



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

PERMIT

UTILITY LINE PERMIT 470 By Special Exception

The staff of the Maine Land Use Planning Commission (Commission), after reviewing the application and supporting documents submitted by Burnt Jacket Holding I, LLC (Applicant) for Utility Line Permit ULP 470, and other related materials on file, makes the following findings of fact and conclusions:

- Applicant(s):** Burnt Jacket Holding I, LLC
c/o Bernstein Shur
Attn: Eliza Cope Nolan
100 Middle St., PO Box 9729
Portland, ME 04104-5029
- Agent:** Sevee & Maher Engineering, Inc.
Attn: Daniel Diffin or Michael Roy
4 Blanchard Road, PO Box 85A
Cumberland, ME 04021
- Application Completed:** August 19, 2025
- Proposal Location:** Maine Revenue Service Map PIP01, Plan 01, Lot 1A (Subject Parcel)
Town of Beaver Cove, Piscataquis County, Maine
Piscataquis County Registry of Deeds Book 2873, Page 52
- Zoning:** General Management (M-GN) Subdistrict
Residential Development (D-RS) Subdistrict
Wetland Protection (P-WL3) Subdistrict
- Lot Size:** 1,423.5 Acres (owned)

ADMINISTRATIVE HISTORY, PROPOSAL SUMMARY, AND PUBLIC PROCESS

- Administrative History:** The administrative history of the Subject Parcel is as follows:
 - In August of 2024, Building Permit BP 17544 was issued to the Applicant for the construction of a dwelling with an attached garage, a detached garage, and other associated development. In September of 2024, the Applicant submitted a request for Amendment A to

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Building Permit BP 17544 for the construction of a barn and other structures associated with agricultural management activities. The request was returned because no permits were required for structures used primarily for agricultural management activities in the General Management (M-GN) Subdistrict.

- B. In June of 2025, Road Construction Permit RP 3313 was issued to the Applicant for the construction of an approximately 16-foot-wide by 4,059-foot-long road off the Burnt Jacket Road to allow access to the interior of the property and future residential structures. The authorized road project would include installing conduits for future underground utilities and would be entirely located within the General Management (M-GN) subdistrict.
8. **Proposal Summary:** The Applicant proposes to construct a utility line, starting within the public right-of-way of the Lily Bay Road and installing approximately 60 feet of overhead electric and communications line connecting to two proposed above-ground splice box structures to be located outside of the public right-of-way on the Applicant's property. From the splice boxes, approximately 12,651 feet of underground electric and communications line would be installed within the Burnt Jacket Road, a private road, and then approximately 4,059 feet of underground electric and communications line would be installed within the conduit previously authorized as part of Road Construction Permit RP 3313 (Project). The utility line would serve the residential development on the parcel. The utility line would be within the General Management (M-GN), Residential Development (D-RS), and Wetland Protection (P-WL3) subdistricts.
9. **Notice of Filing:** Notice of Filing of the development application was properly made on June 27, 2025, to appropriate parties and the public as required under *Rules of Practice* 01-672 C.M.R. ch. 4 (Chapter 4), revised August 11, 2023.
10. **Public Comment and Public Hearing:** The Project received one written public comment on July 18, 2025, from a landowner in Beaver Cove regarding compliance issues with Burnt Jacket, LLC, and a residential subdivision adjacent to the Project. The Applicant submitted a statement addressing this comment by clarifying that their company, Burnt Jacket Holding I, LLC, does not hold any interest in the adjacent subdivision and only acquired land (the Subject Parcel) outside of the subdivision from the former owner, Burnt Jacket, LLC. There were no requests for a public hearing.

CRITERIA FOR APPROVAL AND LAND USE STANDARDS, ANALYSIS, AND FINDINGS

The Commission has three zoning districts: development, management, and protection, divided into thirty-two subdistricts to protect important resources and prevent conflicts between incompatible uses. For each subdistrict, the Commission has designated uses that are allowed without a permit, uses that are allowed without a permit subject to standards, uses that are allowed with a permit, and uses that are allowed with a permit by special exception. The Commission's subdistricts are codified in *Land Use Districts and Standards* 01-672 C.M.R. ch. 10 (Chapter 10), revised May 13, 2025. The Commission's land use standards are codified in Chapter 10, subchapter III in §§ 10.25 - 10.27, and are grouped into development standards, dimensional requirements, and activity-specific standards. The Commission's terminology and applicable definitions are codified in *Definitions* 01-672 C.M.R. ch. 2 (Chapter 2),

revised May 13, 2025. The Commission's general criteria for approval of permit applications are provided in 12 M.R.S. § 685-B(4) and further codified in Chapter 10, § 10.24(A). The proposal must otherwise conform with 12 M.R.S. §§ 681 - 689 and the regulations, standards, and plans adopted thereto. 12 M.R.S. § 685-B(4)(E) and Chapter 10, § 10.24(A)(1)(E).

