

From: [Sean Turley](#)
To: [Gaffney, Heidi](#)
Cc: [Sirois, Cynthia](#); [Hatmaker, Laura](#)
Subject: Road Construction within P-GP and 250' Vernal Pool Buffer on FR029 Plan 06 Lot 30, Madrid Township, Franklin County, Maine
Date: Monday, June 8, 2026 9:38:49 AM
Attachments: [2026-06-08 LUPC Road Letter.pdf](#)

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Heidi,

Attached is a letter I am submitting on behalf of my client, the Bronson W. Griscom Trust, regarding road construction on the parcel identified by the LUPC as Lot 26.2 on Map FR029, Plan 06.

If you can please confirm receipt of this letter, I would greatly appreciate it.

All my best,

Sean R. Turley
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75 Pearl Street
P.O. Box 9785
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June 8, 2026

Sent by email

Heidi Gaffney, Environmental Licensing Specialist II
Land Use Planning Commission
Maine Department of Agriculture, Conservation & Forestry
22 State House Station
18 Elkins Lane
Augusta, Maine 04333
heidi.gaffney@maine.gov

Re: *Road Construction within P-GP and 250' Vernal Pool Buffer on FR029 Plan 06 Lot
30, Madrid Township, Franklin County, Maine*

Heidi:

This firm serves as counsel to the Bronson W. Griscom Trust (hereinafter the “**Trust**”), which holds title to a parcel on Beal Pond in unorganized Madrid Township that is identified by the Land Use Planning Commission (the “**Commission**”) as Lot 26.2 on Map FR029, Plan 06. I am writing in regard to a road (the “**Road**”) that has been constructed on a nearby parcel on Beal Pond identified by the Commission as Lot 30 on Map FR029, Plan 06 (“**Lot 30**”), which is currently owned by Walter A. Haines (“**Haines**”).

I recently visited Beal Pond with my client and observed significant roadwork on Lot 30 that seemed to be in the approximate location as the road that is shown on the “Concept Plan” submitted by Haines to the Commission as part of his application to rezone a significant portion of the property he owns in the area from M-GN, P-WL2, P-WL3, PSL2 and P-SL to D-RS.¹

Space left intentionally blank

¹ According to the Commission’s GIS system, the area within 250’ from the bank of Beals Pond is zoned P-GP. The comment for Lot 30 indicates that the “[n]ew P-GP zone [was] created when zones recompiled to 24K map base from USGS 24K hydrography.” Haine’s rezoning application makes no mention of this zoning classification, despite the plans he submitted for a proposed subdivision showing development within its boundaries.

The location of the Road is highlighted in orange on the figure below. The portion of the Road within the P-GP is marked on that figure by blue vertical hatching.

