



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
45 RADAR ROAD
ASHLAND, MAINE 04732

AMANDA E. BEAL
COMMISSIONER
STACIE R. BEYER
EXECUTIVE DIRECTOR

Memorandum

To: LUPC Commissioners
CC: Stacie R. Beyer, Executive Director
From: Meagan Westfall, Senior Regional Representative
Date: November 5, 2024
Re: Zoning Petition 799, Tony Clark, Garfield Plantation, Aroostook County, Maine

This memorandum presents a staff recommendation on the pending Zoning Petition ZP 799 application submitted by Tony Clark for rezoning in Garfield Plantation, Aroostook County, Maine.

ADMINISTRATIVE HISTORY

The Subject Parcel is a previously undeveloped lot with 1,200 feet of road frontage along Cross Road. In 2021, the Applicant had approximately 8 acres of his parcel cut for a commercial timber harvest. This activity was authorized by the Maine Forest Service through Forest Operation Notification FON #2100241.

In July 2021, Building Permit BP 16746, issued to the Applicant, authorized the construction of a 30-foot by 60-foot dwelling with an attached 40-foot by 50-foot garage. Also authorized was a 40-foot by 72-foot detached garage/barn. All structures were proposed and authorized to be 150 feet from Cross Road and 100 feet from the nearest property boundary line.

In August 2023, Commission staff discovered that the dwelling and detached garage/barn were built larger than permitted [Reference: Enforcement Case EC 2023-38; Resolved]. As built, the dwelling was 32-feet by 60-feet and 4-feet by 26-feet and the detached garage/barn was 56-feet by 72-feet with a 12-foot by 20-foot addition.

In September 2023, Amendment A to Building Permit BP 16746, issued to the Applicant, authorized after-the-fact the expansions of the dwelling and detached garage/barn to resolve EC 2023-38.

ZONING PETITION ZP 799

The Applicant submitted an application to rezone approximately 2.27 acres from the original General Management (M-GN) subdistrict to the General Development (D-GN) subdistrict for subsequently changing the use of the residential garage/barn to a bar and grille and reception hall, associated infrastructure, and future expansions.

A full determination as to whether the criteria of approval for development review and the applicable land use standards adopted by the Commission have been met will be made during the permitting phase of the project.

KEY REVIEW CRITERIA

The following is a list of citations covering the criteria in statute and rules that are most relevant to this zoning petition. See the attached Zoning Petition ZP 799 draft decision document for specific rule language.

General Criteria:

- 12 M.R.S. § 685-A(8-A) of the Commission's statute (Chapter 206-A) and Section 10.08(A) of the Commission's *Land Use Districts and Standards*, 01-672 C.M.R. Ch. 10, last revised August 11, 2023, (Chapter 10);

The Commission's *Comprehensive Land Use Plan (CLUP)*:

- Version 2010; and

Chapter 10, Land Use Districts and Standards:

- Chapter 10, § 10.08(B)(2);
- Chapter 10, § 10.21(C)(1);
- Chapter 10, § 10.21(C)(2)(b);
- Chapter 10, § 10.21(C)(3)(d)(1)(c);
- Chapter 10, § 10.24(B)(1).

STAFF CONCLUSIONS AND RECOMMENDATION

The staff evaluated the petition with respect to consistency with Chapter 206-A, the *Comprehensive Land Use Plan (CLUP)*, and Chapter 10, *Land Use Districts and Standards*. Having considered information in the record, staff recommends that the Commission approve the zoning petition request of Tony Clark, as outlined in the draft decision document, to rezone approximately 2.27 acres of the General Management (M-GN) subdistrict to the General Development (D-GN) subdistrict to allow for changing the use of the existing residential accessory structure to a bar and grille and reception hall and future expansions in Garfield Plantation, Aroostook County, Maine.

Attachments:

- Attachment A: Zoning Petition ZP 799 Draft Decision Document
- Attachment B: Existing and Proposed Zoning Maps
- Attachment C: Location Map and Google Earth Map



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COMMISSIONER

STACIE R. BEYER
EXECUTIVE DIRECTOR

COMMISSION DECISION
IN THE MATTER OF

Tony Clark

Findings of Fact and Decision

ZONING PETITION ZP 799

The Maine Land Use Planning Commission (Commission), at a hybrid meeting held on November 13, 2024, after reviewing the application and supporting documents submitted by Tony Clark (Applicant) for Zoning Petition ZP 799, agency and staff comments, and other related materials on file, pursuant to 12 M.R.S. Sections 681 *et seq.* and the Commission's Land Use Standards and Rules, finds the following:

1. **Applicant:** Tony Clark
PO Box 329
Ashland, ME 04732
2. **Date of Completed Application:** August 20, 2024
3. **Location of Proposal:** Tax Map ARP04, Plan 05, Lot 33 (Subject Parcel)
Garfield Plantation, Aroostook County, Maine
Southern Aroostook County Registry of Deeds Book 6189, Page 177
4. **Current Zoning:** General Management (M-GN) Subdistrict
5. **Proposed Zoning:** General Development (D-GN) Subdistrict
General Management (M-GN) Subdistrict
6. **Lot Size:** 27.55 Acres (Owned)

ADMINISTRATIVE HISTORY, PROJECT DETAILS, AND PUBLIC PROCESS

7. **Administrative History:** The administrative history of the Subject Parcel is as follows:
 - A. The Subject Parcel is a previously undeveloped lot with 1,200 feet of road frontage along Cross Road. In 2021, the Applicant had approximately 8 acres of his parcel cut for a commercial timber harvest. This activity was authorized by the Maine Forest Service through Forest Operation Notification FON #2100241.

