



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
LAND USE PLANNING COMMISSION  
P.O. Box 1107  
GREENVILLE, MAINE 04441

AMANDA E. BEAL  
COMMISSIONER  
STACIE R. BEYER  
ACTING EXECUTIVE DIRECTOR

# Memorandum

**To:** LUPC Commissioners  
**CC:** Stacie R. Beyer, Acting Director  
**From:** Debra Kaczowski, Regional Supervisor, Greenville Regional Office  
**Date:** January 31, 2022  
**Re:** Request for public hearing on the application for Amendment F to Development Permit DP 3639, Big Lake Development, LLC., Big Moose Mountain Ski Resort, Big Moose Twp., Piscataquis County

---

This memorandum provides background information, summarizes the requests for a public hearing, and includes a staff recommendation regarding a public hearing on the pending Amendment F to Development Permit DP 3639 application submitted by Big Lake Development, LLC for development in Big Moose Twp., Piscataquis County, Maine.

## AMENDMENT F TO DEVELOPMENT PERMIT DP 3639 APPLICATION

On March 23, 2021, Big Lake Development, LLC (Applicant) applied to the Commission for a development permit seeking approval for the redevelopment of the pre-Commission ski resort located at the former Big Squaw Mountain Ski Resort. The subject parcel is approximately 1,204 acres in size and described as Maine Revenue Service Map PI009, Plan 01, Lot 2.2. The parcel is located within a General Development Subdistrict (D-GN) and Mountain Area Protection Subdistrict (P-MA). A location and zoning map is included as Attachment A.

Redevelopment includes a new hotel, base lodge, tap house, outdoor center, event center pavilion, swimming pool, outdoor parks, maintenance garage, new ski and surface lifts, and ziplines. The Applicant also proposes infrastructure improvements, including electric utility lines, replacement snowmaking lines, a mid-mountain pump station, vehicle access and parking, a potable water system, and sanitary district sewer lines. A revised "Overall Site Plan" Sheet No. C-1.01, dated October 27, 2021 and prepared by James W. Sewall Company (Sewall) is included as Attachment B.

The Applicant submitted a Purchase and Sale Agreement between OFLC, Inc. and Moosehead Mountain Resort, Inc., as seller, and Big Lake Development, LLC, as buyer. The total cost of the project is estimated to be one hundred thirteen and one-half million dollars (\$113.5 million).

Review of protected natural resources and potential undue adverse effects to existing uses, scenic character, and natural resources is currently ongoing. In particular, Maine Department of Inland Fisheries and Wildlife (MDIFW) raised concerns regarding potential impacts to bats, Northern Bog Lemming, Bicknell's Thrush, Roaring Brook Mayfly/Northern Spring Salamander, Significant Vernal Pools, Fisheries Habitat and associated stream buffers. On May 26, 2021, a site visit by representatives from MDIFW, LUPC, and the Maine Department of Environmental Protection was conducted to the project area. The MDIFW's Environmental Permit Review Draft Comments dated 6-5-2021 are included as Attachment C. Commission staff have also requested additional information regarding the proposed sanitary sewer line connection from the ski resort to the Moosehead Sanitary District system. Among other things, information is needed regarding the projected amount of wastewater from the project and the ability of the Sanitary District to accept the additional volume in terms of the District's wastewater discharge license.

On March 23, 2021, the application was deemed complete for processing according to Section 4.03(8)(a) of the Commission's *Rules of Practice*, 01-672 C.M.R. Ch. 4, last revised November 1, 2021 (Chapter 4). On April 8 and June 10, 2021, staff requested additional information on critical items needed before the application can be forwarded to the Commission for consideration. As of the date of this memorandum, the information requested has not been submitted.

## **REQUEST FOR PUBLIC HEARING**

A Notice of Filing was published in the *Bangor Daily News* on March 24, 2021 and the *Piscataquis Observer* on March 26, 2021. All property owners within 1,000 feet of the parcel were also notified, as well as the Greenville Select Board, Senator Paul Davis, Representative Paul Stearns, and the County Commissioners. On January 6 and 7, 2022, one interested party and the Moosehead Region Futures Committee, respectively, submitted requests for a public hearing on the application for Amendment F to Development Permit DP 3636. The hearing requests are included as Attachment D of this memorandum.

The basis and assertions made by those persons requesting a hearing are summarized below.

1. A public hearing is crucial in ensuring:
  - Long-term success of the project.
  - Specific details are provided to protect the future of the Moosehead Lake Region and its residents.
2. There is a high degree of public interest, best served by a public process.
3. The project involves financial complexity and interdependence between Phase I and Phase II.
4. The application is not routine in nature.
5. The application raises significant issues, including:
  - Adequate provision for solid waste & wastewater disposal.

- Adequate financial capacity.
- Is approval of Phase I of the project, independently of Phase II, in the best interest of the public?
- Will the public's right to access ski trails on the land be recognized and retained?

## **REVIEW CRITERIA FOR THE AUTHORIZATION OF A PUBLIC HEARING**

According to Chapter 4 § 4.06,A, a person may prepare and submit evidence and argument to the Commission in support of a request to hold a hearing on any manner. Accordingly, the Commission shall consider all requests for a hearing submitted in a timely manner. Unless otherwise required by the Constitution of Maine, statute, or the Commission's rules, hearings are at the discretion of the Commission in the following cases: a. Hearings on a permit application or a request for certification; and b. Applications for zone change in the case of changes proposed on motion of the staff which involve only clerical corrections.

In determining whether a hearing is advisable, the Commission considers i) the degree of public interest; ii) the likelihood of credible conflicting technical information regarding applicable regulatory criteria; iii) whether certain information material to the Commission's review cannot be effectively presented as written comments on the pending application; or iv) any other considerations the Commission deems appropriate or compelling.