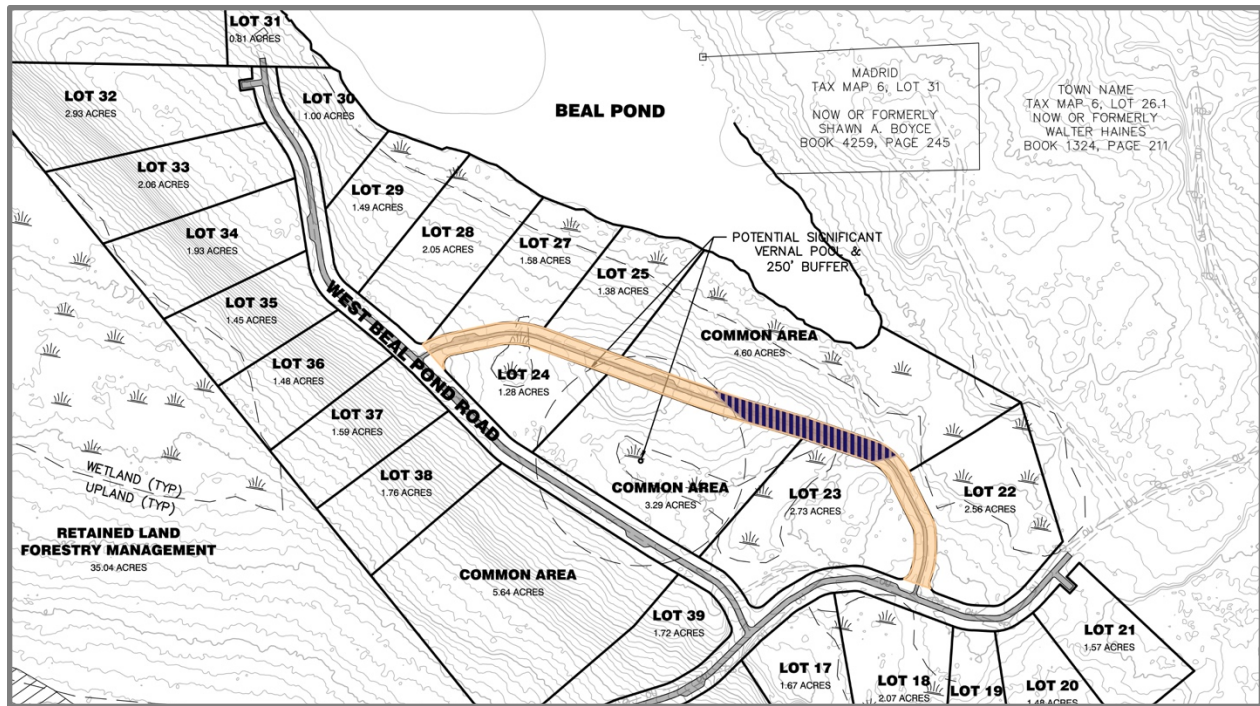


Figure 1: The relevant portion “Concept Plan” dated April 6, 2026 that Haines submitted within his rezoning application with the location of the Road highlighted in orange and the part of that road within the P-GP marked by blue vertical hatching.

Space left intentionally blank

As is clearly depicted on the “Concept Plan,” the Road also passes within 250’ of a potential significant vernal pool and through an isolated wetlands located on Lot 30.²

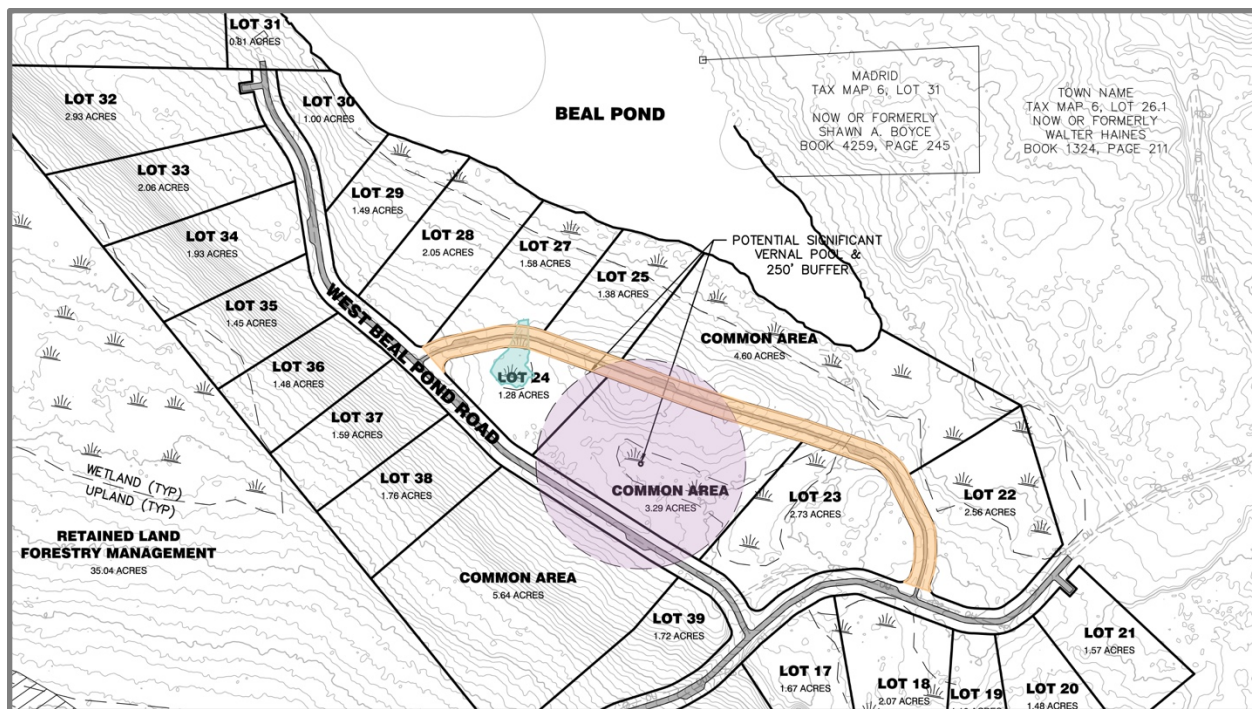


Figure 2: The relevant portion “Concept Plan” dated April 6, 2026 that Haines submitted within his rezoning application with the apparent location of the Road highlighted in orange, the 250’ buffer from the potential significant vernal pool highlighted in purple, and the boundaries of the isolated wetland highlighted in green.