The Applicant must satisfy all applicable land use standards. The following summary of approval criteria and land use standards, analyses, and findings are most relevant to the proposed Project.

11. Allowed Uses Determination:

A. Criteria and standards:

- 1) Utility facilities are defined as structures normally associated with public utilities, including without limitation: radar, radio, television, or other communication facilities; electric power transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; municipal sewage lines; gas, oil, water, slurry or other similar pipelines or above ground storage tanks. Chapter 2, § 2.02(252).
- 2) Utility Facilities are an allowed use upon issuance of a permit in the General Management (M-GN) subdistrict subject to the applicable requirements set forth in Subchapter III. Chapter 10, § 10.22(A)(3)(c)(27).
- 3) Utility Facilities compatible with residential uses are an allowed use upon issuance of a permit in the Residential Development (D-RS) subdistrict subject to the applicable requirements set forth in Subchapter III. Chapter 10, § 10.21(M)(3)(c)(21).
- 4) Utility Facilities are an allowed use in the Wetland Protection (P-WL3) Subdistrict as a special exception upon issuance of a permit from the Commission according to 12 M.R.S § 685-A(10), the criteria of Section 10.24,B,1 through 3, and subject to the applicable requirements set forth in Subchapter III. Chapter 10, § 10.23(N)(3)(d)(9).
- 5) The applicant must show by substantial evidence that (1) there is no alternative site that is both suitable to the proposed use and reasonably available to the applicant; (2) the use can be buffered from those other uses or resources within the subdistrict with which it is incompatible; and (3) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan. Chapter 10, § 10.24(B)(1) through (3).

B. Analysis:

- 1) The Applicant proposes to install electric and communications lines for residential purposes along existing roadways.

- 2) There is no alternative site available to the Applicant that would avoid crossing the P-WL3. The Applicant proposes to install the utility line within the existing roadway to minimize new soil disturbance and wetland alteration.

C. Findings:

- 1) Based upon the record, the analysis above, and the proposal as a whole, the Commission finds that the Project is an allowed use within the General Management (M-GN) and Residential Development (D-RS) subdistricts pursuant to Chapter 10, § 10.22(A)(3)(c)(27) and 10.21(M)(3)(c)(21), respectively.
- 2) Based upon the record, the analysis above, and the proposal as a whole, the Commission finds that the Project is an allowed use by special exception within the Wetland Protection (P-WL3) subdistrict pursuant to Chapter 10, § 10.23 (N)(3)(d)(9).
- 3) Based upon the record, the analysis above, and the proposal as a whole, the Commission finds that the Project meets the special exception criteria under Chapter 10 § 10.24(B)(1) through (3).

12. **Right, Title and Interest, and Subdivision and Lot Creation:**

A. Criteria and standards:

- 1) The applicant must demonstrate evidence of sufficient right, title, or interest in all of the property that is proposed for development or use. 12 M.R.S. § 685-B(2)(D) as restated in Chapter 10, § 10.24(A)(1).
- 2) The Commission may not approve an application unless, in the case of an application for a structure upon any lot in a subdivision, that subdivision has received the approval of the Commission. 12 M.R.S. § 685-B(4)(F) as restated in Chapter 10, § 10.24(A)(1)(F). In considering the land use standards, the Commission evaluates, among other items, whether the proposal to place a structure upon any lot is in a subdivision and whether any divisions of land comply with the Commission's laws and rules governing subdivisions. Chapter 10, § 10.25(Q).

- B. Analysis: The Applicant provided a copy of their deed dated September 8, 2022, and recorded in the Piscataquis County Registry of Deeds in Book 2873, Page 52. Analysis of the 20-year deed history of the Parcel concluded that the lot has not been divided in the past 20 years.

- C. Findings: Based upon the record and the above analysis, the Commission finds that the Applicant has demonstrated legally enforceable right, title, or interest to all the property proposed for development in accordance with Chapter 10, § 10.24(A)(1), and structures will not be located on a lot in an unpermitted subdivision in accordance with Commission's laws and rules governing subdivisions including Chapter 10, §§ 10.24(A)(1)(F) and 10.25(Q).