- B. In July 2021, Building Permit BP 16746, issued to the Applicant, authorized the construction of a 30-foot by 60-foot dwelling with an attached 40-foot by 50-foot garage. Also authorized was a 40-foot by 72-foot detached garage/barn. All structures were proposed and authorized to be 150 feet from Cross Road and 100 feet from the nearest property boundary line.
 - C. In August 2023, Commission staff discovered that the dwelling and detached garage/barn were built larger than permitted [Reference: Enforcement Case EC 2023-38; Resolved]. As built, the dwelling was 32-feet by 60-feet and 4-feet by 26-feet and the detached garage/barn was 56-feet by 72-feet with a 12-feet by 20-feet addition.
 - D. In September 2023, Amendment A to Building Permit BP 16746, issued to the Applicant, authorized after-the-fact the expansions of the dwelling and detached garage/barn to resolve EC 2023-38.
8. **Proposal:** On August 20, 2024, the Applicant submitted an application to rezone approximately 2.27 acres of the Subject Parcel from the original M-GN subdistrict to the D-GN subdistrict for subsequently changing the use of the residential garage/barn to a bar and grille and reception hall, associated infrastructure, and future expansions (Project).
9. **Public Comment and Public Hearing:** No requests for a public hearing or written public comments were received on the application.

RULES OF PRACTICE

10. Notice Requirements:

- A. Criteria: Notice, as described by Section 4.04(B)(3)(a)(1) of the Commission's *Rules of Practice*, 01-672 C.M.R. Ch. 4, last revised August 11, 2023 (Chapter 4), is required for applications for zone changes, except those proposing to change a development subdistrict designation to a management or protection subdistrict designation, and applications addressing clerical corrections. Chapter 4, § 4.04(B)(3)(a)(1). The Commission staff may provide, or require an applicant to provide, additional notice related to an application in any manner the Commission staff deems appropriate. Chapter 4, § 4.04(A)(3)(b).
- B. Analysis: On August 20, 2024, the Applicant provided notice of filing of the application for the proposed zone change by postal mail to all persons owning or leasing land within 1,000 feet of the Project and the Garfield Plantation Board of Assessors. The application for zone change was submitted to the Commission on August 20, 2024.
- C. Finding: Notice of filing of the application for rezoning was conducted as required under Chapter 4. Therefore, the Commission finds that the application for zone change was properly noticed consistent with the intent of applicable sections of Chapter 4, §§ 4.04(B)(3)(a)(1), (2), and (3), and 4.04(A)(3)(b).

11. Title, Right and Interest:

- A. Criteria: Unless otherwise provided by law, the Commission will not accept an application as complete for processing unless and until the applicant demonstrates, to the Commission's satisfaction, legally enforceable title, right, or interest in all the property proposed for development or use sufficient to evaluate the proposed development and use of the property, including closure and post closure care, where required. Chapter 4, § 4.05(A)(3).
- B. Analysis: The Applicant provided a copy of their deed for prior permits. The deed is dated July 1, 2021, and was recorded in the Southern Aroostook County Registry of Deeds in Book 6189, Page 177.
- C. Finding: The Commission finds that the Applicant has demonstrated legally enforceable title, right, or interest in all the property proposed for development in accordance with Chapter 4, § 4.05(A)(3).

GENERAL CRITERIA FOR ADOPTION OR AMENDMENT OF LAND USE DISTRICT BOUNDARIES

A land use district boundary may not be adopted or amended unless there is substantial evidence that the proposed land use district is consistent with the standards for district boundaries in effect at the time, the comprehensive land use plan and the purpose, intent and provisions of Chapter 206-A, and there is substantial evidence that the proposed land use district has no undue adverse impact on existing uses or resources or a new district designation is more appropriate for the protection and management of existing uses and resources within the affected area. 12 M.R.S. § 685-A(8-A) of the Commission's statute and restated in Section 10 § 10.08(A) of the Commission's *Land Use Districts and Standards*, 01-672 C.M.R. Ch. 10, last revised August 11, 2023 (Chapter 10).

12. Consistency with the Standards for District Boundaries:

- A. Criteria and standards: A land use district boundary may not be adopted or amended unless there is substantial evidence that the proposed land use district is, among other criteria, consistent with the standards for district boundaries in effect at the time. 12 M.R.S. § 685-A(8-A)(A) as restated in Chapter 10, § 10.08(A)(1).
 - 1) The purpose of the D-GN subdistrict is to recognize existing patterns of development in appropriate areas and to encourage further patterns of compatible development therein and adjacent thereto. It is the Commission's intent to promote these areas as future growth centers in order to encourage the location of compatible developments near each other and to minimize the impact of such development upon incompatible uses and upon public services and facilities. Thus the Commission's purpose is to encourage the general concentration of new development, and thereby avoid the fiscal and visual costs of sprawl, and to provide a continuing sense of community in settled areas. Chapter 10, § 10.21(C)(1).
 - 2) Areas which the Commission determines meet the criteria for redistricting to this subdistrict pursuant to Section 10.08 hereof, are proposed for development which is consistent with the purposes of this subdistrict, and are suitable for the development activities proposed when measured against the standards of 12 M.R.S. § 685-B(4) and the Commission's Rules and Regulations relating thereto. Chapter 10, § 10.21(C)(2)(b).