Space left intentionally blank

² A “significant vernal pool habitat” qualifies as a “significant wildlife habitat” under the Natural Resources Protection Act (“NRPA”). 38 M.R.S.A. § 480-B.10.B(1); 06-096 C.M.R. ch. 335, § 9. A “significant vernal pool habitat” includes not only the “significant vernal pool” itself but also “that portion of the critical terrestrial habitat within 250 feet of the spring or fall high-water mark of the vernal pool depression.” 06-096 C.M.R. ch. 335, § 9. Any “removing or displacing” of “soil, sand and vegetation and other materials” and/or “[f]illing,” which are all activities that would have needed to have taken place to construct the Road, that occur “in, on or over” any “significant wildlife habitat” is prohibited unless the person performing those activities receives a NRPA permit. 38 M.R.S.A. § 480-C(1); 06-096 C.M.R. ch. 335, § 9. In its December 12, 2025 letter to Main-Land Development Consultants, Inc., which submitted the rezoning application on behalf of Haines, the Maine Department of Inland Fish & Wildlife (“IF&W”) advised that “[f]or any future development projects, [IF&W] . . . recommend[s] that any potential Significant Vernal Pool depressions be avoided[,] as well as the 250-foot surrounding the pool, which is the associated Critical Terrestrial Habitat.” Despite this instruction and the applicability of NRPA, Haines has apparently already engaged in significant work within 250’ of such a potential significant vernal pool.

When, exactly, Haines constructed this road is unclear. It is visible on a satellite photograph of the southerly side of Beal Pond dated June 7, 2025. However, it is nowhere to be found in a photograph of the same area dated May 21, 2020. It appears, then, that he constructed this road at some point between those two dates.



Figure 3: On the left is a rendering showing an overlay of the highlight of the oad in orange from Figure 1 and Figure 2 across a satellite photograph dated June 7, 2025. On the right is a satellite photograph dated May 21, 2020 showing the same area.

As is evident, the Road is shown in virtually the same location on the “Concept Plan” (in Figure 1) and the most recent satellite photograph (in Figure 3). If some small part of the Road did exist in 2020, it was in a much more primitive condition; the Road constitutes a significant development, with a wide travelled way, gravel base and culverts.



Figure 4: On the left is a photograph I took of the Road on June 1, 2026 as it turns in a westerly direction. On the right is a satellite photograph dated June 7, 2025 with two yellow lines meeting at the point where I took the photograph of the Road and yellow highlighting between those lines showing the perspective shown in my photograph.³

³ I took the photograph where the Road splits off from the undeveloped road that runs to the parking area near the southeasterly end of Beal Pond, which has provided public access to the pond for decades.

Within the P-GP, “Level A” road projects and “[f]illing and grading” are allowed without a permit if the work performed complies with the applicable substantive provisions of Sub-Chapter III of Land Use Districts and Standards.⁴ A “Level A” road project is defined as:

Reconstruction within existing rights-of-way of public or private roads other than land management roads Examples of such activities include, without limitation, culvert replacements, resurfacing, ditching, and bridge repair. When there is no existing layout of right-of-way, the right-of-way should be assumed to extend 33 feet on either side of the existing centerline.⁵

Based on the available evidence, it appears that Haines did not engage in the “reconstruction” of an existing roadway or the development of a “land management road.”⁶ Instead, he built an entirely new road and associated improvements as part of his plan to rezone his property and develop a subdivision. That type of work meets the definition of a “Level C” road project,⁷ which requires a permit from the Commission:

Construction of new roads, and relocations or reconstruction of existing roads, other than that involved in level A or level B road projects; such roads shall include both public and private roadways excluding land management roads.⁸

In light of the foregoing considerations and concerns, I would greatly appreciate it if you can let me (and my client) know if the Commission issued Haines a permit to construct the Road and, if it did not, whether the Commission intends to proceed with an enforcement action against Haines for conducting such unpermitted work.

Please be in touch if you would like to discuss this matter further or if I can answer any questions.

⁴ 10-672 C.M.R. ch. 10, § 10.23.E.3.b(6), (10). The Trust takes no position at this time regarding whether Haines complied with Sub-Chapter III of Land Use Districts and Standards.

⁵ 10-672 C.M.R. ch. 10, § 2.02.203.

⁶ Given that Haines is proposing to use this road as part of a subdivision (if the Commission approves his rezoning application), it is not a “land management road,” which must be used “primarily for agricultural or forest management activities, including associated log yards.” *See* 10-672 C.M.R. ch. 10, § 2.02.111. To interpret the applicable standards otherwise would allow a developer to skirt review by the Commission of roads within a subdivision by constructing them prior to filing an application for that subdivision; that is not a reasonable construction of those standards.

⁷ “Level B” road projects involve “[m]inor relocations, and reconstructions, involving limited work outside of the existing right-of-way of public roads or private roads other than land management roads.” 10-672 C.M.R. ch. 10, § 2.02.204. The issue is not that Haines conducted work beyond the bounds of an existing right-of-way. It is that he constructed a new road.