According to Section 5.02,C of the Commission's *Rules for the Conduct of Public Hearings*, 01-672 C.M.R. Ch.5, last revised November 01, 2021 (Chapter 5), it is the policy of the Land Use Planning Commission to conduct the administration of its programs in an atmosphere of public understanding and cooperation and in a manner responsive to the public interest. 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.

## **STAFF RECOMMENDATION**

**Staff recommends, once the Applicant has submitted all the information needed to complete the review, that the Commission schedule a public hearing in a location close to the area of the proposal.**

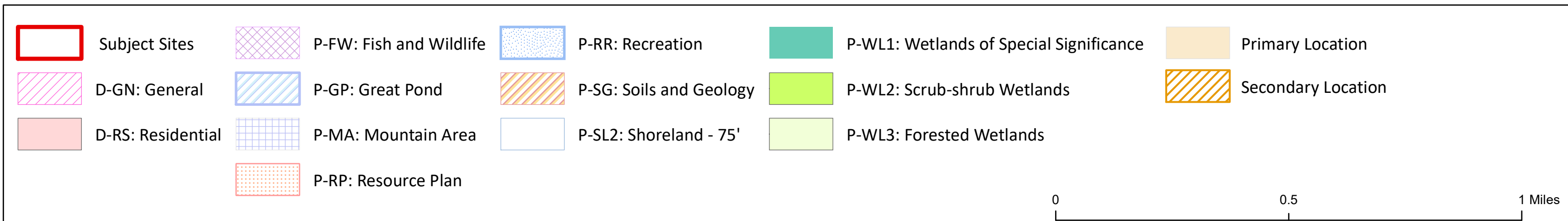
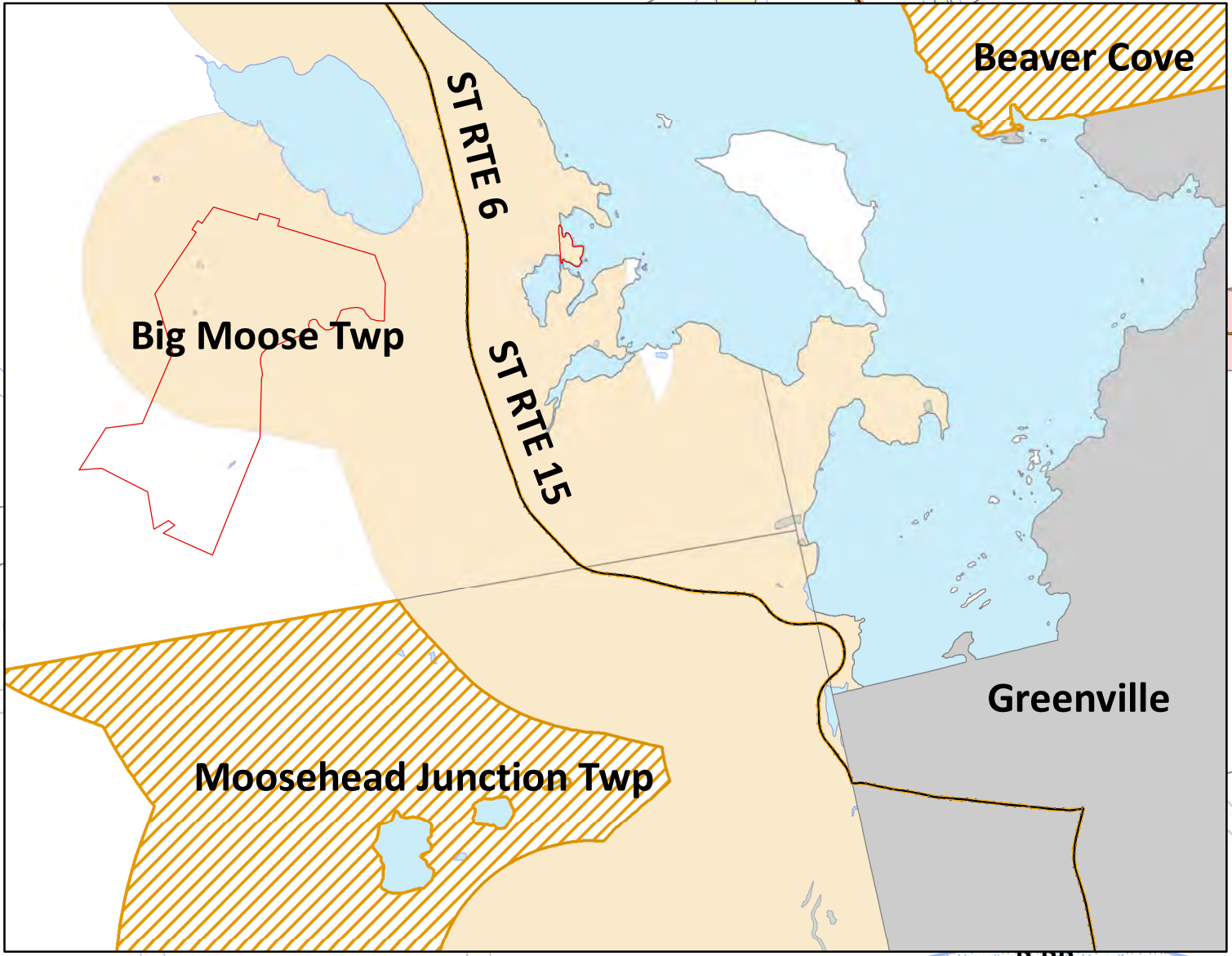
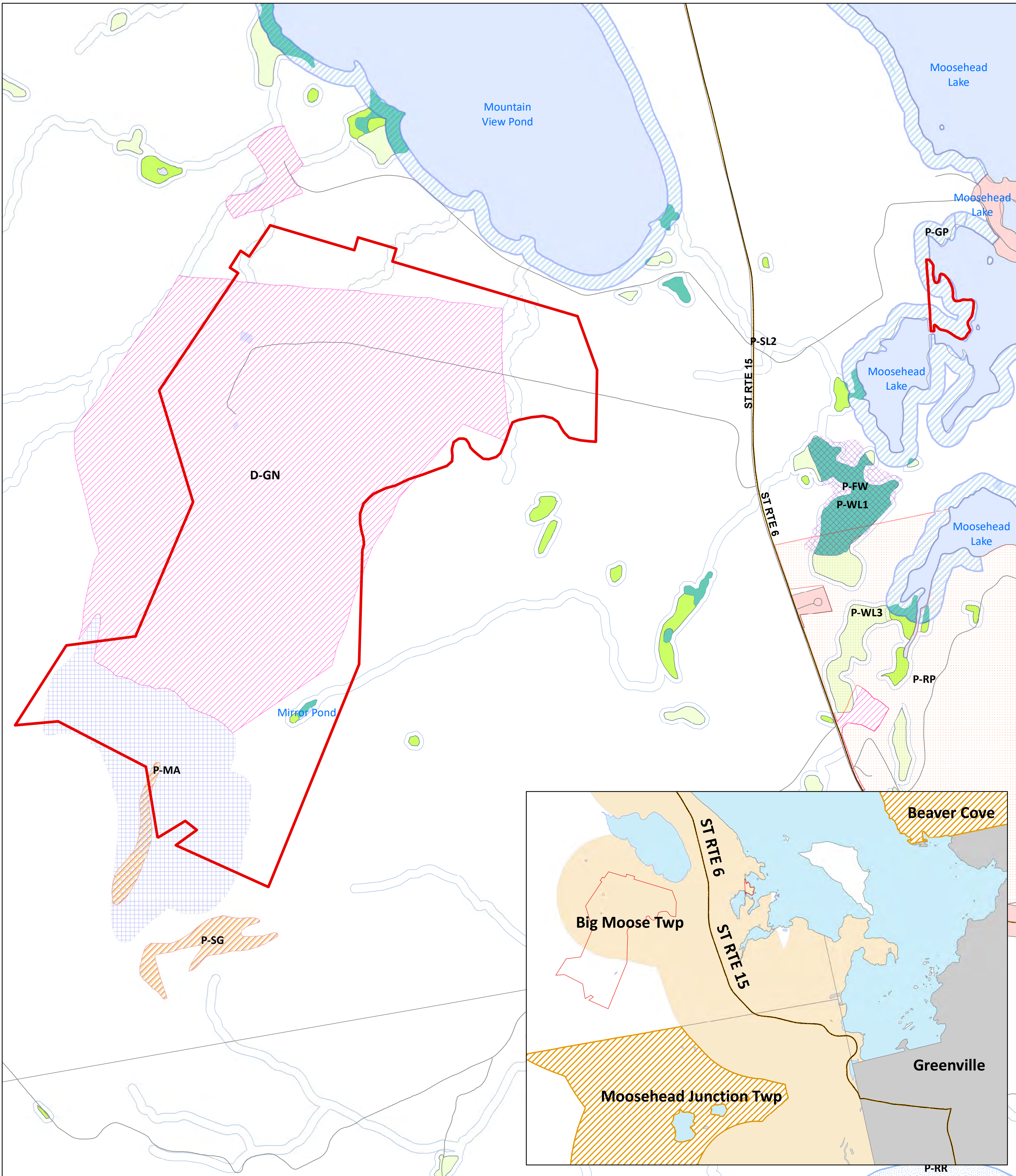
### **Attachments:**