- 3) Allowed use:
 - a. Stores, commercial recreational uses not including recreational lodging facilities, and entertainment or eating establishments having a gross floor area of more than 2,500 square feet are an allowed use upon issuance of a permit by special exception in the General Development (D-GN) subdistrict subject to Chapter 10, § 10.24,B,1 and the applicable requirements set forth in Subchapter III. Chapter 10, § 10.21(C)(3)(d)(1)(c).
 - b. The applicant must show by substantial evidence that there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant. Chapter 10, § 10.24(B)(1).
- 4) Location of Development Criteria: To satisfy the general criteria contained in 12 M.R.S. § 685-A(8-A) and restated in Section 10.08(A), a petitioner proposing the adoption or amendment of a development subdistrict must demonstrate, among other things, that the proposed subdistrict is consistent with the Comprehensive Land Use Plan (CLUP). The CLUP addresses the location of development through multiple goals and policies that in aggregate are embodied in the adjacency principle. To demonstrate the adoption or amendment of a development subdistrict is consistent with the portions of the CLUP that address the location of development, the Commission must find:
 - a. *Emergency Services.* The county, a nearby municipality, or other service provider is willing to and will be able to provide fire and ambulance services for the land uses allowed in the proposed subdistrict. For the purposes of this criterion, Lifeflight is not considered an ambulance service. The Commission may waive this requirement for areas proposed as D-RS subdistrict that are either outside the primary and secondary locations or are within the primary location but located on a Management Class 3 lake more than one mile from a public road, provided the petitioner demonstrates notice of the absence of emergency services will be provided to all subsequent owners of property within the area proposed for rezoning. Chapter 10, § 10.08(B)(2)(a).
 - b. *Compatibility.* The land uses allowed in the proposed subdistrict shall be compatible with other uses and resources, and reduce or minimize land use conflicts. Chapter 10, § 10.08(B)(2)(b).
 - c. *Character.* The land uses allowed in the proposed subdistrict shall not unreasonably alter the character of the area. Chapter 10, § 10.08(B)(2)(c).
 - d. *Area for Development.* Proposed D-CI and D-GN subdistricts shall be located in a primary location, and proposed D-RS and D-LD subdistricts shall be located in a primary or secondary location, unless the proposed subdistrict is a D-CI subdistrict intended to accommodate a land use that requires access to three-phase power as provided in Section 10.08-A(D)(3), or a D-RS subdistrict intended to accommodate a recreation-based subdivision as provided in Section 10.08-A(D)(2). Chapter 10, § 10.08(B)(2)(d).

- e. *Access to Development.* The land within the proposed subdistrict shall be accessible from a public road by a legal right of access in accordance with Section 10.08-A(E). This criterion does not apply to proposed D-RS subdistricts intended to accommodate the creation of residential lots to be leased on an annual basis for fair market value consideration, and where both the lessor and lessee have the legal right to not renew the lease, subject to applicable statutory notice requirements, regardless of cause. Chapter 10, § 10.08(B)(2)(e).

B. Analysis:

- 1) The proposed entertaining and eating establishment, including a bar and grille and reception hall would have approximately 4,272 square feet of gross floor area. There is no alternative site available to the Applicant that would be suitable for the proposed use. Specifically, the Applicant's lot is located entirely within the M-GN subdistrict. By adopting the D-GN subdistrict on this parcel, the Applicant would be eligible to change the use of the existing garage/barn to an entertainment and eating establishment that is an allowed use. Designation of the D-GN subdistrict will also accommodate future growth and expansion of the business if needed. A full determination as to whether the criteria of approval for development review and the applicable land use standards adopted by the Commission have been met will be made during the permitting phase of the project.
- 2) The Subject Parcel is located in a primary location and is accessible from Cross Road, a public roadway. The Applicant submitted a letter from the Garfield Plantation Assessors indicating that there is an existing contract with the Ashland Fire Department and Ashland Ambulance Department for emergency services. Additionally, Garfield Plantation has access to the Aroostook County Sheriff's Office and Maine State Police for emergency services. The proposed use of a bar and grille and reception hall is a compatible use with other uses in the area and will not unreasonably alter the character of the area. Further information regarding compatibility can be found in Finding #14,B.

- C. Finding: The proposed bar and grille and reception hall is an allowed use in the D-GN subdistrict. Based on the analysis of the proposal as a whole, the land use proposed for the D-GN subdistrict is consistent with the purposes of, meets the description of, and is an allowed use in the D-GN subdistrict. The Commission finds that the proposed use and subdistrict is consistent with the standards for district boundaries in effect at this time in accordance with 12 M.R.S. § 685-A(8-A) of the Commission's statute and restated in Chapter 10 § 10.08(A). In addition, the Commission finds that the proposed development is consistent with the location of development criteria in Chapter 10 § 10.08(B).

