STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
18 ELKINS LANE, 22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

Third Procedural Order
In the Matter of
The Application for Subdivision Permit SP4103

Loaf Land Development, LLC,
Coplin Plantation, Franklin County

October 28, 2026

Commissioner Millard Billings, Chair and Presiding Officer

This Third Procedural Order (Order) sets forth the Presiding Officer's decisions with respect to motions by the Intervenors to modify the hearing schedule and to obtain access to the development site.

I. BACKGROUND

A. See the First Procedural Order for a project description and the administrative background up to September 22, 2026.

B. **First Procedural Order:** On September 22, 2026, the Presiding Officer issued a Procedural Order that set forth general expectations regarding the conduct of the hearing, ruled on petitions to intervene, and provided a schedule for the hearing. The Procedural Order granted intervenor status to the following pairs of individuals:

1. Stanwood (Curt) Fish, Jr. and Jenny Burch (Intervenor 1)

2. Russell and Cathryn Peters (Intervenor 2)

C. **Pre-hearing Conference:** On September 29, 2026, a virtual pre-hearing conference was held pursuant to Chapter 5 § 5.05 of the Commission's rules. The purpose of the conference was to orient the parties to the hearing process and schedule and to hear motions on, and objections to, modifying the process and schedule.

D. **Second Procedural Order:** On October 1, 2026, the Presiding Officer issued a Second Procedural Order that set forth the expectations regarding motions by the Applicant and

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the Intervenors to modify the hearing schedule and service list provided in the First Procedural Order and to ensure that the Commissioners view certain areas during the site visit. The Second Order set forth an amended hearing schedule to include a site visit and General Public Comment Session on October 13, 2026, and Technical Session on November 12, 2026.

E. Criteria and standards.

Chapter 5 § 5.02(C)(1): **Hearing Locations:** All hearings of the Commission must be held in a location or through certain means, and at a time determined by the Commission to be appropriate when considering the needs, costs, safety, and convenience of the interested parties together with those of the Commission. To the extent practicable, hearings must be held at a location in close proximity to, or significantly affected by, the project or projects under review or which are concerned about the issue.

Chapter 5 § 5.02(D)(2)(c): **Authority of Presiding Officer:** The Presiding Officer maintains the authority to: Regulate the course of the hearing, set the time and place of continued hearings, and fix the time for filing of evidence, briefs and other written submissions.

Chapter 5 § 5.09(D): **Written Testimony.** At any time prior to or during the course of the hearing, the Presiding Officer may require that all or part of the testimony to be offered at such a hearing be submitted in written form. Any written testimony must be submitted and be in such form and at such time as the Presiding Officer may specify. All persons offering testimony in written form must be available for cross-examination as provided in Section 5.08(A) of these rules. Testimony offered in written form must be available for public inspection. The person submitting the written testimony may be required within a specified time to serve a copy thereof on the Applicant or petitioner, on all intervenors and on any other person whom the Presiding Officer deems appropriate.

Chapter 5 § 5.09(E): **Continuance; Multiple Hearings on Matter.** All hearings conducted pursuant to these rules may be continued and reconvened from time to time and from place to place by the Presiding Officer as circumstances require. Any hearing may also be convened in multiple hearing sessions, on multiple dates and in multiple locations, in the interest of providing the public with an opportunity to be heard across the Commission's jurisdiction. When the Commission elects to hold multiple public hearings on any matter, either by continuance of a hearing or by holding multiple scheduled hearing sessions, all hearings within a 45-day period are considered one hearing for administrative purposes. All orders for continuance must specify the time and place at which such hearing will be reconvened, or must set forth the manner in which such information may be later publicized by the Commission and obtained by interested persons. The Presiding Officer, or the staff under the direction of the Presiding Officer, must give notice to interested persons and the public in such a manner as is appropriate to

ensure that reasonable notice will be given of the time and place of such reconvened hearing.

II. DELAYING THE HEARING AND ACCESS TO THE SITE

A. Motion

Intervenor 1 submitted a motion dated October 23, 2006, requesting that the November 12, 2026, Technical Hearing Session be delayed to give their professionals additional time to access the development site and review the application. Intervenor 1 cites the limited time available to submit testimony and technical data by the November 4, 2026, deadline as established by the Second Procedural Order for witness and pre-filed testimony.

The Applicant will not grant access to the Intervenors unless the Commission determines a legal basis for doing so, in which case the Applicant requests to be present.

Intervenor 1's request primarily pertains to the Technical Session limited to the topics of stormwater and phosphorus control and access via Mountain Road. Specifically, the Intervenor has requested access to the site to evaluate and confirm wetlands, soil types, watercourse locations and designations, vegetation type, and site grades. They question the accuracy of the information provided and the potential stormwater impacts from the development site. The Intervenor requests access to the Applicant's land to submit testimony and technical data related to Mountain Road.

Intervenor 1 also requests an extension of the November 4, 2026, witness and pre-filed testimony deadline and the November 12, 2026, Technical Session with the Commission. In support of this request, Intervenor 1 asserts that finding a stormwater engineer who can visit the site, evaluate findings, and develop testimony within the prescribed timeline is challenging, and asserts that the Intervenors' have spoken with six stormwater engineers who were unable to provide services within the applicable deadlines.

B. Objection by the Applicant

Before filing the motion, on October 23, 2026, Intervenor 1 requested the Applicant's permission to provide their professional access to the site. On October 20, 2026, the Applicant responded, denying access to the site unless the Commission deems it necessary. If it is determined necessary, the Applicant requested to be notified so that a member of their team may be present.

C. Comment

The Application has not changed since its initial submission on November 4, 2025, with

regard to its proposal to access the subdivision lots via Mountain Road Trail.