- Attachment A: Location & Zoning Map
- Attachment B: Overall Site Plan, Revised & Dated 10/27/2021
- Attachment C: MDIFW Environmental Permit Review Comments
- Attachment D: Public Hearing Requests

## **Attachment A**

### **Location Map/Zoning Map**

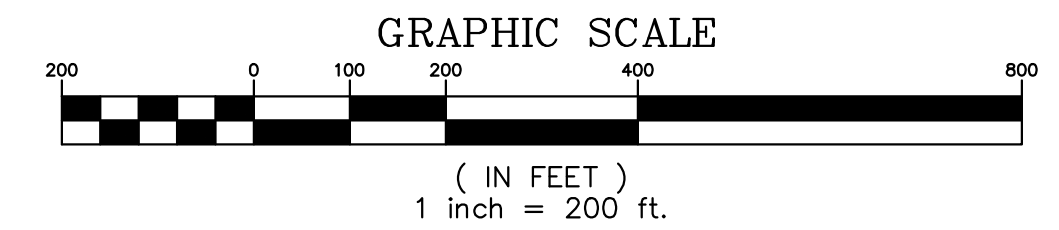
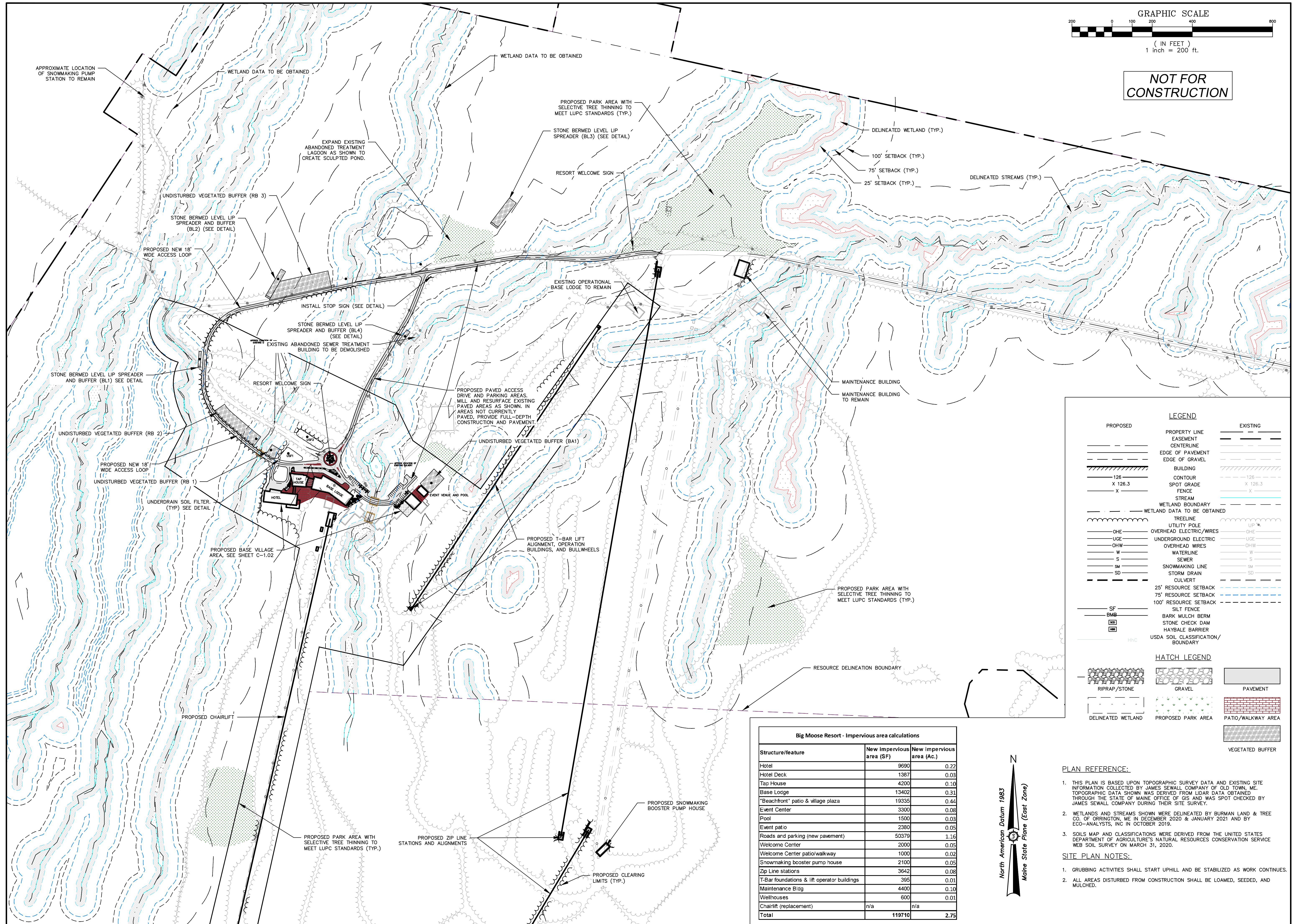
**This page was intentionally left blank.**



## **Attachment B**

### **Overall Site Plan**

**This page was intentionally left blank.**



**NOT FOR CONSTRUCTION**

PROPOSED	LEGEND	EXISTING
—	PROPERTY LINE	—
—	EASEMENT	—
—	CENTERLINE	—
—	EDGE OF PAVEMENT	—
—	EDGE OF GRAVEL	—
—	BUILDING	—
—	CONTOUR	—
X 126.3	SPOT GRADE	X 126.3
X	FENCE	X
—	STREAM	—
—	WETLAND BOUNDARY	—
—	WETLAND DATA TO BE OBTAINED	—
—	TREELINE	—
—	UTILITY POLE	—
OHE	OVERHEAD ELECTRIC/WRES	OHE
UGE	UNDERGROUND ELECTRIC	UGE
OHW	OVERHEAD WIRES	OHW
W	WATERLINE	W
S	SEWER	S
SM	SNOWMAKING LINE	SM
SD	STORM DRAIN	SD
—	CULVERT	—
---	25' RESOURCE SETBACK	---
---	75' RESOURCE SETBACK	---
---	100' RESOURCE SETBACK	---
---	SILT FENCE	---
SF	BARK MULCH BERM	SF
BB	STONE CHECK DAM	BB
HBC	HAYBALE BARRIER	HBC
—	USDA SOIL CLASSIFICATION/BOUNDARY	—
—	HATCH LEGEND	—
—	RIPRAP/STONE	—
—	GRAVEL	—
—	PAVEMENT	—
—	PATIO/WALKWAY AREA	—
—	VEGETATED BUFFER	—

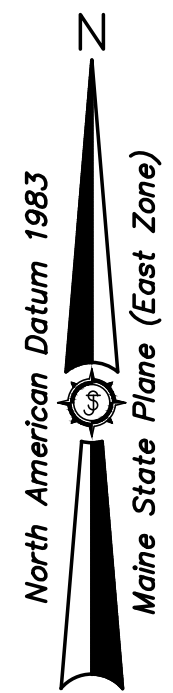
Structure/feature	New Impervious area (SF)	New Impervious area (Ac.)
Hotel	9690	0.22
Hotel Deck	1387	0.03
Tap House	4260	0.10
Base Lodge	13402	0.31
"Beachfront" patio & village plaza	19335	0.44
Event Center	3300	0.08
Pool	1500	0.03
Event patio	2380	0.05
Roads and parking (new pavement)	50379	1.16
Welcome Center	2000	0.05
Welcome Center patio/walkway	1000	0.02
Snowmaking booster pump house	2100	0.05
Zip Line stations	3642	0.08
T-Bar foundations & lift operator buildings	395	0.01
Maintenance Bldg	4400	0.10
Wellhouses	600	0.01
Chairlift (replacement)	n/a	n/a
<b>Total</b>	<b>119710</b>	<b>2.75</b>