13. **Consistency with the *Comprehensive Land Use Plan (CLUP)*:**

- A. Goals and policies of the CLUP: Pursuant to 12 M.R.S. § 685-C(1), the Commission has adopted a *Comprehensive Land Use Plan*, ver. 2010 (CLUP) that guides the Commission in developing specific land use standards, delineating district boundaries, siting development, and generally fulfilling the purposes of the Commission's governing statute. The CLUP includes goals, policies, and principles that the Commission evaluates regarding a proposal's consistency with the CLUP. The following are CLUP policies relevant to the proposal:

- 1) **Location of Development:** Guide the location of new development to protect and conserve forest, recreational, plant or animal habitats and other natural resources, to ensure the compatibility of land uses with one another, and to allow for a reasonable range of development opportunities important to the people of Maine, including property owners and residents of the unorganized and deorganized townships. [CLUP, Section 1.2(I)(A)].
- 2) **Guide development to areas near existing towns and communities and in other areas identified as appropriate development centers.** Specifically, the policy aims to identify areas that are the most appropriate for growth when considering: (1) proximity and connectivity by public road to economic centers, organized towns and well-established patterns of settlement; (2) compatibility of natural resources with development; (3) demonstrated demand for and public benefit from development; and (4) availability of public infrastructure, facilities and services. [CLUP, Section 1.2(I)(A)(2)(a)].
- 3) **Economic Development:** Encourage economic development that is connected to local economies, utilizes services and infrastructure efficiently, is compatible with natural resources and surrounding uses, particularly natural resource-based uses, and does not diminish the jurisdiction's principal values. [CLUP, Section 1.2(I)(B)].

B. Analysis: The proposed bar and grille and reception hall would be located in a primary location approximately 0.8 miles from Ashland, a minor civil division listed as a Rural Hub in Chapter 10 § 10.08-A(B). The proposed bar and grille and reception hall would not have an impact on natural resources as it would not be located near any major waterbodies, mapped wetlands or streams, important wildlife habitats, or imperiled plant communities (See Finding 14). The Applicant states that the proposal would have a positive impact to the community by providing a place to eat and as a reception space for events. The Subject Parcel has road frontage on Cross Road, a public roadway. Additional information regarding the location of development is discussed in Findings #12 and #14.

C. Finding: The CLUP contains a range of goals, policies, and principles. The Commission, having considered the location of development and economic development goals and policies highlighted in this decision document, as well as the various provisions of the CLUP more generally, finds the rezoning is consistent with the Commission's *Comprehensive Land Use Plan*.

14. **No Undue Adverse Impact:**

A. Criteria and standards: Pursuant to 12 M.R.S. §685-A(8-A), a land use district boundary may not be adopted or amended, among other criteria, unless there is substantial evidence that the proposed land use district has no undue adverse impact on existing uses or resources or a new district designation is more appropriate for the protection and management of existing uses and resources within the affected area.

B. Analysis:

- 1) Existing Uses: The land uses directly surrounding the proposed Project area include residential development, recreational uses, and non-residential uses.
 - a. There are approximately 20 dwellings within one-half of a mile from the Subject Parcel. Residential dwellings in the area are primarily year-round residents. A recreational snowmobile trail crosses the Subject Parcel. Within one mile of the proposed development, there is a municipal garage owned by Garfield Plantation for the storage of a plow truck and other essential equipment, a recreational lodging facility, truck and equipment storage, agricultural management storage structures, and land utilized for agricultural management purposes.
 - b. The Applicant stated that there is existing infrastructure directly adjacent to the proposed Project area, including Cross Road, a public road maintained by Garfield Plantation. Although an increase in traffic is anticipated, the Applicant submitted a letter from the Garfield Plantation Assessors indicating they have the capacity to provide any additional maintenance to the road as necessary. Additionally, any new traffic patterns would be consistent with existing conditions in the surrounding area and adjacent town of Ashland. No new road or infrastructure construction would be necessary to serve the proposed development. The Applicant demonstrated that Versant Power currently provides electricity to the existing structure.

- 2) Existing Resources:
 - a. *Fish and wildlife resources:* The Applicant consulted with the Maine Department of Inland Fisheries and Wildlife (MDIFW) regarding the possible presence of rare, threatened, or endangered species and significant wildlife habitat. According to MDIFW information, there are no known locations of Maine-listed Endangered, Threatened, or Special Concern species within the project area that would be affected by the project. Additionally, MDIFW indicated that they have not mapped any Essential or Significant Wildlife Habitats or inland fisheries habitats that would be directly affected by the project. MDIFW recommends that prior to the start of any future site disturbance, the Applicant pursue additional consultation with other state resource agencies, including the Maine Natural Areas Program (MNAP), to avoid unintended protected resource disturbance.
 - b. *Historic resources:* The Applicant consulted with the Maine Historic Preservation Commission (MHPC) on the possible presence of historic properties. MHPC indicated that there will be no historic properties (archaeological or architectural) adversely affected by the proposed undertaking, as defined by Section 106 of the National Historic Preservation Act.
 - c. *Plant species and communities:* The MNAP reviewed the petition and searched the program's Biological and Conservation Data System files for rare or unique botanical features in the vicinity of the Project area. This analysis indicated that, according to current information, there are no rare botanical features that would be disturbed within the project site.

- d. *Mountain areas, geologic resources, and soils:* There are no mountain areas or significant geologic resources identified within Garfield Plantation. According to the U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) Soils Survey Geographical data, soils in the Project area are Plaisted gravelly loam with 3 to 8 percent slopes and Howland gravelly loam with 3 to 8 percent slopes. The soil types range from moderately well drained to well drained and are rated as suitable for the Project. Additionally, as stated in Finding 15,B,3, the Applicant has obtained a septic design from a Maine licensed site evaluator indicating that there are adequate soils on site for the septic system that has since been installed.
- e. *Bodies of standing water, flowing water, and freshwater wetlands:* There are no bodies of standing water within at least one-half of a mile of the Project area. There are no bodies of flowing water or mapped wetlands within the Project area.
- f. *Significant sand and gravel aquifers and water supplies:* The Project area would not be located on a significant sand or gravel aquifer nor near any public drinking water wells.

