



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
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AUGUSTA, MAINE 04333-0022

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

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

Loaf Land Development, LLC,
Coplin Plantation, Franklin County

September 22, 2026

Commissioner Millard Billings, Chair and Presiding Officer

This First Procedural Order (Order) provides a project description and administrative background and sets forth the Presiding Officer's decisions with respect to Petitions for Intervention, the first pre-hearing conference, the site visit, the public hearing topics and schedule, and other administrative matters for the public hearing on Loaf Land Development, LLC's (Loaf Land or Applicant) Application for Subdivision Permit SP4103 (Application).

I. PROJECT DESCRIPTION AND ADMINISTRATIVE BACKGROUND

- A. On April 30, 2026, the Maine Land Use Planning Commission (LUPC or Commission) accepted as complete for processing Loaf Land Development, LLC's application to subdivide approximately 24.5 acres on Plan 7 Lots 2 and 12 of Coplin Plantation for a 12-lot, high-density upland subdivision. The lots were zoned Residential Development subdistrict (D-RS) when the Commission adopted permanent zoning for Coplin Plantation in 1977.
- B. A new road (Mountain Village Road) off the existing Mountain Road is proposed for access to 10 of the subdivision lots. The other two subdivision lots would be accessed via Moose Track Trail, an easement running through Plan 7 Lot 15, an abutting lot.
- C. The proposed subdivision includes hillside areas ["an area of two or more contiguous acres having a sustained slope of 15 percent or greater," Chapter 2 § 2.02(106)] and is in the direct watershed of Flagstaff Lake. The proposal must therefore meet, among other applicable standards, the Commission's standards for hillside resources in Chapter 10 § 10.25(E)(2), including for stormwater management, and standards for phosphorus control in Chapter 10 § 10.25(L).
- D. Between December 2025 and February 2026, the Commission received seven requests for a public hearing and four requests for a site visit. At its regular business meeting on June 10, 2026, the Commission voted to hold a public hearing on the Application and to conduct a site visit. On August 27, 2026, the Commission determined that the Application was ready for a public hearing.

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II. GENERAL MATTERS

A. General expectations of the parties

All parties (the Applicant, Intervenors, Interested Persons, Commissioners, and staff) are expected to comply with deadlines and filing requirements established by the Presiding Officer. Failure to comply may result in appropriate sanctions, including the rejection of argument, evidence or testimony the party seeks to offer. All participants in the hearing are expected to conduct themselves professionally, both in their dealings with the Commission and with each other, throughout the proceedings.

B. Site visit and hearing: date, time, and logistics

1. Site Visit

Date and Time: Tuesday, October 13, 2026; 1:30 PM

Location: Across the street from 44 Mountain Road, Coplin Plantation, Maine
(Please follow any on-site signage regarding parking)

The purpose of the site visit is to provide the Commission and its staff an opportunity to observe the site and its placement within the surrounding area and to hear from, and ask questions of, the Applicant regarding the proposed subdivision.

Members of the public are welcome to attend the site visit. As a matter of fairness and due process, the site visit is not the time or place to offer comments, concerns, or support. Members of the public must refrain from making verbal or written comments or remarks about the site or project during the site visit. The Commission welcomes all comments, including those related to the site visit, during the public hearing itself or in writing during the comment period and the rebuttal period (see below).

2. Public Hearing

Date and Time: Tuesday, October 13, 2026; 6:00 PM

Location: Town of Eustis Community Building, 84 Main Street, Village of Stratton, Eustis, Maine.

Pursuant to Public Law 2021 Chapter 290 and the Commission's Remote Participation Policy, the hearing will also be accessible virtually via Microsoft Teams. Information on how to connect to the meeting will be posted in advance of the hearing on the Commission's website: www.maine.gov/dacf/lupc/about/calendar.

