



JANET T. MILLS
GOVERNOR

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

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

**First Procedural Order
In the Matter of
Development Permit DP 3639-F**

**Big Lake Development Company, LLC
Big Moose Ski Resort**

May 31, 2022
Commissioner Everett Worcester, Chair and Presiding Officer

This First Procedural Order (Order) of the Maine Land Use Planning Commission (Commission) identifies the Presiding Officer, provides a project description and administrative background, identifies petitions for leave to intervene, provides a general schedule for a Commission site visit in this matter, and provides a schedule for the hearing in this matter.

A. Designation of Presiding Officer

In accordance with the Maine Administrative Procedure Act, 5 M.R.S. § 9062(1) and the Commission's *Rules for the Conduct of Public Hearings*, 01-672 C.M.R. 5 § (5.02)(D)(1) (Chapter 5), the Presiding Officer in this hearing is Everett Worcester, the Chair of the Commission.

B. Project Description and Administrative Background

1. On March 23, 2021, the Commission accepted as complete for processing from Big Lake Development Company, LLC (Applicant) an application for Amendment F to Development Permit DP 3639 pursuant to 12 M.R.S. § 685-B(1)(A) (Application DP 3639-F).
2. Application DP 3639-F proposes 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). Redevelopment includes a new hotel, base lodge, tap house, event center pavilion, swimming pool, 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.
3. Pursuant to 12 M.R.S. § 685-B, and sections 10.21,C,3,c,(15)), 10.21,C,3,d,(1)(c), 10.21,C,3,c,(28),10.21,C,3,c(18), 10.21,C,3,c(24),10.23,G,3,d(4), and 10.11,B,1 of the

Commission's *Land Use Districts and Standards*, 01-672 C.M.R. 10 (Chapter 10), a permit from the Commission is required for the proposed uses.

4. On February 9, 2022, at its regular business meeting, the Commission voted to hold a public hearing on Application DP 3639-F, once the Applicant had submitted all the outstanding information needed to complete the application review.
5. The Commission provided notice of the public hearing and opportunity to intervene in this matter on May 5, 2022, in accordance with Chapter 5, § 5.02(B). The notice established a deadline of May 20, 2022, at 5:00 P.M. to file a petition for leave to intervene.

C. Petitions for Leave to Intervene

1. The Commission may require or allow any person who desires to participate as a party, offer testimony and evidence, and participate in oral cross-examination to file a petition under oath or affirmation for leave to intervene. 5 M.R.S. § 9054(1) and Chapter 5, § 5.03(A)(1). The Commission may further allow any other interested person to intervene as a party or to participate in more limited manner as the Commission or its Presiding Officer may designate.
2. The Commission received one petition for leave to intervene in this matter on May 10, 2022 from the Moosehead Region Futures Committee. The petition from the Moosehead Region Futures Committee was filed by the May 20, 5:00 PM deadline.

D. Decision on Petitions to Intervene

1. A petition to intervene must be granted if it demonstrates that the petitioner is or may be substantially and directly affected by the proceeding. The Commission or Presiding Officer may further allow any other interested person to intervene as a party or to participate in more limited manner as the Commission or its Presiding Officer may designate. A petition for leave to intervene must be filed by the date specified by the Commission or the Presiding Officer or, if an earlier date is not specified, by the date of the public hearing. A petition to intervene which is not timely filed will be denied unless the petitioner shows good cause for failure to file on time. A person permitted to intervene shall become a party to the proceeding and shall be permitted to participate in all phases of the hearing, subject, however, to such limitations as the Commission or Presiding Officer may direct. 5 M.R.S. § 9054(2) and Chapter 5, section 5.03(A)(1)
2. Any person may, in the discretion of the Commission or Presiding Officer, be permitted to make oral or written statements on the issues, introduce documentary, photographic and real evidence, attend and participate in conferences and submit written or oral questions of other participants, within such limits and on such terms and conditions as may be fixed by the Commission or Presiding Officer. 5 M.R.S. § 9054(2) and Chapter 5, section 5.03(B)