**PLAN REFERENCE:**

- THIS PLAN IS BASED UPON TOPOGRAPHIC SURVEY DATA AND EXISTING SITE INFORMATION COLLECTED BY JAMES SEWALL COMPANY OF OLD TOWN, ME. TOPOGRAPHIC DATA SHOWN WAS DERIVED FROM LIDAR DATA OBTAINED THROUGH THE STATE OF MAINE OFFICE OF GIS AND WAS SPOT CHECKED BY JAMES SEWALL COMPANY DURING THEIR SITE SURVEY.
- WETLANDS AND STREAMS SHOWN WERE DELINEATED BY BURMAN LAND & TREE CO. OF ORRINGTON, ME IN DECEMBER 2020 & JANUARY 2021 AND BY ECO-ANALYSTS, INC IN OCTOBER 2019.
- SOILS MAP AND CLASSIFICATIONS WERE DERIVED FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE'S NATURAL RESOURCES CONSERVATION SERVICE WEB SOIL SURVEY ON MARCH 31, 2020.

**SITE PLAN NOTES:**

- GRUBBING ACTIVITIES SHALL START UPHILL AND BE STABILIZED AS WORK CONTINUES.
- ALL AREAS DISTURBED FROM CONSTRUCTION SHALL BE LOAMED, SEEDED, AND MULCHED.



85716E

PROJECT NO. 85716E

PHASE PERMIT

SHEET NO. C-1.01

ENGINEERING SURVEYING

**Sewall**

The evolution of expertise

1 800 648-4202

www.sewall.com

Project Location: BIG MOOSE TOWNSHIP, MAINE

Scale: AS SHOWN

Drawn By: FAB/JAO

Checked: [Signature]

Approved: [Signature]

Project Description: OVERALL SITE PLAN

Revised Per DEP Stormwater Comments

Date: 10/27/2021

## **Attachment C**

### **MDIFW Environmental Permit Review Comments**

**This page was intentionally left blank.**



<b>Comments - Environmental Permit Review</b>	
<b>Maine Department of Inland Fisheries and Wildlife</b>	
<b>Inland Fisheries and Wildlife Division Comments</b>	
<b>Region E</b>	
<b>Applicant's Name:</b> Big Lake Development, LLC	
<b>Project #:</b> DP 3639-F	<b>Regulatory Agency:</b> LUPC
<b>Project Type:</b> Redevelopment of Big Moose Mountain Ski Resort, including ski lift installation, Base Lodge, Tap House, Hotel, Event Pavilion/Pool, Zipline, Site Infrastructure Improvements	<b>Project Manager:</b> Debbie Kaczowski
<b>Project Location</b>	
<b>Town:</b> Big Moose Township	<b>County:</b> Piscataquis County
<b>Waterbody:</b> Moosehead Lake	
<b>Reviewing Biologist(s):</b> Doug Kane, Tim Obrey, Beth Swartz, Phillip deMaynadier, John Perry, Rebecca Settele, Bob Stratton	

After review of the application, consideration of the proposal's probable effects on the environment, and pursuant to our agency's programs and responsibilities, we provide the following comments:

**I. Project Description/Resource Affected:**

The applicant is proposing to redevelop the Squaw Mountain/Big Moose Mountain Ski Resort. Phase 1 of the Project, which is the subject of this review, includes replacement of the existing chairlift, surface lifts and a snow-making system; a base lodge and conference center; a 60-key hotel and accompanying restaurant; an extensive zip-lining course, and facilities to support night-sky "astro-tourism". Finally, the Project also includes associated backbone infrastructure (e.g., roads, streetlights, water, sewer and electricity, etc.) to support the proposed future residential real estate within the Project Area. It is our understanding that Phase 2 of the Project, still in concept form, will be submitted later in 2021 and will include upwards of 450 units and associated roads and stream crossings, as well as a 200-slip marina facility on Moosehead Lake.

**II. Comments/Recommended Considerations or Conditions:**

In January 2020 MDIFW received a pre-application request for review of known resources of MDIFW jurisdiction within the Project area. Per our comments to the applicant's consultant dated January 27, 2020, we noted "*...that as project details are lacking, and due to the general nature and scale of the map that was provided, our comments are non-specific and should be considered preliminary.*" We went on to state the following:

- Of the eight species of bats that occur in Maine, all of which are either Endangered, Threatened, or Special Concern, it is likely that several of these species occur within the Project area during the fall/spring migration, the summer breeding season, and/or for overwintering. We advised that all areas of talus and rocky features of approximately 1,000 square feet or greater in size be documented on and within 250 feet of the Project area,

including smaller areas of rock piles and tailings (i.e., quarry spoils). If these features are not present, we anticipated minimal impacts to bats as a result of this Project.