13. Technical and Financial Capacity:

A. Criteria and standards:

- 1) The Commission may not approve an application unless adequate technical and financial provisions have been made for complying with the requirements of the State's air and water pollution control and other environmental laws and those standards and regulations adopted with respect thereto, including without limitation the minimum lot size laws, Title 12, sections 4807 to 4807-G, the site location of development laws, Title 38, sections 481 to 489-E, and the natural resource protection laws, Title 38, sections 480-A to 480-Z. 12 M.R.S. § 685-B(4)(A) as restated in Chapter 10, § 10.24(A)(1)(A).
- 2) The applicant must retain qualified consultants, contractors, and staff to design and construct proposed improvements, structures, and facilities in accordance with approved plans. In determining the applicant's technical ability, the Commission must consider the size and scope of the proposed development, the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations or previous approvals granted to the applicant. Chapter 10, § 10.25(C)(1).
- 3) The applicant must have adequate financial resources to construct the proposed improvements, structure, and facilities and meet the criteria of all state and federal laws and the standards of these rules. In determining the applicant's financial capacity, the Commission must consider the cost of the proposed subdivision or development, the amount and strength of commitment by the financing entity, and, when appropriate, evidence of sufficient resources available directly from the applicant to finance the subdivision or development. Chapter 10, §10.25(C)(2).

B. Analysis:

- 1) The Applicant has retained Karen Thomas Associates (project management & owner's representation), Sevee & Maher Engineering, Inc., Axiom Engineering Group, JPI Engineering, JLF & Associates (Architect), Verdone Landscape Architects, and Flycatcher, LLC, a land use consulting company, to design the utility line. The Applicant plans to have Mike Theriault Construction, LLC and Powerline Construction, Inc. complete the installation.
- 2) The Applicant provided the financial capacity to construct the utility line project as designed, which included a total estimated construction cost of \$2,200,000. The Applicant provided a letter from Goldman Sachs, dated April 29, 2025, demonstrating that the Applicant has sufficient funds to complete the project.

- C. Findings: Based upon the record and the above analysis, the Commission finds that the Project will comply with the Commission's technical and financial capacity standards set forth in 12 M.R.S. § 685-B(4)(A) as restated in Chapter 10, § 10.24(A)(1)(A), Chapter 10, § 10.25(C)(1), and Chapter 10, § 10.25(C)(2). The Applicant has hired qualified consultants and contractors to design and construct the Project and has demonstrated adequate financial capacity to complete the proposal.

14. Public Health, Safety, and General Welfare:

A. Criteria and standards:

- 1) The burden is on the applicant to demonstrate by substantial evidence that the public's health, safety, and general welfare will be adequately protected. 12 M.R.S. § 685-B(4) as restated in Chapter 10, § 10.24(A)(1). Also, the applicant must show that the proposed use will not burden local public facilities and services such as solid waste disposal, fire and ambulance services, and police. Comprehensive Land Use Plan, Section 4.3.E., p.65.

B. Analysis:

- 1) The Applicant has stated that services for the subject parcel would be provided as follows:
 - a) Fire Protection: Greenville Fire Department;
 - b) Ambulance Services: Light CA Dean Hospital;
 - c) Police Services: Greenville Police Department; and
 - d) Electricity: Generator and then Central Maine Power.
- 2) The Project would not be connected to a public water supply or wastewater disposal system.

- C. Finding: Based upon the record and the above analysis, the Commission finds that normal operation of the proposed Project will not place an undue burden on local public facilities and services, and the applicant has demonstrated that the public's health, safety, and general welfare will be adequately protected.

15. Natural Character and Cultural Resources:

A. Criteria and standards:

- 1) The Commission may not approve an application unless adequate provision has been made for fitting the proposal harmoniously into the existing natural environment to

ensure there will be no undue adverse effect on existing uses, scenic character, and natural and historic resources in the area likely to be affected by the proposal. 12 M.R.S. § 685-B(4)(C) as restated in Chapter 10, § 10.24(A)(1)(C).

- 2) The design of the proposed development must take into account the scenic character of the surrounding area. Structures must be located, designed, and landscaped to reasonably minimize their visual impact on the surrounding area, particularly when viewed from existing roadways, with attention to designated scenic byways; major water bodies; coastal wetlands; permanent trails; or public property. Chapter 10, § 10.25(E)(1)(a). To the extent practicable, proposed structures and other visually intrusive development must be placed in locations least likely to block or interrupt scenic views as seen from existing roadways, with attention to designated scenic byways, major water bodies, coastal wetlands, permanent trails, or public property. Chapter 10, § 10.25(E)(1)(b).
- 3) If any portion of a subdivision or commercial, industrial, or other nonresidential project site includes an archaeologically sensitive area or a structure listed in the National Register of Historic Places, or is considered by the Maine Historic Preservation Commission or other pertinent authority as likely to contain a significant archaeological site or structure, the applicant must conduct archaeological surveys or submit information on the structure, as requested by the appropriate authority. If a significant archaeological site or structure is located in the project area, the applicant must demonstrate that there will be no undue adverse impact to the archaeological site or structure, either by project design, physical or legal protection, or by appropriate archaeological excavation or mitigation. Chapter 10, § 10.25(E)(3).