3. The Presiding Officer finds that the petition of the Moosehead Region Futures Committee was a timely filed petition and filed under affirmation as generally required under Chapter 5, § 5.03(A)(1). A petition to intervene must be granted if it demonstrates that the petitioner is or may be substantially and directly affected by the proceeding. The petitioner has not demonstrated that it “is or may be substantially and directly affected by the proceeding.” The Moosehead Region Futures Committee has communicated to the Commission that it is seeking a formal designation as an intervenor to the proceedings pursuant to 5 M.R.S. § 9054(2) and Chapter 5, § 5.03(A)(1) under which the Commission or Presiding Officer may allow any interested person to intervene as a party or to participate in more limited manner as the Commission or it Presiding Officer may designate. While the petitioner has not demonstrated that it or its members may be “substantially and directly affected by the proceeding,” the petitioner has demonstrated that it is an organization with significant interest in the future development of the Moosehead Lake Region. Accordingly, the Presiding Officer grants limited Intervenor status to the Moosehead Region Futures Committee (Limited Intervenor) under Chapter 5 § 5.03(1)(A) and (B) and 5 M.R.S. § 9054(2).

E. Service List

Each Party must designate one person as the contact person for the purpose of the proceedings. All filings related to this matter must be sent to Debra Kaczowski (contact information below) and the service list must be copied. The service list along with contact information can be found in Appendix A of the Order.

F. Commission Site Visit General Itinerary

1. A Commission site visit will be held on Tuesday, June 7, 2022 beginning at 2:00 P.M. and running to 4:00 P.M. Those in attendance during the site visit are expected to conduct themselves professionally, both in their dealings with the Commission and with each other, throughout the proceeding.
2. A general schedule memorandum for the Commission site visit is appended to this Order (Appendix B).

G. Hearing Schedule, Expectations and Close of Record

1. The public hearing will be held on Tuesday, June 7, 2022 at Bartley’s Center Cove Events (241 Pritham Ave., Greenville, ME 04441). To accommodate any overflow due to limited seating, the Greenville Town Office (7 Minden St. Greenville, ME 04441) will be set up to allow public participation virtually from that location. Pursuant to Public Law 2021 Chapter 290 and the Commission’s Remote Participation Policy, the hearing will also be accessible through virtual means on the Commission’s website link.

2. The first portion of the hearing will be dedicated primarily to receiving testimony from the Applicant and Limited Intervenor (Parties to the Hearing), and will commence shortly after 6:00 P.M. The second portion of the hearing will be for members of the public.
3. The Parties to the Hearing will submit pre-filed testimony, as well as any exhibits intended to be presented at the hearing as follows:
 - a. The Applicant will submit the pre-filed testimony of its witnesses and any anticipated exhibits by Friday June 3, 2022 at 5:00 p.m.
 - b. The Limited Intervenor will submit the pre-filed testimony of its designated representative and any anticipated exhibits by June 6, 2022 at 12:00 p.m.
 - c. Exhibits submitted for introduction should be labeled and numbered.
4. The Presiding Officer will rule on the admissibility of any requested exhibits at the opening of the hearing.
5. The Parties to the Hearing will be limited in the presentation of direct testimony as follows:
 - a. Direct testimony will be limited to summarizing the pre-filed testimony submitted by the Parties to the Hearing.
 - b. The Applicant will be limited to presenting three witnesses, with a total allotted time of 15 minutes for the presentation of direct testimony.
 - c. The Limited Intervenor will be limited to six minutes for the presentation of direct testimony through its designated representative.
6. The order of testimony will be as follows:
 - a. The Applicant;
 - b. Governmental agencies and representatives thereof;
 - c. The Limited Intervenor; and
 - d. Members of the public.
7. Cross-examination by each of the Parties to the Hearing will be limited. The Applicant will be limited to 10 minutes total for cross-examination of the Limited Intervenor. The Limited Intervenor will be limited to 15 minutes total for cross-examination of the Applicant. The Parties to the Hearing must identify one representative who will conduct cross-examination of the other Party. Cross-examination will be conducted following the close of the testimony of each Party in the following order:
 - a. Commissioners, counsel, and staff members may be permitted, by the Presiding Officer, to ask questions at any time;
 - b. Applicant;
 - c. Limited Intervenor; and