C. Finding: As a result of this initial evaluation of the impacts on existing uses and resources, and given that it is expected that the Applicant will continue to work with the MDIFW, MHPC, and MNAP to avoid unintended resource disturbance during the permitting process, the Commission finds that there is substantial evidence that the proposed land use district will have no undue adverse impact on existing uses or resources in accordance with 12 M.R.S. § 685-A(8-A)(B), as restated in Chapter 10, § 10.08(A)(2).

15. Consistency with 12 M.R.S., ch. 206-A:

- A. Criteria and standards: A land use district boundary may not be adopted or amended unless there is substantial evidence that the proposed land use district is, among other criteria, consistent with the purpose and intent of 12 M.R.S. ch. 206-A. 12 M.R.S. § 685-A(8-A)(A), as restated in Chapter 10, § 10.08(A)(1). The purpose and scope of 12 M.R.S. ch. 206-A includes principles of sound planning and zoning, and development. Whether a project is located in an unauthorized subdivision, is financially practicable, and has solid waste and sewage disposal options available are important considerations for a development project such as described herein.
- B. Analysis:
 - 1) *Land division history:* According to statute, a person may not commence development of or construction on any lot, parcel, or dwelling unit within any subdivision or sell or offer for sale any interest in any lot, parcel, or dwelling unit within any subdivision without a permit issued by the commission. 12 M.R.S. § 685-B(1)(B). The Applicant has previously provided a land division history demonstrating the proposed change of use would not be on any lot or parcel within an unauthorized subdivision in accordance with 12 M.R.S. § 685-B(1)(B).

- 2) *Financial practicability*: The Applicant has already paid for the construction of the existing garage/barn. The Applicant states that adding a kitchen to the structure will cost approximately \$60,000 and has submitted a letter from Katahdin Trust Company indicating there are sufficient funds to cover the cost of the project.
- 3) *Solid waste and sewage disposal*: The Applicant provided a letter from DDR Trash Removal stating that they have the capacity to provide the necessary solid waste disposal services. Additionally, the Applicant provided a letter from the Aroostook Valley Solid Waste Disposal District stating that they have the capacity to handle any additional waste that the Project would generate. The Applicant provided a copy of their design for the existing septic system. The system was designed by a Maine licensed site evaluator for a 25-seat bar. The system was installed in November of 2023 and has been permitted and inspected by the Local Plumbing Inspector in accordance with the Maine Subsurface Wastewater Disposal Rules.

C. Finding: The Commission finds, in general, that its determination on consistency with the CLUP establishes consistency with the purpose and scope of the statute under which the CLUP must be adopted. This finding is based on the following: The purpose and scope of Chapter 206-A are embodied in the broad goals of the CLUP, and, in accordance with 12 M.R.S. §685-C(1), “[t]he [C]ommission must use the [CLUP] as a guide in ... generally fulfilling the purposes of this chapter.” In addition, given the above analysis for this Project, the Commission finds that the proposed change of use is not located in an unauthorized subdivision, is financially practicable, and has solid waste and sewage disposal options available; the redistricting represents sound planning and zoning; and the development is otherwise consistent with the purpose and intent of the statute.

16. The facts are otherwise as represented in the application for Zoning Petition ZP 799 and supporting documents.

FINAL CONCLUSIONS

Based upon the above analysis and findings:

1. The Commission concludes that there is substantial evidence in the record (see Finding #13) that the proposed land use districts are consistent with the *Comprehensive Land Use Plan*, satisfying the corresponding portions of 12 M.R.S. § 685-A(8-A)(A) restated in Chapter 10, § 10.08(A)(1).
2. The Commission concludes that there is substantial evidence in the record (see Finding #14) that the proposed land use districts have no undue adverse impact on existing uses or resources, satisfying the corresponding portions of 12 M.R.S. § 685-A(8-A)(B) restated in Chapter 10, § 10.08(A)(2).
3. The Commission concludes that there is substantial evidence in the record (see Finding #12) that the proposed land use districts are consistent with the standards for district boundaries in effect at this time, satisfying the corresponding portions of 12 M.R.S. § 685-A(8-A)(A) restated in Chapter 10, § 10.08(A)(1).
4. The Commission evaluated the petition with respect to consistency with 12 M.R.S. ch. 206-A and the principles of sound planning, zoning, and development (see Finding #15). Having considered the

location of the proposed bar and grille and reception hall, the existing uses and resources, the type and intensity of the development that the rezoning is intended to foster, the review of agency comments, the land division history, the waste disposal services in the area, the financial practicability of the project, and the record as a whole, the Commission concludes approval of the petition would be an act of sound land use planning, and that the proposed rezoning is consistent with the purpose, intent and provisions of 12 M.R.S. ch. 206-A, satisfying the corresponding portions of 12 M.R.S. § 685-A(8-A)(A) restated in Chapter 10, § 10.08(A)(1).