Members of the public attending in person will be called to testify in the order in which they sign in on the sheets provided at the public hearing, or as allowed by the Presiding Officer. Members of the public attending virtually who wish to provide comment will be called to testify utilizing the "raise hand" feature on Microsoft Teams. The amount of time a member of the public may speak at the Public Session will be limited by the Presiding Officer based on factors such as the number of people who sign up to testify. It is anticipated that each member of the public will be allotted two to five minutes to testify. The public is not required

to submit written testimony before the hearing, nor file Petitions to Intervene, in order to testify. Members of the public may simply attend the hearing and give oral testimony. However, providing the Commission with a written copy of oral testimony will help ensure that the breadth and detail of the comments are thoroughly and accurately included in the record.

While the Commission prioritizes and aims to provide effective means of remote participation, the Commission recognizes that using these technologies is accompanied by inherent risks of technical issues, including failure of equipment, that may result in the interruption or failure of remote participation. Those wishing to participate virtually during the hearing are welcome to do so but are advised that the hearing will not be postponed or rescheduled in the event of technical difficulties related to the virtual participation features of the hearing.

C. Ex parte communication

The parties are directed to 5 M.R.S. § 9055 and [Chapter 5, section 5.02\(E\) of the Commission's rules](#) for a statement of legal restrictions on contact with Commissioners during pending proceedings, including site visits. Individuals are cautioned to avoid any conduct that could give rise to even the appearance of improper contact with Commissioners.

D. Project website and additional information

The Commission has established a webpage for the Application at <https://www.maine.gov/dacf/lupc/projects/coplin-subdivision>. All Application materials, correspondence, and public comments and requests received to date have been posted on this website and are available to the public. Additional Application materials, correspondence, procedural orders, hearing materials, public comments, rebuttal comments, and any other relevant materials will be posted on this webpage once available.

E. Notice

Notice of the public hearing was provided in accordance with the Maine Administrative Procedures Act (5 M.R.S. Chapter 375); Chapter 4 of the Commission's rules, Rules of Practice; and Chapter 5 of the Commission's rules, Rules for the Conduct of Public Hearings. Notice was provided in the following manner:

- Published in the Morning Sentinel on September 2, 2026
- Published in The Daily Bulldog from September 4 – 10, 2026
- Sent via GovDelivery email to the Commission's Public Hearing and Franklin County lists on August 31, 2026
- Posted on the Commission's webpage for the SP4103 Application on September 1, 2026
- By regular postal mail to the Applicant; all persons owning or leasing land within 1,000 feet of the proposed project according to the records of the Maine Revenue Services or the applicable plantation; the plantation where the project is proposed; Franklin County; and the legislators whose districts encompass the project on September 2, 2026.

III. PETITIONS TO INTERVENE

A. Requirements and deadline

In accordance with Chapter 5, Section 5.03(A)(1) of the Commission's rules, Rules for the Conduct of Public Hearings, a petition to intervene must:

- be filed by the date specified by the Commission or Presiding Officer;
- be under oath or affirmation; and
- demonstrate that the petitioner is or may be substantially and directly affected by the proceeding.

Chapter 5, Section 5.03(A)(1) states: "A petition to intervene which is not timely filed will be denied unless the petitioner shows good cause for failure to timely file."

The Commission's public notice included a deadline of 5:00 PM on September 16, 2026, for all petitions to intervene.

B. Petitions to intervene received

The following persons submitted timely petitions under oath or affirmation:

- Stanwood (Curt) Fish, Jr. and Jenny Burch (jointly)
- Russell and Cathryn Peters (jointly)

No other Petitions to Intervene were received by the Commission.

1. *Stanwood (Curt) Fish, Jr. and Jenny Burch*. In their Petition to Intervene, the petitioners:
 - a. State that they own land abutting the proposed subdivision;
 - b. Point to a comment from Sebago Technics, the Commission's contracted engineering reviewer, that mentions discharge from the stormwater management/phosphorus control system onto their lot;
 - c. State that the hydrology of their lot has been "substantially and directly impacted by previous activities on the land now owned by Loaf Land Development, LLC;" and
 - d. State that the increase in traffic on Mountain Road if the Application is approved may or will substantially and directly affect their access to their land.
2. *Russell and Cathryn Peters*. In their Petition to Intervene, the petitioners:
 - a. State that they own land abutting the proposed subdivision;
 - b. State that the easement known as Moose Track Trail proposed for accessing Lots 1 and 2 of the Loaf Land Subdivision runs through their land and close to their dwelling; and
 - c. State that the increase in traffic on Mountain Road if the Application is approved may or will substantially and directly affect their access to their land.