- d. Federal, State, and other governmental representatives.
8. The hearing record will remain open until June 17, 2022, at 5:00 P.M. to allow the filing of written statements with the Commission, and until June 24, 2022, at 5:00 P.M. to file statements in rebuttal of those filed by the June 17th deadline.
9. Upon request made by the Presiding Officer, the Applicant or Limited Intervenor shall provide up to 15 complete printed copies of any filing it has made to the Commission for distribution to the Commissioners and staff.

H. Hearing Topics

Testimony and evidence offered at the hearing must be limited to the current proposal before the Commission as described in Application DP 3639-F, and the statutory criteria and regulatory standards applicable to that application. Discussion of any potential future phases of development on the subject parcel must not be addressed in testimony and evidence, unless it can be shown that the testimony and evidence is directly relevant to application of the statutory criteria and regulatory standards applicable to the current proposal.

I. Additional Information

A copy of Application DP 3639-F's public hearing record, as may be amended at any time as documents are received, may be viewed at the Commission's Moosehead (Greenville) Regional office at 43 Lakeview Street, Greenville, Maine 04441, (207) 731-4398. Please call if interested in visiting the office to view the application. Additionally, Application DP 3639-F's public hearing record, as may be amended at any time as documents are received, may be viewed on the Big Lake Development Company, LLC's Featured Link on the Commission's Website at: <https://www.maine.gov/dacf/lupc/projects/dp3639f/dp3639f.html>. Questions regarding this Order of the Presiding Officer should be directed to Debra Kaczowski at 207-731-4398 or debra.kaczowski@maine.gov.

J. Ex parte Communication

No Commission member shall engage in any ex parte communication in connection with any issue of fact, law, or procedure which is the subject of the hearing. The Applicant and Limited Intervenor, as well as members of the public interested in this proceeding are directed to 5 M.R.S. § 9055 and Chapter 5, § 5.02(E) for a statement of legal restrictions on contact with Commission members during pending proceedings. The parties are cautioned to avoid any conduct that could give rise even to the appearance of improper contact with Commission members.

K. 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 31st DAY OF MAY, 2022

By: 

Everett Worcester, Chair and Presiding Officer,
Maine Land Use Planning Commission

APPENDIX A

Service List



JANET T. MILLS
GOVERNOR

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

AMANDA E. BEAL
COMMISSIONER

STACIE R. BEYER
ACTING EXECUTIVE DIRECTOR

Service List
In the Matter of
Amendment A to Development Permit Application DP 3639
Big Lake Development Company, LLC

Commissioner Everett Worcester, Chair and Presiding Officer

I. AGENCY

- | | |
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| <p>1. Land Use Planning Commission
Attention: Debra Kaczowski
43 Lakeview Street
Greenville, ME 04441
debra.kaczowski@maine.gov</p> | <p>2. Office of the Maine Attorney General
Attention: Caleb Elwell
6 State House Station
Augusta, ME 04333
caleb.elwell@maine.gov</p> |
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II. APPLICANT

- | | |
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| <p>1. Big Lake Development Company, LLC
Attention: Perry Williams
PO Box 390
Spruce Head, ME 04859
perry@skimoosehead.com</p> | <p>2. James W. Sewall Company
Attention: Matt Dieterich
PO Box 433
Old Town, ME 04468
diema@sewall.com</p> |
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III. LIMITED INTERVENOR

1. Moosehead Region Futures Committee
Attention: Christopher King
PO Box 164
Greenville Jct. ME 04442
secretary@mooseheadregionfutures.com



APPENDIX B



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 Executive Director
From: Debra Kaczowski, Regional Supervisor, Greenville Regional Office
Date: May 31, 2022 (for June 7, 2022 Commission Site Visit)
Re: Commission's site visit for Amendment F to Development Permit DP 3639 application (Application DP 3639-F), Big Lake Development Company, LLC, Big Moose Township, Piscataquis County, Maine.