- Northern bog lemming, a State Threatened species, occurs in specific habitats in western mountain and northern areas of Maine including alpine sedge meadows, krummholz, spruce-fir forest with dense herbaceous and mossy understories, wet meadows, and mossy stream-sides, that are > 1,000 feet MSL (above Mean Sea Level). Northern bog lemmings are presumed to be present in these habitats if present. To protect this species, MDIFW recommended that these areas be avoided and adequately buffered.
- Roaring Brook mayfly, a State Threatened Species, may occur in the Project area. They can occur in high elevation, perennial headwater streams draining off forested (hardwood or mixed) slopes at or above 1,000 feet elevation (including unmapped streams) within or adjacent to the currently documented range (northern Appalachian Mountain Range, stretching from Mt. Katahdin to the western border with New Hampshire and Quebec). To protect this species, MDIFW recommended a 250-foot riparian management zone for suitable streams meeting these location preferences, extending from each bank.
- Northern spring salamanders, a Species of Special Concern, may occur in the Project area. Any instream work in first or second order perennial or intermittent streams (mapped or unmapped) has the potential to impact this species (i.e., high elevation headwater streams), but they are also found in larger third order streams and rivers with suitable substrate (large cobble and/or gravel bars) within the documented range of primarily the western Maine mountains north and east into mountains of central Penobscot County. To protect this species, MDIFW recommended a 250-foot riparian zone for suitable streams meeting these location preferences, extending from each bank.
- Bicknell's Thrush, a Species of Special Concern, occurs in the Project area. Bicknell's thrush is known to occupy sub-alpine forests usually dominated by balsam fir and red spruce at elevations >2,700 feet, that typically have a history of disturbance resulting in a stunted dense understory. We recommended these areas be avoided; alternatively, if the applicant desired to verify presence, we recommended a series of surveys be conducted to assess the abundance and distribution of the population at that site.
- Significant Vernal Pools: We recommend that surveys for vernal pools be conducted within the Project boundary by qualified wetland scientists prior to final Project design to determine whether there are Significant Vernal Pools present in the area. These surveys should extend up to 250 feet beyond the anticipated Project footprint because of potential performance standard requirements for off-site Significant Vernal Pools, assuming such pools are located on land owned or controlled by the applicant. Once surveys are completed, survey forms should be submitted to our Agency for review well before the submission of any necessary permits. Our Department will need to review and verify any vernal pool data prior to final determination of significance.
- Fisheries Habitat: We recommended that all streams be buffered with 100-foot undisturbed vegetated buffers (except for the streams meeting the criteria above, in which case we recommended 250-foot buffers). Buffers should be measured from the upland edge on each side of the stream or associated fringe and floodplain wetlands. We also recommended that

all new, modified, and replacement stream crossings be sized to span at least 1.2 times the bankfull width of the stream. In addition, we generally recommend that stream crossings be open bottomed (i.e. natural bottom), although embedded structures which are backfilled with representative streambed material have been shown to be effective in not only providing habitat connectivity for fish but also for other aquatic organisms. We recommended that construction Best Management Practices should be closely followed to avoid erosion, sedimentation, alteration of stream flow, and other impacts as eroding soils from construction activities can travel significant distances as well as transport other pollutants resulting in direct impacts to fisheries and aquatic habitat. Finally, we recommended that any necessary instream work occur between July 15 and October 1.

Our Agency's next involvement with the Project was during a pre-application virtual meeting held on February 12, 2021. During the meeting, MDIFW reiterated the resource concerns addressed in our January 27, 2020 letter. In addition, we raised concerns with the proposed 200-slip marina, specifically with potential impacts to fisheries resources resulting from placing permanent moorings for the proposed 200-boat marina in an area that may have near-shore spawning brook trout. During the meeting, we recommended that the proposed marina area be evaluated in November to determine if spawning activity was present. If spawning was determined, MDIFW would work with the Applicant to fine-tune the locations of the moorings, if possible. It should be noted that although the plans state that a marina was present at this site--this is incorrect. There was a small boat ramp constructed 25+ years ago when the road was first developed, but the area was never developed into a marina, and this site remains undeveloped. We are also unclear if the proposed new marina, proposed in an undeveloped area, meets LUPC adjacency standards. We now understand the marina will be included in Phase 2 of the Project.

On May 26, 2021, a site visit was conducted to the Project area. Representatives from MDIFW, LUPC, and MDEP, as well as representatives from the developer and their consultants, were in attendance. Several of the streams proposed to be impacted under both Phase 1 and Phase 2 of the Project were observed. It was determined during the site visit that natural resource surveys are to be conducted later in June 2021, many of which to address the concerns first raised by MDIFW back in January 2020. On June 2, 2021, MDIFW met (virtually) with biologists from Tetra Tech, who will be conducting the natural resource surveys beginning later this month and, specific to Roaring Brook mayfly surveys, later this fall.

### **Agency Recommendations**

Based on the lack of natural resource information, and upon review of the Project narrative and plans and subsequent meetings and conversations with Project representatives and their consultants, it appears that the comments and recommendations provided in our January 2020 letter, including the recommended riparian buffers, have not been adequately addressed. That said, based on both our review of the Phase 1 plans and observations during the site visit, we make the following resource-based recommendations.

### **Wildlife Considerations**

- **Bats:** During the June 2 virtual meeting with the applicant's consultant, the consultant indicated that a possible talus area/rocky outcrop existed near the summit in the vicinity of

the ski lift. Without adequate survey information, the presence of one or more listed bats is presumed in this habitat.