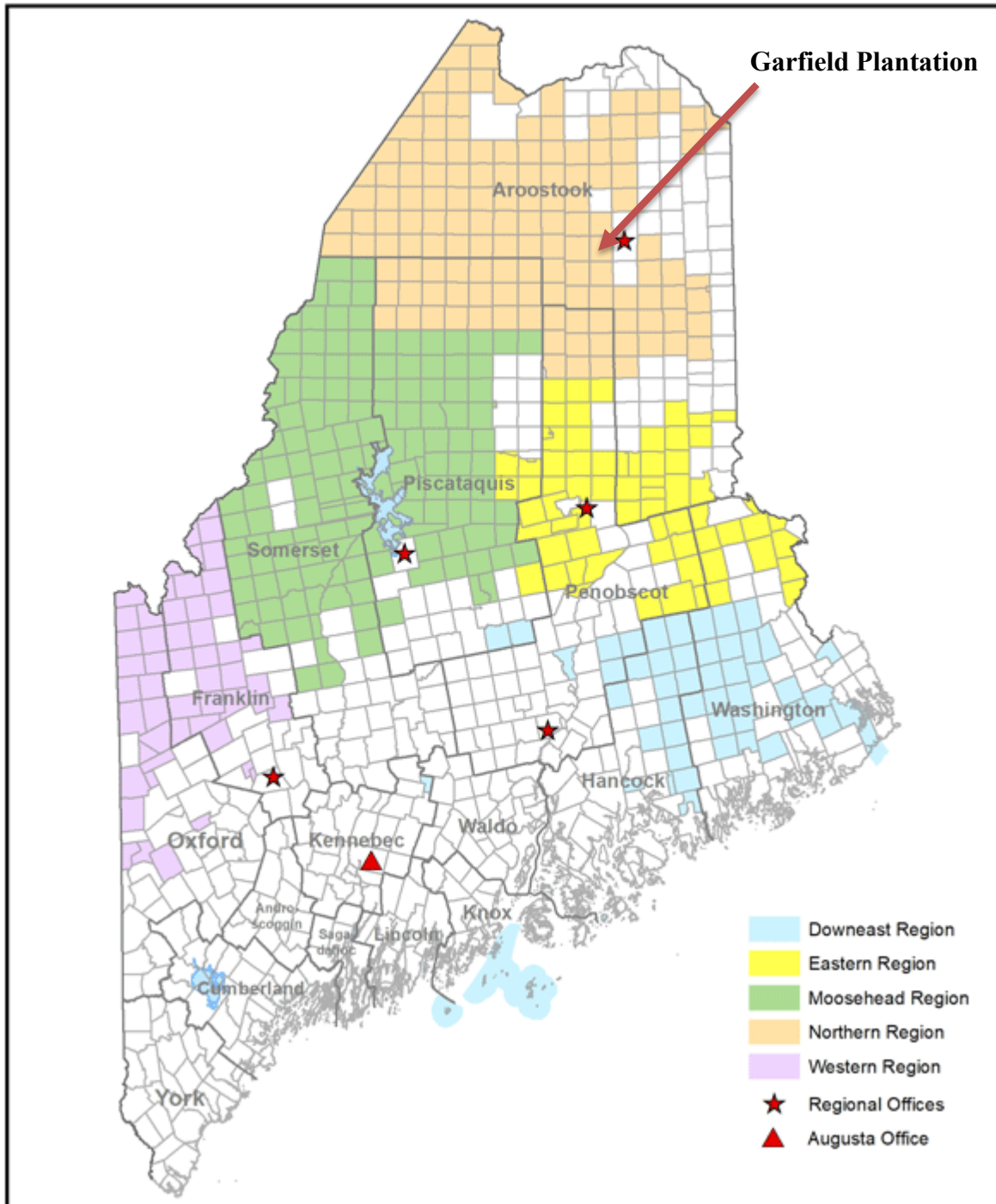
Therefore, the Commission approves the petition of the Tony Clark to rezone approximately 2.27 acres from a General Management (M-GN) subdistrict to a General Development (D-GN) subdistrict, as shown on the attached map, to allow for changing the use of the existing residential accessory structure to a bar and grille and reception hall and future expansions in Garfield Plantation, Aroostook County, Maine.

In accordance with 5 M.R.S. § 11002 and Maine Rules of Civil Procedure 80C, this decision by the Commission may be appealed to Superior Court within 30 days after receipt of notice of the decision by a party to this proceeding or within 40 days from the date of the decision by any other aggrieved person. In addition, where this decision has been made without a public hearing, any aggrieved person may request a hearing by filing a request in writing with the Commission within 30 days of the date of the decision.