Site Visit: June 7, 2022 at 2:00 P.M.
Meet at the Big Squaw Mountain Base Lodge (447 Ski Resort Road, Greenville Jct.)

On Tuesday, June 7, 2022, the Commission will conduct a site visit to view the area surrounding the proposed redevelopment. The Applicant, Agent(s), Intervenor, and members of the public may attend but must provide their own transportation. Those participating in the site visit will meet at the former Big Squaw Mountain Resort's lower base lodge. Copies of this itinerary will be available from LUPC staff at the start of the site visit. The Commission Chair, however, may at any time alter the itinerary of the site visit in order to make it more efficient and effective.

**Site #1: Meet at: Big Squaw Mountain Lower Base Lodge
(447 Ski Resort Road, Greenville Jct.)**

Coordination: Commission staff will hand out paperwork to those present for the site visit and speak to expectations and procedures.

Lower Base Lodge Area: (~1.5 miles from intersection of Rte. 6 and Ski Resort Rd.)
Group will view the existing Lower Base Lodge, existing & proposed Maintenance Building areas, proposed T-Bar Lift area, and proposed lower Zip Line area.

Site #2: Big Squaw Mountain Upper Base Lodge & Hotel



Upper Base Lodge Area: (~0.5 mile drive from Lower Base Lodge to Upper Base Lodge)

Group will view the existing/proposed Upper Base Lodge & Hotel area, proposed Tap House & Event Center Pavilion area, proposed Upper Base Ski Lift area, existing Magic Carpet Lift area, proposed Upper Zipline area, existing & proposed Upper Base Parking areas and proposed Loop Road extension area.

Communications with Commission Members

Because the Commission is holding a public hearing on the Application DP 3639-F, the Commission's Chapter 5 rule prohibiting ex parte communications, 01-072 C.M.R. Chapter, 5 § 5.02,(E)(2), applies to the Application DP 3639-F, including any in-person site visit. The public may attend for informational purposes only, but the site visit is not an opportunity to address the Commissioners with respect to any current project or any that may come before the Commission. The Commission will receive public testimony on the proposal during the public hearing beginning at 6 P.M. on Tuesday, June 7, 2022 at Bartley's Center Cove Events (241 Pritham Ave., Greenville, ME 04441). To accommodate any overflow due to limited seating, the Greenville Town Office (7 Minden St. Greenville, ME 04441) will be set up to allow public participation virtually from that location. Pursuant to Public Law 2021 Chapter 290 and the Commission's Remote Participation Policy, the hearing will also be accessible through virtual means on the Commission's website link.

In accordance with applicable laws and Commission rules, no Commission member shall engage in any ex parte communication in connection with any issue of fact, law, or procedure which is the subject of the hearing.

Discussions between Commissioners and persons other than Commission staff regarding the Application DP 3639-F may occur only during a public meeting, such as the Commission's monthly business meetings or at a public hearing. During the site visit, representatives of the Applicant and Commission staff may point out various features and locations relevant to the application. Commissioners and Applicant representatives may speak directly to Commission staff with questions or comments about the Application DP 3639-F, such as site-specific questions for clarification. Staff will then follow up as appropriate. The parties are cautioned to avoid any conduct that could give rise even to the appearance of improper contact with Commission members.

Any questions or comments regarding the site visit should be directed to Debra Kaczowski at 207-731-4398 or via e-mail at: debra.kaczowski@maine.gov.