- Vernal Pools: During the May 26 site visit the applicant confirmed that surveys for vernal pools had been conducted and that no vernal pools were documented within the Project area. Therefore, we have no concerns with vernal pools in the Project area.
- Northern Bog Lemming: We recommend that any areas of alpine sedge meadows, krummholz, spruce-fir forest with dense herbaceous and mossy understories, wet meadows, and mossy stream-sides, that are  $\geq 1,000$  feet MSL be avoided and buffered with 250-foot intact, no-cut vegetative buffers. Without adequate survey information, the presence of State Threatened Northern Bog Lemming is presumed in these habitats.
- Bicknell's Thrush: We recommend that all proposed clearing of sub-alpine forests that are dominated by balsam fir and red spruce at elevations  $>2,700$  feet be minimized to the extent possible. To minimize potential impacts to breeding Bicknell's thrush, we also recommend that no clearing or construction activity occur from May 1 through July 31 in or adjacent to these types of habitats to prevent direct destruction of nests, eggs, nestlings, fledglings, or adult birds. In addition, the edge surrounding the development and trails should be cleared in a manner that promotes a feathered edge of young fir and spruce growth, ideally 10-20 feet wide, that includes a staggered age-class of fir and spruce. Final impacts should be quantified and submitted to MDIFW for review. If, after MDIFW review, further avoidance and minimization techniques cannot be realized, these impacts should be mitigated at a 4:1 land preservation ratio (compensation:impact), with preserved land containing suitable habitat conditions for Bicknell's thrush. We also recommend that the Maine Natural Areas Program review proposed impacts to this area (if they have not been consulted already).
- Roaring Brook Mayfly/Northern Spring Salamander: Without adequate survey information, the presence of Roaring Brook Mayfly and Northern Spring Salamander is presumed in the streams in the Project area. Based on both our review of the plans and the May 26 site visit, impacts to both Roaring Brook Mayfly and Northern Spring Salamander *appear* to be limited in this Phase 1 portion of the Project. As long as the existing buildings are being demolished and rebuilt within the existing cleared area with no new stream or riparian buffer impacts, we have no concerns for these specific activities. However, any necessary clearing within the 250-foot forested buffer of each stream should be quantified (e.g. zipline), and the total amount for all clearing be provided and mitigated for (see below).

For minimizing impacts from the proposed culvert replacements, we recommend the applicant:

1. Replace all existing culverts with 1.2 bankfull width Stream Smart crossings;
2. Minimize the instream footprint as much as possible to minimize direct impact to both Roaring Brook Mayfly and Northern Spring Salamander and their habitat;
3. Implement and adhere to construction Best Management Practices to minimize erosion and sedimentation in the stream; and
4. Avoid clearing of vegetation, especially forest canopy cover, within the 250-foot riparian buffers. For minimizing impacts from the proposed culvert replacements

or other in-stream activities, we recommend that any instream work be avoided during and after heavy rain when high flows would increase downstream sedimentation.

5. For streams where directional drilling is proposed, all clearing (necessary to accommodate the drill rig) within the 250-foot buffer of each stream should be quantified, and the total amount for all clearing be provided. If the amount of clearing that would be required within the 250-foot riparian buffer for each stream turns out to be minimal, MDIFW *may* be amendable to foregoing any mitigation requirements as long as the sites were allowed to revegetate naturally to woody vegetation.
6. No herbicides or pesticides be utilized within the 250-foot riparian buffers of all streams

Riparian Buffer Mitigation: The removal of riparian canopy impacts aquatic habitat and the organisms which dwell in these habitats through increased stream temperatures, loss of natural woody debris, and leaf input, which is a food source for aquatic invertebrates such as mayflies. For all proposed riparian clearing, from 0 feet to 100 feet from edge of stream or associated wetland, we recommend full compensation (100%) at a ratio of 8:1 (compensation:impact). For all impacts from 100 feet to 250 feet, we recommend a reduced compensation at 60%, pending review of the type of impact, whether groundwork was done, the density and strata of remaining vegetation, etc. In addition, we recommend that peak flows from vegetative conversion/clearing, snowmaking activities, roads and parking areas, and any water bars be calculated. If, after mitigative techniques, peak flows are determined likely to create streambank erosion, channel incision, increased temperatures, or other impacts, we recommend these impacts be counted as indirect impacts and be mitigated for accordingly. Compensation should be calculated using MDEP's ILF formula for this area of Maine. We also recommend that these funds be deposited into MDIFW's Endangered and Nongame Wildlife Fund and ear-marked for protection and enhancement of Roaring Brook Mayfly and Northern Spring Salamander and their habitats.

In addition, the locations of drain outlets of any snowmaking equipment should be stabilized so as to minimize ongoing erosion and sedimentation for the life of the Project.

While the site is also being marketed for astro-tourism, it is unclear if Dark Sky lighting will be incorporated for the entire Project area. To minimize potential impacts to Roaring Brook Mayflies, all lighting should be Dark Sky compliant, and the use of "bug zappers" be avoided.

- Finally, we recommend that as Phase 1 and Phase 2 plans are finalized, the applicant work with the MDIFW Regional Wildlife Biologist to implement measures to discourage nuisance bears.

### Fisheries Considerations

We recommended that all intermittent and perennial streams be buffered with 100-foot undisturbed vegetated buffers on each side (except for the streams with recommended 250-foot buffers, as described above). Buffers should be measured from the upland edge of the stream or associated fringe and floodplain wetlands. We also recommended that all new, modified, and replacement stream crossings be sized to span at least 1.2 times the bankfull width of the stream and provide

full passage for fish and aquatic organisms. We recommended that construction Best Management Practices be closely followed to avoid erosion, sedimentation, alteration of stream flow, and other impacts, as eroding soils from construction activities can travel significant distances as well as transport other pollutants resulting in direct impacts to fisheries and aquatic habitat. Finally, we recommended that any necessary instream work occur between July 15 and October 1.

### Preliminary Phase 2 Comments

At this time, MDIFW has serious concerns with the proposed 200-boat marina on Moosehead Lake. The placement of widespread permanent moorings, any associated dredging (including the potential for long-term maintenance dredging), shoreline alterations associated with the construction of a marina of this scale, and other factors, can directly and indirectly impact aquatic habitats and fisheries resources.