B. Analysis:

1) *Existing Uses:*

- a) The Applicant states that the existing uses in the area consist mainly of undeveloped woodland and seasonal residential dwellings along the shore of Moosehead Lake.
- b) Except for a short section within the right-of-way of the Lily Bay Road, none of the utility line would be visible from a public road. The majority of the line would be underground within the existing road bed.

- 2) *Historic resources:* The Maine Historic Preservation Commission (MHPC) reviewed the proposal and concluded that no historic properties (architectural or archaeological) would be affected by the proposed undertaking, as defined by Section 106 of the National Historic Preservation Act of 1966, as amended, reference MHPC# 0456-25, dated March 26, 2025.

C. Finding: Based upon the record and the above analysis, the Commission finds that the Project would fit into the existing natural environment of the surrounding area and there

would be no undue adverse effect on existing uses, scenic and natural character, cultural or historic resources in the area likely to be affected by the Project in accordance with M.R.S. § 685-B(4)(C) as restated in Chapter 10, § 10.24(A)(1)(C), and Chapter 10, §§ 10.25(E)(1)(a) and (b), 10.25(E)(3).

16. Protected Natural Resources:

A. Criteria and standards:

- 1) The Commission may not approve an application unless adequate provision has been made for fitting the proposal harmoniously into the existing natural environment in order to ensure there will be no undue adverse effect on existing uses, scenic character, and natural and historic resources in the area likely to be affected by the proposal. 12 M.R.S. § 685-B(4)(C) as restated in Chapter 10, § 10.24(A)(1)(C).
- 2) If any portion of a subdivision or commercial, industrial, or other non-residential project site includes critically imperiled (S1) or imperiled (S2) natural communities or plant species, the applicant must demonstrate that there will be no undue adverse impact on the community and species the site supports and indicate appropriate measures for the preservation of the values that qualify the community or species for such designation. Chapter 10, § 10.25(P)(4).
- 3) If a proposed activity requires a permit and will alter 15,000 or more square feet of wetland area, or 1 acre or more of overall land area, the applicant must delineate on the ground and in a site plan all wetlands within the general project area using methods described in the “Corps of Engineers Wetland Delineation Manual.” U.S. Army Corps of Engineers (1987) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region.” U.S. Army Corps of Engineers. (Version 2.0, January 2012).

B. Analysis:

- 1) *Wildlife and fisheries:* The Maine Department of Inland Fisheries and Wildlife has reviewed the proposal and has minimal wildlife concerns and no fisheries concerns with this project.
- 2) *Plant species and communities:* The Maine Natural Areas Program reviewed the Project and searched the Natural Areas Program’s Biological and Conservation Data System files for rare or unique botanical features in the vicinity of the proposed site and indicated that, according to their current information, there are no rare botanical features documented specifically within the Project area.
- 3) *Flowing water and wetlands:* A wetland delineation was performed by a Professional Wetland Scientist/State of Maine Licensed Soil Scientist in accordance with the U.S. Army Corps of Engineers Wetland Delineation Manual and Northcentral and Northeast

Regional Supplement. The survey identified eleven wetlands and three streams along the portion of Burnt Jacket Road where the utility line will be underground, however, no impacts to these identified resources are proposed. The Burnt Jacket Road currently crosses approximately 630 linear feet of previously impacted, mapped P-WL3 forested wetland. The utility line project would impact approximately 1,890 square feet of the previously impacted, mapped P-WL3 wetland, but would be located within the existing road disturbance and would not result in any new wetland impact.

- 4) *Vernal Pools*: A vernal pool survey was conducted in spring 2025 in accordance with the Maine Association of Wetland Scientists (MAWS) Vernal Pool Technical Committee Vernal Pool Survey Protocol (April 2014). The survey identified three vernal pools in the area. All of these were determined to be man-made features and would not be considered significant vernal pools. The Project would not impact these vernal pools.

- C. Findings: Based upon the record and the above analysis, the Commission finds that the Project will fit into the existing natural environment of the surrounding area and that there will be no undue adverse effect on protected natural resources in the area likely to be affected by the proposal in accordance with 112 M.R.S. § 685-B(4)(C) as restated in Chapter 10, § 10.24(A)(1)(C), and Chapter 10, § 10.25(P)(4).