C. Intervenor status granted

The Presiding Officer found statements a, b, and d above for Intervenor 1 and statements a, b, and c above for Intervenor 2 compelling in demonstrating that the petitioners are or may be substantially and directly affected by the proceeding. Therefore, Intervenor status is granted as follows:

- Stanwood (Curt) Fish, Jr. and Jenny Burch: Intervenor 1
- Russell Peters and Cathryn Peters: Intervenor 2

A determination that the qualifications for intervenor status have been met is not a determination about the merits of any claim in a Petition to Intervene with regard to the regulatory criteria applicable to a permitting process.

D. Consolidation of intervenors

Chapter 5 § 5.03(A)(1) of the Commission's rules states that "Petitioners for intervention may be required to consolidate or join their appearances in part or in whole if their interests or contentions are found to be substantially similar and such consolidation would expedite or simplify the hearing without prejudice to the rights of any party or petitioner. A consolidation under this section may be for all purposes of the proceeding, all of the issues of the proceeding or with respect to any one or more issues or purposes thereof."

Pursuant to Chapter 5 § 5.03(A)(1), the Intervenorors are consolidated for the purpose of the Applicant and Intervenor session of the public hearing [see Section IV(B) below]. The Intervenorors are not consolidated for the periods before and after the hearing. For example, the Intervenorors are not consolidated for the purpose of providing pre-filed testimony nor for the purpose of providing post-hearing comments and rebuttal. Both Intervenorors must be included when materials are sent to the service list. The Intervenorors are consolidated because they are all abutters who also raise similar concerns regarding access and impacts to roads and because such consolidation would simplify the Applicant and Intervenor session of the public hearing without prejudice to the rights of any party or petitioner.

E. Application materials

Pursuant to Chapter 5, Section 5.03(A)(5) of the Commission's rules, the Applicant must provide the Intervenorors with a complete electronic copy of the Application (as deemed complete for processing by the Commission) and any supplemental materials submitted subsequently. In this case, a copy of the application and all supplemental materials have been posted on the Commission's webpage dedicated to the Application, <https://www.maine.gov/dacf/lupc/projects/coplin-subdivision>, and are, therefore, already available to the parties. Application materials submitted after the date of this Procedural Order must be sent to the service list.

IV. HEARING TOPICS AND SCHEDULE

A. Hearing topics

While the Commission will consider many different topics as it conducts its review of the Applicant's proposal, all topics relevant to the Commission's review will not be covered during the Applicant and Intervenor session (see Hearing Schedule below) of the hearing. The Presiding Officer has selected the public hearing topics for the Applicant and Intervenor session based on

consideration of a range of factors, including significance and relevance to the Commission's overall review; concerns expressed by the Intervenor; anticipated value added by oral testimony (as opposed to Commission reliance on written materials); and public interest. Written comments for the Commission's consideration may be submitted on any relevant topic, including those not selected for presentation at the hearing.

The Presiding Officer has determined that the following topics will be considered during the Applicant and Intervenor session of the public hearing:

- Stormwater Management and Phosphorus Control
- Access via Mountain Road
- Access via Moose Track Trail

The general public comment session (see Hearing Schedule below) of the hearing is not limited to the topics above.

B. Hearing schedule

The hearing will include two parts: first, an Applicant and Intervenor session consisting of presentation and questioning by the Applicant and Intervenor, including direct testimony and cross-examination; and second, a general public comment session.