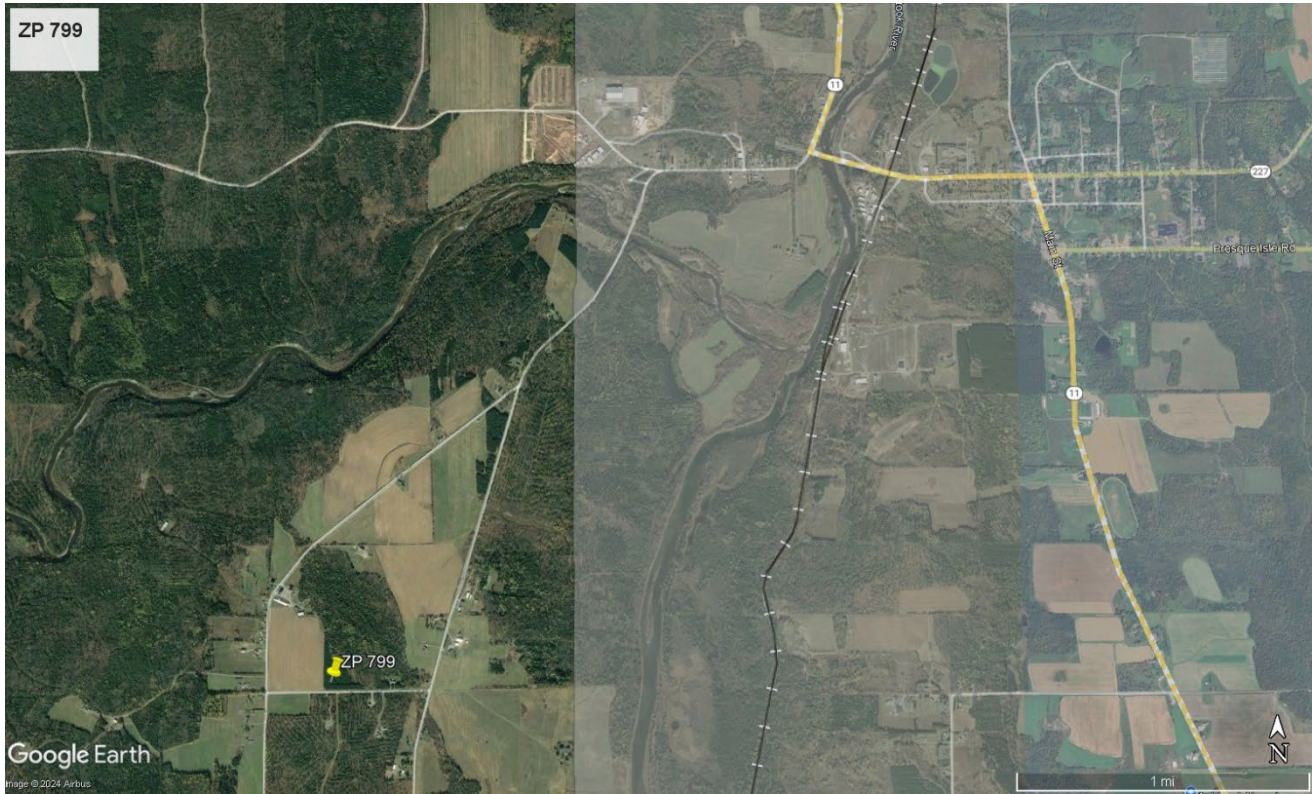
DONE AND DATED AT BREWER, MAINE, THIS 13TH DAY OF NOVEMBER, 2024.

By: _____
Stacie R. Beyer, Executive Director

This change in subdistrict designation is effective on November 28, 2024.