17. Noise and Lighting:

- A. Criteria and standards: In considering the land use standards, the Commission imposes noise limitations measured at property lines and requires compliance with standards for exterior light levels, glare reduction, and energy conservation for any proposed lighting. Chapter 10, § 10.25(F).
- B. Analysis:
 - 1) *Noise*: The Applicant stated that except for day-time construction activities, including blasting as needed, the operation of the Project would not generate any continuous, regular, or frequent source of noise.
 - 2) *Lighting*: The Applicant has stated that no exterior lighting is included for the Project.
- C. Finding: Sounds emanating from construction-related activities conducted between 7:00 A.M. and 7:00 P.M. are exempt from the Commission's noise standards.¹ Based upon the record and the above analysis, the Commission finds that the Project will comply with the Commission's noise and lighting standards set forth in Chapter 10, § 10.25(F).

¹ Chapter 10, § 10.25(F)(1)(b)(1).

18. Soil Suitability and Erosion and Sedimentation Control:

- A. Criteria and standards: The Commission may not approve an application unless the proposal will not cause unreasonable soil erosion or reduction in the capacity of the land to absorb and hold water and suitable soils are available for a sewage disposal system if sewage is to be disposed on-site. 12 M.R.S. § 685-B(4)(D) as restated in Chapter 10, § 10.24(D). In considering the land use standards, among other items, the Commission requires that the applicant demonstrate that soils suitable to the proposed use of the land are present. Chapter 10, § 10.25(G). The Commission also requires the effective control of soil erosion and sedimentation during and following completion of construction activities. Chapter 10, § 10.25(M).
- B. Analysis:
- 1) *Soil suitability*: The Applicant submitted a web soil survey map from the Natural Resource Conservation Service and a high-intensity soil survey of the area for the proposed splice boxes, completed by a State of Maine Licensed Soil Scientist. The soil survey indicates that the soils are composed of map units as described in the soils report. The soil scientist indicated that the soils are rated as “very limited” in areas for both splice boxes using the Natural Resource Conservation Service potential ratings. The soil scientist has outlined how the limitations will be overcome with timing and engineering practices.
 - 2) *Erosion and sedimentation control*. The Commission requires the effective control of soil erosion and sedimentation during and following completion of construction activities. The Applicant submitted engineered plans with environmental and civil details (Sheets C-101 through 104 and C-300), stamped by a State of Maine Professional Engineer, which describes the proposed construction and post-construction erosion and sedimentation control measures. The Applicant also submitted a Construction Stormwater Pollution Prevention Plan (SWPPP), which includes an erosion and sedimentation control plan outlining installation, maintenance, and inspection aspects of the Project’s erosion control devices.
- C. Finding: Based upon the record and the above analysis, the Commission finds that the Project will comply with the Commission’s soil suitability standards set forth in Chapter 10, § 10.25(G). The Commission also finds that the Project will comply with Chapter 10, § 10.24(D) provided the Applicant follows the proposed erosion control plan and all the applicable erosion control standards set forth in Chapter 10, § 10.25(M), a copy of which is attached to this permit amendment and is incorporated herein by reference.

19. Phosphorus Export:

- A. Criteria and standards:

- 1) Nonresidential development that creates a disturbed area of one acre or more within the direct watershed of a body of standing water 10 acres or greater in size must meet the General Standards of Chapter 10, § 10.25(L)(2) below. Chapter 10, § 10.25(L)(1)(b).
 - a. Provision shall be made to limit the export of phosphorus from the site following completion of the development or subdivision so that the project will not exceed the allowable per-acre phosphorus allocation for the water body, determined by the Commission according to the “Maine Stormwater Best Practices Manual, Volume II, Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development” Maine Department of Environmental Protection, 2008, and hereafter cited as the Phosphorus Design Manual.
 - b. The phosphorus impact analysis and control plan for a proposed subdivision or development on a water body shall be prepared using the procedures set forth in the Phosphorus Design Manual, including all worksheets, engineering calculations, and construction specifications and diagrams for control measures as may be required by the manual.
 - c. All filling, grading, excavation or other similar activities that result in unstable soil conditions must meet the standards of Section 10.25(M).

B. Analysis:

- 1) The disturbance area for the utility line will be primarily within the limits of the existing gravel road and will not create any additional impervious area. In the areas of work beyond the road edge, disturbed vegetation will be allowed to regrow naturally and will not be landscaped. The Applicant has submitted a phosphorus control analysis that determined the total Project Phosphorus Budget (PPB) for the lot is 41.22 lbs/year, and the calculated pre-treatment Project Phosphorus Export (PPE) from the development is 10.79 lbs/year. This includes all existing roads constructed on the lot after 1997 plus the previously permitted road and its associated landscaping. The PPE is well below the PPB, and as a result, no treatment for phosphorus was required.
 - 2) The submitted phosphorus control analysis has been previously reviewed by the Commission’s third-party consultants, Sebago Technics, Inc. and found to meet the state’s phosphorus export standards.
20. Finding: Based upon the record and the above analysis, the Commission finds that the Project meets the Commission standards for phosphorus control pursuant to Chapter 10, § 10.25(L).
21. The facts are otherwise as represented in Utility Line Permit Application ULP 470 and supporting documents.