⁸ 10-672 C.M.R. ch. 10, § 2.02.205; *see* 10-672 C.M.R. ch. 10, § 10.23.E.3.c(14). A “Level C” road project within the M-GN is similarly prohibited without a permit. 10-672 C.M.R. ch. 10, § 10.22.A.3.c(18).

All my best,



Sean R. Turley, Bar No. 6351
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MURRAY PLUMB & MURRAY
75 Pearl Street, P.O. Box 9785
Portland, Maine 04104-5085
(207) 773-5651

CC: Client
Cynthia Sirois (by email)
Laura Hatmatker (by email)

From: [Peter Brown](#)
To: [Gaffney, Heidi](#)
Subject: Fwd: Haines zoning change proposal for parcel abutting Beal Pond in Madrid Township
Date: Saturday, June 27, 2026 10:18:06 AM
Attachments: [Haines - Zoning Changes.docx](#)

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Hi Heidi,

Just making sure you received this email - please confirm you have.

Thanks,

Peter

Begin forwarded message:

From: Peter Brown <peter.brown@acordex.com>
Subject: Haines zoning change proposal for parcel abutting Beal Pond in Madrid Township
Date: June 24, 2026 at 5:05:44 PM EDT
To: Heidi.Gaffney@maine.gov

Ms. Gaffney,

Please see my two page letter regarding the zoning change proposed by Mr Haines. Please reach out to me if you have any questions or seek additional comment.

Thank you,

Peter Brown
978.729.8031

Heidi Gaffney, Environmental Licensing Specialist II
Land Use Planning Commission
Maine Department of Agriculture, Conservation & Forestry
22 State House Station
18 Elkins Lane
Augusta, Maine 04333
Heidi.Gaffney@maine.gov

June 25, 2026

RE: Haines zoning change proposal for parcel abutting Beal Pond in Madrid Township.

Dear Ms. Gaffney,

The purpose of my letter is to draw attention to a false representation in the proposed zoning change application submitted to LUPEC on 4/22/26 on behalf of Mr. Walter Haines. Specifically on page 31 (referenced as "For Use with Exhibit 6: Infrastructure Table"), the information provided about the "Loop Road near pond" states the Year Built or Duration as "35+ years". I have been fly fishing at Beal Pond for about 25 years and have watched with interest the ongoing road work conducted by Mr. Haines during that time. I have most often accessed the Pond via the West Beal Pond Rd and often several times a year from May through October. I attest that the "Loop Road" has only been recently constructed - I believe in the last 3 years. Prior to that, there was no access for any car in the area that now constitutes the "Loop Road". Only the West Beal Pond Road existed, and remains largely as it has since I have been using it, with the exception of culvert work Mr. Haines performed where the West Beal Pond Rd merges onto the Beal Pond Rd. That section has undergone several modifications over the years.

Mr. Haines has misrepresented the age of the road in his application to make it appear that the "Loop" road has existed for decades when in fact, it was built recently by him (or his agent). His lack of veracity should be reason enough for the commission to deny his application. I hope that you concur.

Thank you,

Peter Brown
249 Forest St.
Reading, Ma. 01867
Peterbrown25@comcast.net
978.729.8031

For Use with **Exhibit 6: Infrastructure Table**

Applicant/Project Name: _____

Refer to [Structures, Features, Uses \(Exhibit 6\)](#) for instructions. Name infrastructure consistent with the labeling used on the [Site Plans \(Exhibit 7\)](#).

Infrastructure Type and Use (specify if temporary)	Proposed alterations (check all that apply)							Dimensions (LxW) in ft	Year Built or Duration (if temporary)	Average Slope (%)	Max. Sustain. Slope (%)	Distance (in feet) of infrastructure from nearest:					
	Change in Use	New Construction	Change Dimensions	Reconstruct or Replace	Relocate	Change Setbacks	Other					Road	Property line	Lake or pond	River or stream	Wetland	Ocean/Coastal Wetland
<u>Existing Infrastructure</u>																	
Beal Pond Rd	☐	☐	☐	☐	☐	☐	☐	5619' x 16.5'	35+ years	4.0%	10.5%	0	105'	674'	0	225'	N/A
West Beal Pond Rd	☐	☐	☐	☐	☐	☐	☐	1550' x 16.5'	35+ years	2.0%	5%	0	108'	180'	760'	500'	N/A
Loop Road near pond	☐	☐	☐	☐	☐	☐	☐	1515' x 14'	35+ years	3.0%	6%	0	225'	225'	1,122'	63'	N/A
	☐	☐	☐	☐	☐	☐	☐										
	☐	☐	☐	☐	☐	☐	☐										
<u>Proposed Infrastructure</u>																	
Turn Out's along road - location to be determined during design	☐	X	☐	☐	☐	☐	☐	60' x 10' each		match road grade				TBD			
	☐	☐	☐	☐	☐	☐	☐										
	☐	☐	☐	☐	☐	☐	☐										
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