The Technical Session topics are limited to Stormwater Management and Phosphorus Control, Access via Mountain Road, and Access via Moose Track Trail. This motion by Intervenor 1 is limited to obtaining data and providing testimony related to Stormwater Management and Phosphorus Control, and Access via Mountain Road.

The Presiding Officer concluded in the Second Procedural Order that the Application has not changed substantively over time with regard to the proposed stormwater and phosphorus control infrastructure and that varying degrees of change to a proposal are a normal part of the application process based on feedback and interaction with Commission staff.

The Presiding Officer recognizes that engaging technical experts is not straightforward and may be time-consuming. As noted in the Second Procedural Order, the Intervenors requested a public hearing and were aware that the Commission approved their request at its regular business meeting on June 10, 2026. Intervenor 1 spoke at that meeting and indicated plans to present technical evidence that would supplement and contradict the information in the Application. This meeting was held more than two months before the hearing notice.

The hearing notice itself was published on August 31, 2026, and provided a deadline of September 16, 2026 to file petitions to intervene, with a hearing deadline of October 13, 2026. Intervenor 1 submitted their petition to intervene on September 15, 2026, and the Presiding Officer granted their request on September 22, 2026. While Intervenor 1 has stated that they were unable to begin the process of obtaining professional analysis until after their request for intervenor status was granted, anyone may submit technical information to the hearing record or submit technical comments on an application, pursuant to applicable rules or orders, regardless of their status, and given the deadlines established by the initial hearing notice, waiting to begin the process of seeking expert review of the application until after petitions to intervene were submitted and ruled on does not demonstrate reasonably diligent efforts to comply with the established deadlines. Furthermore, the Presiding Officer did partially grant Intervenor 1' first request for an extension, establishing an additional hearing session and providing more time for Intervenor 1 to engage with technical experts and prepare testimony. The current deadlines for filing of testimony and scheduling of the hearing were established on October 1, 2026, providing well over a month for Intervenor 1 to continue to seek professional review of the application. While Intervenor 1 asserts that they have been unable to find a stormwater engineer who is able to conduct a review within the prescribed timelines, they do not provide further details regarding their attempts to secure professional review or indicate the dates on which they made these attempts. Accordingly, the Presiding Officer concludes that Intervenor 1 has not demonstrated that they have exercised due diligence in making reasonable efforts to comply with the deadlines.

Since the Applicant's initial submission on November 4, 2025, all members of the public

have had access to the application and subsequent updates, staff and interagency reviews, and comments from Sebago Technics (the Commission's contracted engineering reviewer) regarding phosphorus and stormwater management. Intervenors have specifically been notified of all correspondence upon issuance of the First Procedural Order. Any member of the public has had the opportunity to review and evaluate the information provided.

The Intervenor references the Applicant's use of LiDAR (Light Detection and Ranging technology that uses laser pulses to measure distances) for stormwater design rather than collecting data from the site. The Commission does not mandate specific elevation data sources; however, LiDAR is allowed and used for road design, stormwater design, watershed delineation, and drainage analysis.

The collection of data related to Access via Mountain Road does not involve access to the Applicant's site. Issues such as sight lines, grades, and road width may be determined within the right-of-way of Mountain Road.

The Intervenor's request for an extension of the November 4, 2026, witness and pre-filed testimony deadline and the November 12, 2026, Technical Session did not specify the time needed to secure professional technical assistance and prepare for the Technical Session.

D. Decision

After considering the parties' filings, the Commission's schedule constraints, and public hearing requirements, the Presiding Officer denies the motion by the Intervenor and declines to order site access for the intervenors or their technical experts. Additionally, the Presiding Officer will not continue the hearing to allow the Intervenors extra preparation time.

The hearings will continue as identified in the Second Procedural Order intended for the presentation of expert and technical materials and evidence by the Applicant and the Intervenors on the three topics previously identified: stormwater management and phosphorus control, access via Mountain Road, and access via Moose Track Trail.

The record will remain open for written comments following the Public Comment Session and will close on December 2 at 11:59 PM.

III. SUMMARY OF SCHEDULE (as of October 26, 2026, all dates are in 2026)

Witness Lists and Pre-filed Testimony for the 11/12 Technical Session: November 4 (5:00 PM)

Technical Session: November 12 (10:30 AM)

Post-Hearing Comment Period: November 13 – 22 (11:59 PM)

Post Hearing Rebuttal Period: November 23 – December 2 (11:59 PM)

Hearing Record Closes: December 2 (11:59 PM)
Note that the hearing record will remain open for the submission of comments between the General Public Comment and Technical Sessions of the hearing.

IV. FIRST and SECOND PROCEDURAL ORDER

All requirements of the First and Second Procedural Order not affected by the Third Procedural Order remain in effect.

V. AUTHORITY AND RESERVATIONS

This Procedural Order is issued by the Presiding Officer pursuant to Chapter 5. All objections to matters contained herein should be timely filed in writing with the Commission staff but are not to be further argued except by leave of the Presiding Officer. All rulings and objections will be noted in the record.

The Presiding Officer may amend this Order at any time.

DONE AND DATED AT AUGUSTA, MAINE, THIS 28th DAY OF OCTOBER, 2026.



Millard Billings, Chair and Presiding Officer

APPENDIX A

Application for Subdivision Permit SP4103, Loaf Land Subdivision

Service List

Land Use Planning Commission (LUPC or Commission)

Tim Carr
Land Use Planning
Commission 22 State House
Station
18 Elkins Lane, Augusta, ME 04333-0022
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Office of the Maine Attorney General (OAG)

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Natural Resource Division
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Loaf Land Development, LLC (Applicant or Loaf Land)

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Russell and Cathryn Peters (Intervenor 2)

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