads and houses up against steep cliffs. Running 100s if not 1000s of truckloads of fill to build on steep land with that fill just coming down hill. It's going to destroy the rural nature of the entire area which is the reason most of us are there. I hope this is not approved. I cannot believe there are enough resources to manage this and their obligations. I found the representatives from the development company lacking in capability and answers. I cannot see how you folks could approve this.

Sincerely Michael Dansky. 1 Mountain Road.

Sent from Michael Dansky's IPad