Based on the discussions and concept plans we have reviewed to date, we also have serious concerns with the proposed Moose Mountain 450-unit development and associated stream crossings and riparian buffer impacts. We are hopeful to be better able to make informed decisions and recommendations as the results of the 2021 natural resource surveys should be completed by Phase 2 application submittal, and we encourage the applicant to continue to provide surveys results for MDIFW and LUPC review in a timely manner. We will continue to work with the applicant on a project design that avoids and minimizes impacts to resource of MDIFW concern.

## **Attachment D**

### **Public Hearing Requests**

**This page was intentionally left blank.**

Karyn Ellwood  
PO Box 342  
Greenville Jct, ME 04442  
January 6, 2022

Ms. Stacie R. Beyer, Acting Executive Director, Maine Land Use Planning  
Commission

Ms. Debra Kaczowski, Maine Land Use Planning Commission

Re: DP 3639-F

Dear Ms. Beyer and Ms. Kaczowski:

Please consider this letter as my formal request for a public hearing on the LUPC application, Development Permit DP 3639-F, filed by Big Lake Development Corporation, LLC in March of 2021.

I believe that a public hearing on this application is crucial in ensuring the success of the project and in addition is necessary for disseminating specific details surrounding the proposed development in order to protect the future interests of the residents of the Moosehead Lake Region.

There is a high degree of public interest regarding the redevelopment of this ski area and this project will affect the future of the Moosehead Lake area immensely. This application is in no way routine in nature. And as was discussed with Ms Kaczowski on Monday, January 3rd, many details surrounding this proposed development have been overlooked or left incomplete. The long-term success of this endeavor is entirely dependent on ensuring that ALL the information surrounding this ski area project is provided to the general public as well as to LUPC for review.

Finally, the financial success of Phase I of this ski complex, as currently written, is wholly supported by the Marina and Real Estate development portions of the plan. Therefore, a public hearing is necessary in order to inform the people of the Moosehead Lake Region of all the intricacies of that result from this “symbiotic” relationship.



If you have any questions or require further information regarding this request, please feel free to contact me.

Regards,  
Karyn Ellwood  
Misery Gore, Maine  
207 249 3341  
mooseheadmama@yahoo.com



## Moosehead Region Futures Committee

P. O. Box 164 • Greenville Junction, ME 04442

secretary@mooseheadregionfutures.com

207-695-4474

January 7, 2022

Ms. Stacie R. Beyer, Acting Executive Director  
Maine Land Use Planning Commission  
18 Elkins Lane  
22 State House Station  
Augusta, ME 04333  
*emailed to:* Stacie.R.Beyer@maine.gov

Ms. Debra Kaczowski, Environmental Specialist IV  
Maine Land Use Planning Commission  
43 Lakeview Street  
P. O. Box 1107  
Greenville, ME 04441  
*emailed to:* Debra.Kaczowski@maine.gov

Dear Ms. Beyer and Ms. Kaczowski:

As a citizens' planning group, Moosehead Region Futures Committee (MRFC) aspires to act in a "watchdog" capacity to ensure that major development plans in the Moosehead Region are evaluated in a transparent manner. MRFC is not opposed to redevelopment of the ski area on Big Moose Mountain. However, we believe that the public's interest will be best served by a public process of questioning those proposing the redevelopment as thoroughly and openly as statutes and regulations allow.

Pursuant to 01-672 C.M.R. ch. 4, §4.06(A) (2021), the Moosehead Region Futures Committee **requests a hearing** on the matter of DP-3639-F, the Application by Perry Williams and Big Lake Development, LLC for a development permit, filed with the Maine Land Use Planning Commission on or about March 22, 2021. Yesterday, MRFC's Steering Committee (identified in the letterhead) voted 7-0 (two members were absent) to authorize this request.

STEERING  
COMMITTEE

JOHN WILLARD,  
PRESIDENT

JANET CHASSE,  
VICE-PRESIDENT

CHRISTOPHER KING,  
SECRETARY &  
TREASURER

RONALD ELKIN

JOE KRUSE

MARCIA PHILLIPS

BILL BAKER

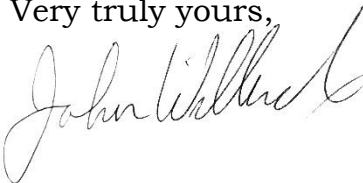
KAY YORK  
JOHNSON

GEORGE BAKAJZA

A hearing is advisable because:

- there is a high degree of public interest in the Moosehead Lake Region in the redevelopment of the ski area, which, if it occurs, will affect many aspects of life in the Region;
- this application is not routine in nature;
- this application raises significant policy issues, including, among others:
  - whether adequate provision for solid waste and sewage disposal has been demonstrated in the Application;
  - whether Big Lake Development, LLC has demonstrated in its Application the financial capacity for completing its proposed redevelopment project; and
  - whether Big Lake Development, LLC's tactic to seek approval of Phase I of the project (the ski area redevelopment) before it seeks approval of Phase II (the residential redevelopment), is in the public's interest. Phase II will include the construction, among other things, of about 500 "ski-in, ski-out" residential units on the mountainside. Unless Phase II gains regulatory approval, Phase I cannot be financially successful, because the financial success of both Phases of the project depends on property tax revenues to be transferred by Piscataquis County to the developers under the provisions of a Tax Increment Financing agreement existing between the Developers and the County. Without construction of the residential development, the property tax revenues will not be generated. The property tax revenues, in turn, are necessary to pay the debt service on the bonds which will be issued to finance the construction of Phase I. Approval of Phase I, therefore, should not be considered separately from the difficult issues that will be raised in the regulatory approval process of Phase II; and
  - whether the public's right to access the land where the ski-trails are located, guaranteed when the State deeded the land to private ownership, will be recognized and retained during and after the redevelopment.

Thank you for considering this request.

Very truly yours,  


John Willard, President  
Moosehead Region Futures Committee