FINAL CONCLUSIONS

Based upon the above analysis and findings of fact, the Commission concludes that, as long as the proposal is carried out in compliance with the Conditions of Approval below, the proposed development meets the *Criteria for Approval* set forth in 12 M.R.S. § 685-B(4) and 12 M.R.S. § 685-A(10) (for special exceptions), specifically:

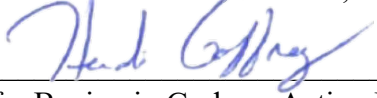
1. The Commission concludes that there is substantial evidence in the record, as discussed in Findings 13 and 14 that adequate technical and financial provision has been made for complying with the requirements of the State's air and water pollution control and other environmental laws, and those standards and regulations adopted with respect thereto; and adequate provision has been made for solid waste and sewage disposal, for controlling of offensive odors, and for the securing and maintenance of sufficient healthful water supplies in accordance with 12 § 685-B(4)(A).
2. The Commission concludes that there is substantial evidence in the record that adequate provision has been made for loading, parking and circulation of land, air and water 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 in accordance with 12 § 685-B(4)(B).
3. The Commission concludes that there is substantial evidence in the record as discussed in Findings 15, 16, and 19, that adequate provision has been made for fitting the proposal harmoniously into the existing natural environment in order to ensure there will be no undue adverse effect on existing uses, scenic character and natural and historic resources in the area likely to be affected by the proposal in accordance with 12 § 685-B(4)(C).
4. The Commission concludes that there is substantial evidence in the record as discussed in Findings 18, that the proposal will not cause unreasonable soil erosion or reduction in the capacity of the land to absorb and hold water and suitable soils are available for a sewage disposal system if sewage is to be disposed on-site in accordance with 12 § 685-B(4)(D).
5. The Commission concludes that the proposal is otherwise in conformance with this chapter and the regulations, standards and plans adopted pursuant thereto in accordance with 12 § 685-B(4)(E).

Therefore, the Commission, through its staff, approves the application for Utility Line Permit ULP 470, submitted by Burnt Jacket Holding I, LLC for the installation of overhead and underground electric and communication lines as proposed, with the following conditions of approval:

1. The Standard Conditions of Approval for all Utility Line Permits (ver. January 23, 2023), a copy of which is attached, except that Standard Condition #5 does not apply to areas within the roadbed.
2. Unless otherwise proposed and by the submittal of an **Erosion and Sedimentation Control Plan**, approved by this permit, soil disturbance must not occur when the ground is frozen or saturated.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions of approval and remains valid only if the Permittee complies with all these conditions of approval. Except for structures allowed without a permit in compliance with Maine Land Use Planning Commission standards, any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT AUGUSTA, MAINE, THIS 8th DAY OF SEPTEMBER, 2025.

By: 
for Benjamin Godsoe, Acting Executive Director



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STANDARD CONDITIONS OF APPROVAL MANDATORY FOR ALL UTILITY LINE PERMITS (Version date: 1/23/2023)

1. **At least one week prior to commencing construction of the permitted activities**, the permittee or the designated agent must contact the Commission staff and notify them of the estimated date construction work will start. Notice may be provided in writing, in person, by email, or by calling. If the permittee or agent leaves or sends a message, please include the contact's full name, telephone number, permit number, and the date the work will start.
2. **Prior to commencing construction of the permitted activities**, the permittee, or the designated agent acting on behalf of the permittee, must provide a copy of the permit, including its attached conditions, to contractors that will be performing work or will be responsible for work at the site.
3. The enclosed permit certificate must be posted in a visible location at the project site immediately after receipt of this permit and during development of the site, and construction of the structures and associated activities and infrastructure approved by this permit.
4. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities can then occur unless and until a new permit has been granted by the Commission.
5. All areas of disturbed soil must be promptly reseeded and stabilized with mulch and maintained in a vegetated state to prevent soil erosion. In areas where revegetation is not initially successful, additional measures to control erosion and sedimentation shall be undertaken as often as necessary to be effective.
6. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.
7. The Permittee must secure and comply with all applicable licenses, permits, authorizations, and requirements of all federal, state, and local agencies including, but not limited to: the U.S. Army Corps of Engineers, the Maine Department of Inland Fisheries and Wildlife, the U.S. Fish and Wildlife Service, the Maine Department of Marine Resources, the Bureau of Parks and Lands, and the Maine Department of Environmental Protection.

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M. EROSION AND SEDIMENTATION CONTROL

The standards set forth below must be met for all development that involves filling, grading, excavation or other similar activities which result in unstabilized soil conditions.