The schedule of the hearing will be:

- Introductions, opening statement by the Presiding Officer, and swearing in of those testifying in the Applicant and Intervenor Session
- LUPC staff statement, administrative history, overview of the hearing process, and submitting the file to the record
- Opening statement and project summary by the Applicant [10 minutes]
- Opening statement by the Intervenor [5 minutes]
- Topic: Stormwater Management and Phosphorus Control
 - Applicant's testimony and evidence [10 minutes]
 - Cross-examination of the Applicant's witnesses by the Intervenor [5 minutes]
 - Intervenor's testimony and evidence [10 minutes]
 - Cross-examination of the Intervenor's witnesses by the Applicant [5 minutes]
 - LUPC Commission and staff questions
- Topic: Access via Mountain Road
 - Applicant's testimony and evidence [10 minutes]
 - Cross-examination of the Applicant's witnesses by the Intervenor [5 minutes]
 - Intervenor's testimony and evidence [10 minutes]
 - Cross-examination of the Intervenor's witnesses by the Applicant [5 minutes]
 - LUPC Commission and staff questions

- Topic: Access via Moose Track Trail
 - Applicant's testimony and evidence [10 minutes]
 - Cross-examination of the Applicant's witnesses by the Intervenor [5 minutes]
 - Intervenor's testimony and evidence [10 minutes]
 - Cross-examination of the Intervenor's witnesses by the Applicant [5 minutes]
 - LUPC Commission and staff questions
- Public comment session, including swearing in of those testifying in this session

Applicant and Intervenor closing statements and hearing rebuttal may be provided in writing during the post-hearing public comment period (October 14 – 25; see Section VIII below). To facilitate post-hearing comment, an audio recording of the hearing will be made available on the Commission's webpage about the Application (see Section II(D) above).

The times provided above are the maximum allocated, although the Presiding Officer may change these during the hearing based on circumstances at the time. Commissioners, Commission counsel, and Commission staff may be permitted by the Presiding Officer to ask questions at any time.

V. WITNESSES AND PREFILED TESTIMONY

A. Witness lists

The Applicant and the Intervenors may identify witnesses to speak and present evidence on their behalf. The parties must file a list of witnesses that includes the qualifications of each witness and the topics on which each will be testifying, including themselves if testifying. Witness lists must be submitted to the Commission and copied to the service list by 5:00 PM on Thursday, October 1, 2026, following the filing requirements provided below (see Section VI).

B. Pre-filed testimony

1. Public Hearing

To assist the Commission and hearing participants and enable them to come to the hearing prepared to participate in an efficient and focused manner, the Applicant, the Intervenors, and all witnesses testifying for the Applicant or Intervenors, must submit pre-filed testimony, including any applicable exhibits, by 5:00 PM on Tuesday, October 6, 2026. Submissions of pre-filed testimony must be copied to the service list.

Pre-filed testimony is limited to the hearing topics and must be sworn under oath and notarized and include the witness's qualifications. No person will be allowed to testify at the hearing for the Applicant or Intervenors unless that person has submitted pre-filed testimony, and no testimony will be allowed into the record if the witness does not participate in the hearing. All direct testimony delivered at the hearing must be consistent with the witnesses' pre-filed testimony. Topics and issues not covered in pre-filed testimony may not be raised in direct testimony at the hearing.

Any credentials or expertise held by witnesses must be set forth in the pre-filed testimony.

All direct testimony delivered at the hearing by the Applicant, Intervenor, or witnesses must be consistent with and limited to the topics identified in each individual's pre-filed testimony. Any documentary evidence intended to be admitted at the hearing by the Applicant, Intervenor, or witnesses must be included with their pre-filed testimony in a manner that complies with the requirements of Chapter 5.07(C).

All persons providing sworn, written, pre-filed testimony must be made available in person at the hearing for questioning by the Commission, staff/consultants, and appropriate parties. Any scheduling constraints or other limitations concerning witnesses' ability to appear at the hearing, including any relevant physical disabilities, must be noted in writing with witnesses' pre-filed testimony and must be brought to the Presiding Officer's attention immediately once known. Each party is responsible for keeping their witnesses informed regarding the hearing schedule and ensuring that their witnesses maintain maximum flexibility during this period.

Witnesses who pre-file testimony relating to any topic on behalf of the Applicant or the Intervenor in this matter will not be permitted to testify at the public comment portion of the hearing. Individuals who are affiliated with a party in this matter may testify during the public comment portion of the hearing only in their personal capacities, and not on behalf of a party. The Applicant and the Intervenor may not testify during the public comment portion of the hearing.

2. Site Visit

The site visit is part of the hearing process and record. Information presented by the Applicant at the site visit is also considered pre-filed testimony and must be submitted and copied to the service list by 5:00 PM on Tuesday, October 6, 2026.