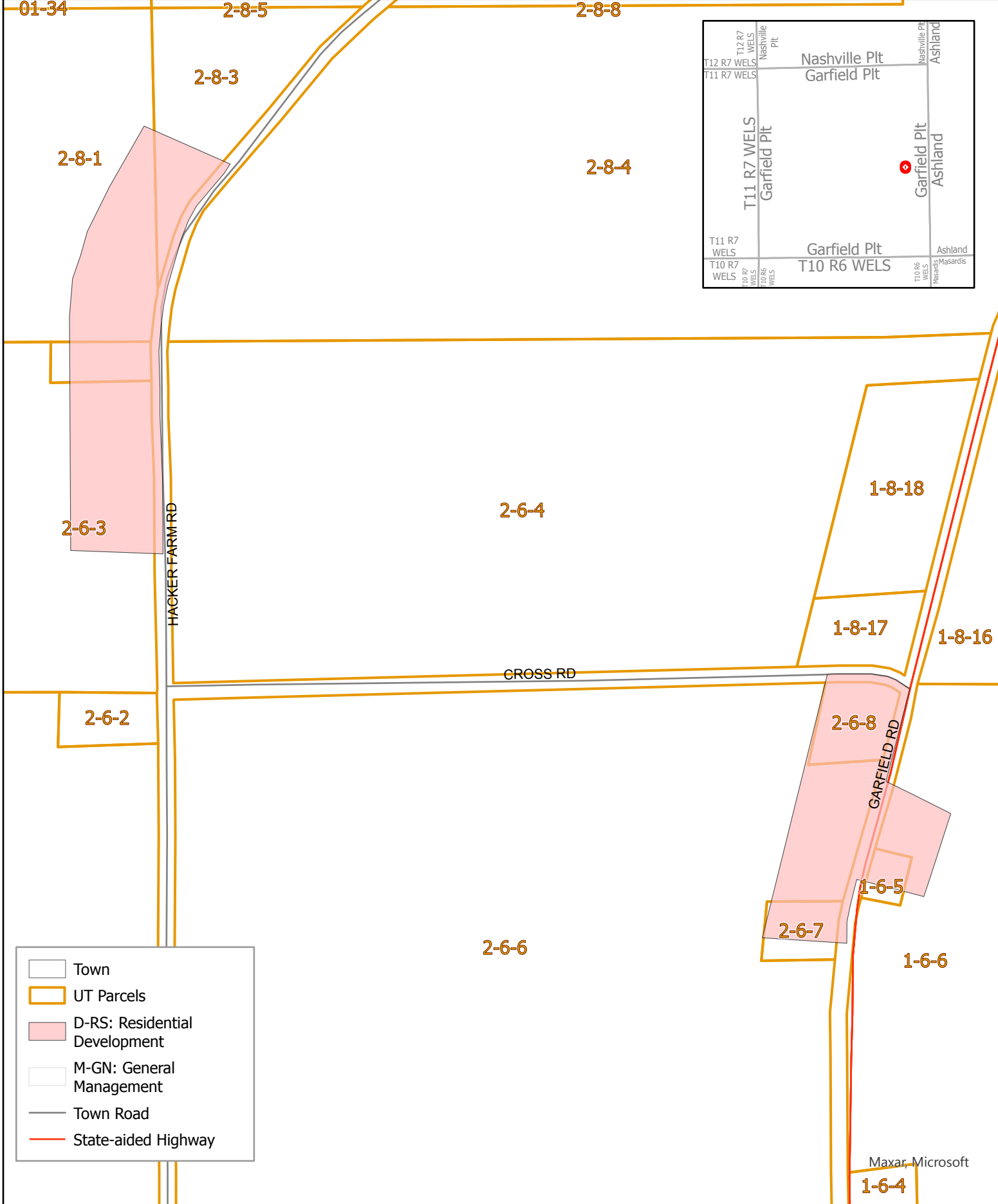


Overview of Surrounding Area

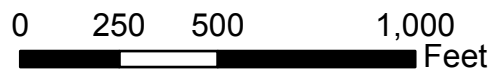


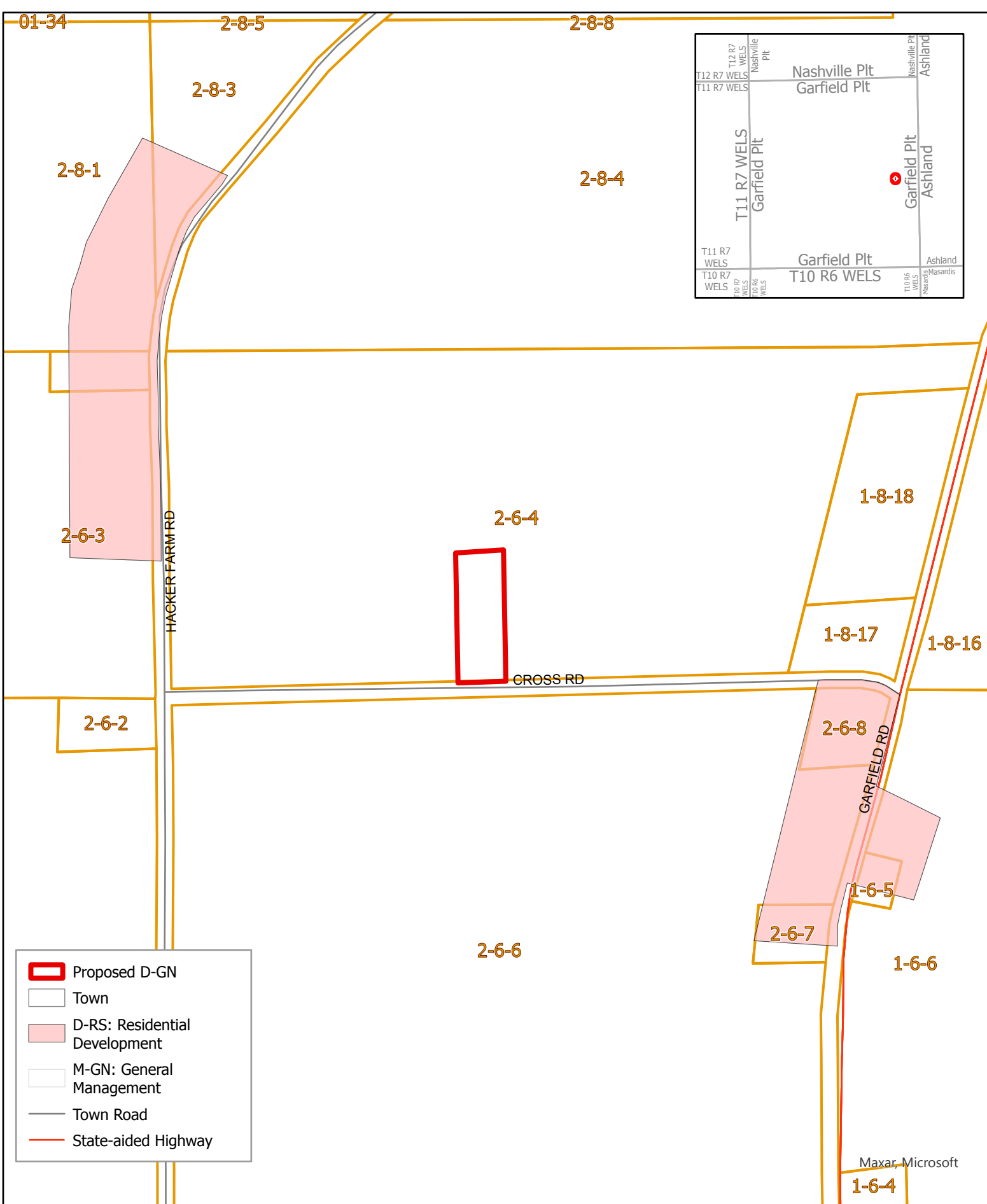
Aerial Imagery of Development Site





**ZP 799 - Garfield Plt.
Existing Zones**





ZP 799 - Garfield Plt. Proposed Zone