1. General Standards.

- a. Soil disturbance shall be kept to a practicable minimum. Development shall be accomplished in such a manner that the smallest area of soil is exposed for the shortest amount of time possible. Operations that result in soil disturbance shall be avoided or minimized in sensitive areas such as slopes exceeding 15% and areas that drain directly into water bodies, drainage systems, water crossings, or wetlands. If soil disturbance is unavoidable, it shall occur only if best management practices or other soil stabilization practices equally effective in overcoming the limitations of the site are implemented.
- b. Whenever sedimentation is caused by stripping of vegetation, regrading, or other construction-related activities, sediment shall be removed from runoff water before it leaves the site so that sediment does not enter water bodies, drainage systems, water crossings, wetlands, or adjacent properties.
- c. Soil disturbance shall be avoided or minimized when the ground is frozen or saturated. If soil disturbance during such times is unavoidable, additional measures shall be implemented to effectively stabilize disturbed areas, in accordance with an approved erosion and sedimentation control plan.

2. Design Standards.

- a. Permanent and temporary erosion and sedimentation control measures shall meet the standards and specifications of the “Maine Erosion and Sediment Control Practices Field Guide for Contractors”. Maine Department of Environmental Protection (2015) or other equally effective practices. Areas of disturbed soil shall be stabilized according to the “Guidelines for Vegetative Stabilization” (Appendix B of this chapter) or by alternative measures that are equally effective in stabilizing disturbed areas.
- b. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all sedimentation control devices have been installed and stabilized.
- c. Existing catch basins and culverts on or adjacent to the site shall be protected from sediment by the use of hay bale check dams, silt fences or other effective sedimentation control measures.
- d. If streams will be crossed, special measures shall be undertaken to protect the stream, as set forth in Section 10.27,D.
- e. Topsoil shall not be removed from the site except for that necessary for the construction of roads, parking areas, building excavations and other construction-related activities. Topsoil shall be stockpiled at least 100 feet from any water body.
- f. Effective, temporary stabilization of all disturbed and stockpiled soil shall be completed at the end of each workday.

- g.** Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.
- h.** All temporary sedimentation and erosion control measures shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been implemented.