VI. FILING OF HEARING MATERIALS

A. Service list

The Commission's staff and the designated contact persons for the Applicant and each Intervenor constitute the service list. All filings in this proceeding must be copied to the service list.

The Commission will maintain the effective service list. The current list is attached as Appendix A. Updates to the list will be distributed to the parties by the Commission via email on an as-needed basis. It is the responsibility of each party to ensure its filings are copied to all names on the service list.

All parties must provide timely notice in writing of any change in the designated contact person to the Commission's staff and the other parties and must provide the new contact information.

B. Electronic copy for the record

All materials, including exhibits, must be provided to the LUPC electronically. For submittals 20 MB in size or less, the electronic submittal may be sent by email to tim.carr@maine.gov. For larger submittals, materials may be provided via multiple emails. In all cases, electronic documents must be in either Word (.doc or .docx) or Adobe (.pdf) format. Photo files must be in JPEG (.jpg) unless the LUPC staff approve another format.

C. Copying the other parties

All substantive submittals, including emails, must be copied by the submitting party to the service list electronically upon submittal to the LUPC.

D. Form of submissions

All motions, proposed findings, petitions, briefs, and, to the extent practicable, written testimony filed within the Commission (except for documents not susceptible of reproduction in the manner herein provided or for other good cause shown) shall be typewritten or printed on white opaque paper 8 1/2 x 11 inches in size. Typed materials must be double spaced. The first page of each such document must be headed by the title:

*STATE OF MAINE
LAND USE PLANNING COMMISSION*

and must have a caption with:

- a. The title of the matter, giving the name of the applicant, the action in issue and the location (Loaf Land Development, LLC; Subdivision Permit Application for the Loaf Land Subdivision; Coplin Plantation);
- b. The Commission's application number (SP4103); and
- c. The title of the document (for example: Motion to Include Additional Hearing Topics).

The final page must be dated and signed.

E. Electronic file naming convention

The titles of all electronic files must be as short as possible and must use the following naming convention:

[yyyy]-[mm]-[dd]_[party acronym]-[document title or brief description].[extension]
(for example: 2026-09-22_LUPC-FirstProceduralOrder.pdf)

F. Format of submittals and deadlines

All materials submitted must be provided electronically by the date and time due.

G. Meeting deadlines for submittals

The close of business at the LUPC's Augusta office is 5:00 pm. All materials received after that time will be considered to be submitted the following day. If for any reason physical (rather than electronic) materials need to be delivered in person to the LUPC, an appointment is recommended if the delivery of such materials will be late in the day.

VII. FIRST PRE-HEARING CONFERENCE

To help orient the Applicant and Intervenors to the site visit and hearing processes, Commission staff will coordinate with Applicant and Intervenors for a virtual pre-hearing conference to be held either Monday, September 28 or Tuesday, September 29, 2026. A meeting link via Microsoft Teams will be sent to all parties in advance of the meeting for remote participation in the conference. Participation in the pre-hearing conference is limited to the Applicant's parties and the Intervenor's parties, including counsel.

VIII. SUMMARY OF SCHEDULE (all dates are in 2026)

First Pre-Hearing Conference – September 28 or 29 (TBD)

Pre-filed Witness Lists – October 1

Pre-filed Hearing and Site Visit Testimony – October 6

Site Visit – October 13 (1:30 PM)

Public Hearing – October 13 (6:00 PM)

Post-Hearing Comment Period – October 14 - 25

Post Hearing Rebuttal Period – October 26 – November 2

Hearing Record Closes – November 2 (11:59 PM)

IX. AUTHORITY AND RESERVATIONS

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

The Presiding Officer may amend this Order at any time.

DONE AND DATED AT AUGUSTA, MAINE, THIS 22nd DAY OF SEPTEMBER 2026.



Millard Billings, Chair and Presiding Officer

APPENDIX A

Application for Subdivision Permit SP4103, Loaf Land Subdivision

Service List

Land Use Planning Commission (LUPC or Commission)

Tim Carr
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18 Elkins Lane, Augusta, ME 04333-0022
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Office of the Maine Attorney General (OAG)

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