Attachments: Overview Map, Sites A & B Lower & Upper Base Lodge

Overview Map

Big Squaw Mountain Ski Area

Legend

-  447 Ski Resort Rd
-  Big Squaw Mountain Ski Area

447 Ski Resort Rd  Big Squaw Mountain Ski Area

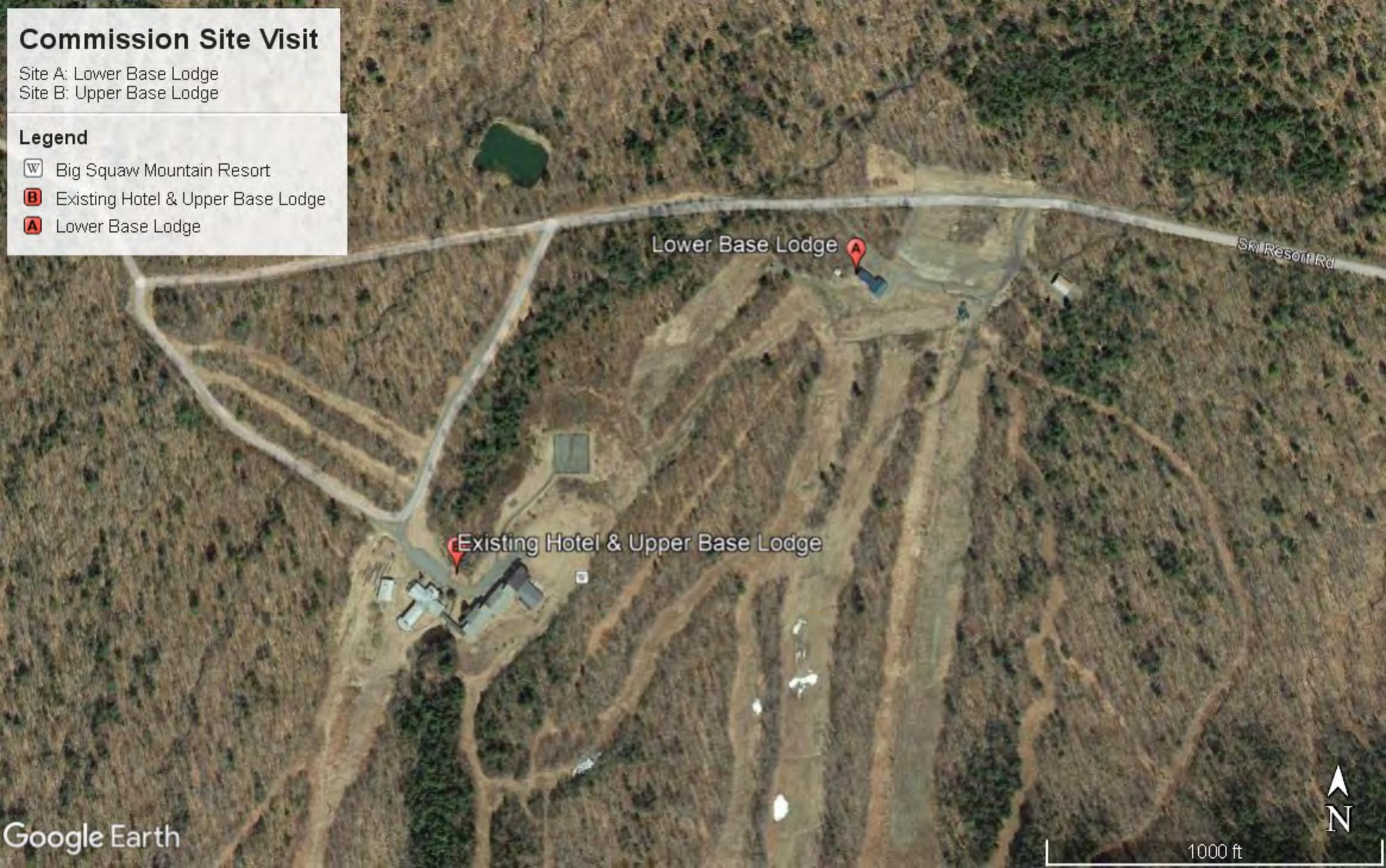


Commission Site Visit

Site A: Lower Base Lodge
Site B: Upper Base Lodge

Legend

-  Big Squaw Mountain Resort
-  Existing Hotel & Upper Base Lodge
-  Lower Base Lodge



Lower Base Lodge

Ski Resort Rd

Existing Hotel & Upper Base Lodge