3. Erosion and Sedimentation Control Plan.

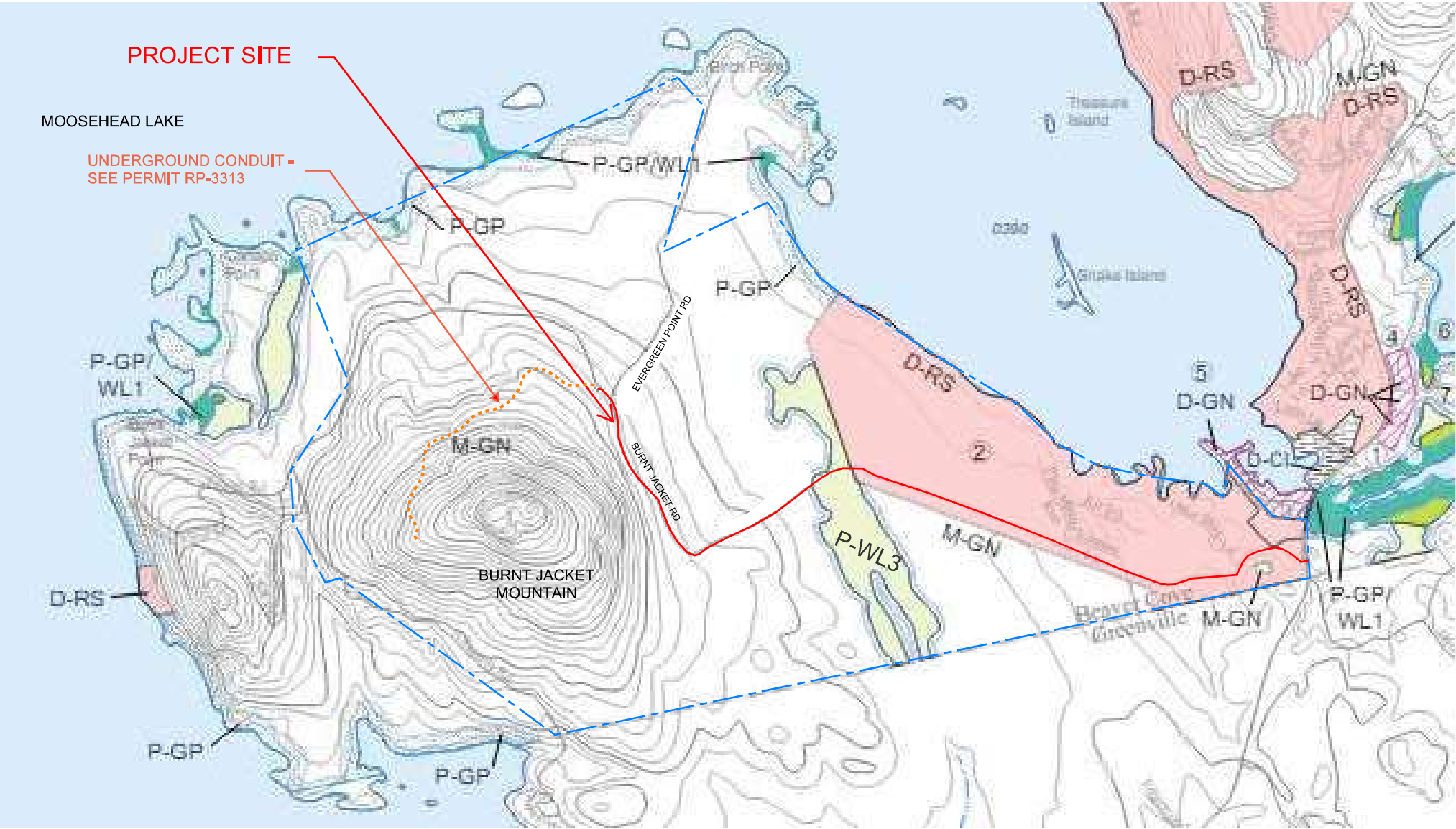
- a.** For development that occurs when the ground is frozen or saturated or that creates a disturbed area of one acre or more, the applicant must submit an erosion and sedimentation control plan for Commission approval in accordance with the requirements of Section 10.25,M,3,b.
- b.** A Commission approved erosion and sedimentation control plan in conformance with these standards shall be implemented throughout the course of the project, including site preparation, construction, cleanup, and final site stabilization. The erosion and sedimentation control plan shall include the following:
 - (1) For activities that create a disturbed area of less than one acre:
 - (a) A drawing illustrating general land cover, general slope and other important natural features such as drainage ditches and water bodies.
 - (b) A sequence of construction of the development site, including clearing, grading, construction, and landscaping.
 - (c) A general description of all temporary and permanent control measures.
 - (d) Provisions for the continued maintenance of all control devices or measures.
 - (2) For activities that create a disturbed area of one acre or more:
 - (a) A site plan identifying vegetation type and location, slopes, and other natural features such as streams, gullies, berms, and drainage ditches. Depending on the type of disturbance and the size and location of the disturbed area, the Commission may require a high intensity soil survey covering all or portions of the disturbed area.
 - (b) A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
 - (c) A detailed description of all temporary and permanent erosion and sedimentation control measures, including, without limitation, seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
 - (d) Provisions for the continued maintenance and inspection of erosion and sedimentation control devices or measures, including estimates of the cost of maintenance and plans for meeting those expenses, and inspection schedules.

4. Inspection.

- a.** For subdivisions and commercial, industrial or other non-residential development that occurs when the ground is frozen or saturated or that creates a disturbed area of one acre or more, provision shall be made for the inspection of project facilities, in accordance with Section 10.25,M,4,a,(1) or (2) below:
 - (1) The applicant shall hire a contractor certified in erosion control practices by the Maine Department of Environmental Protection to install all control measures and conduct follow-up inspections; or
 - (2) The applicant shall hire a Maine Registered Professional Engineer to conduct follow-up inspections.
- b.** The purpose of such inspections shall be to determine the effectiveness of the erosion and sedimentation control plan and the need for additional control measures.
- c.** Inspections shall be conducted in accordance with a Commission approved erosion and sedimentation control plan and the following requirements.
 - (1) Inspections shall be conducted at least once a week and after each rainfall event accumulating more than ½ inch of precipitation, until all permanent control measures have been effectively implemented. Inspections shall also be conducted (a) at the start of construction or land-disturbing activity, (b) during the installation of sedimentation and erosion control measures, and (c) at the completion of final grading or close of the construction season.
 - (2) All inspections shall be documented in writing and made available to the Commission upon request. Such documentation shall be retained by the applicant for at least six months after all permanent control measures have been effectively implemented.
- d.** Notwithstanding Section 10.25,M,4,a, development may be exempt from inspection if the Commission finds that an alternative, equally effective method will be used to determine the overall effectiveness of the erosion and sedimentation control measures.

EXHIBIT 1 - DIRECTIONS AND LOCATION MAP - CONTINUED:

LUPC Received
7/1/2025



The project site is located off Lily Bay Road along and off Burnt Jacket Road. The project begins near the intersection of Lily Bay Road and Burnt Jacket Road, and is located entirely on private property.

- Property Line
- Proposed Utility Line Extension

