

ZONING PETITION

for Petitions to Rezone to Most Subdistricts

WHO MAY USE THIS PETITION?

Any state or federal agency, any county or municipal governing body, or the property owner or lessee may petition the Land Use Planning Commission (Commission or the LUPC) for the adoption or amendment of land use subdistrict boundaries. In certain instances, a prospective owner or lessee may petition for a rezoning, as well.

This Zoning Petition form may be used for most rezonings, **except**: petitions to rezone to, or amend a, Resource Plan Protection (P-RP) Subdistrict, whether for a concept plan or a resource plan, requires use of a different form.

WHEN IS A ZONING PETITION NECESSARY?

A zoning petition is required when someone seeks to change the zoning (land use subdistrict) of an area in the Commission's jurisdiction. Rezonings are usually proposed by landowners who wish to use their land in a manner that is not allowed in the existing land use subdistrict. Most commonly, landowner-initiated zoning petitions propose to rezone land to one of several development subdistricts. For further details on the Commission's land use subdistricts and standards, refer to Chapter 10 of the Commission's Rules, [Land Use Districts and Standards](#).

IS THIS THE ONLY APPROVAL I WILL NEED FOR MY PROJECT?

If your project requires the land to be rezoned, then the development will require a two-step approval process: (1) rezoning approval, followed by (2) permit review and approval (e.g., development, subdivision, or Site Location of Development (Site Law) permit). At the zoning petition pre-application meeting, staff can discuss the advantages and disadvantages of submitting the zoning petition and permit application consecutively, in a two-step process, or simultaneously. The applicant, however, ultimately decides whether a consecutive or simultaneous application process best fits its goals and timeline.

REQUIRED PRE-APPLICATION MEETING

A pre-application meeting with LUPC staff is required prior to submission of a zoning petition. Staff can help you understand the applicable submission requirements and Commission review process. A pre-application meeting typically involves the petitioner, the petitioner's project manager or consultant(s) (if any), and members of the LUPC permitting and/or planning staff. A pre-application meeting is critical because it:

- Encourages information exchange about the proposed rezoning early in the planning stages so the petitioner is best positioned to submit a proposal that meets its objectives and satisfies the Commission's review standards;
- Helps the petitioner understand the rezoning process and the petitioner's responsibilities in this process;
- Helps the petitioner understand the site review process so that the petitioner may structure the rezoning proposal to best accommodate the planned development or use.

Suggested materials to bring to the pre-application meeting:

- This form (*NOTE: while this form does not need to be completed prior to the pre-application meeting, please review the form in order to help identify any questions you may have*);
- Topographic map, or current LUPC zoning map, showing the location of the area proposed for rezoning;
- Brief project description, including the petitioner's general goals regarding type and amount of development (e.g., residential [number and types of residential lots and/or units]; commercial/industrial [nature of use and approximate square footage]; etc.); and
- A Commission Land Use Guidance Map for the area.

Suggested topics for discussion during the pre-application meeting:

- Whether the intended uses are allowed within the proposed subdistrict;
- The review standards the Commission applies when evaluating all zoning petitions;
- If rezoning to a Development Subdistrict is proposed, the extent and nature of any existing development near the area proposed for rezoning;
- Whether development review by DEP may be required and a pre-application meeting with that agency is advisable; and
- Any other questions you may have regarding this form and the rezoning process.

NOTE: The Commission (and not staff) ultimately decides whether to approve or disapprove zoning petitions. A pre-application meeting does not involve substantive review. However, as noted above, the pre-application meeting will be valuable to you and facilitate a timely review process. Call the [LUPC office that serves your area](#) to schedule an appointment.

Pre-application Meeting with the Commission:

In some cases, a petition to rezone may be complex or present a unique set of factors not previously considered by the Commission. In these instances, a pre-application meeting with the Commission may be helpful to the prospective petitioner in developing the zoning petition. A pre-application meeting with the Commission is an opportunity for the prospective petitioner to describe the proposal and for individual Commissioners to ask questions and identify potential issues that the petitioner may choose to address in the zoning petition. A pre-application meeting, however, is informal in that the Commission makes no formal findings-of-fact or conclusions. Additionally, no formal vote or action is taken during a pre-application meeting. If you have met with staff for a pre-application meeting and/or participated in a site visit with staff, and you believe a pre-application with the Commission would be beneficial, contact the [LUPC office that serves your area](#) to discuss coordinating a pre-application meeting with the Commission.

BEFORE YOU BEGIN...

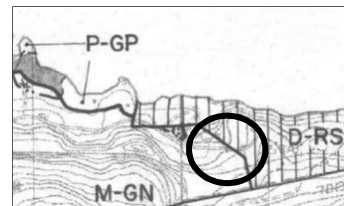
There are some important questions that you should consider before spending time or resources preparing a zoning petition. These questions will be discussed at the pre-application meeting:

• What is the current zoning of the project area?

You may obtain a full-size copy of a LUPC Land Use Guidance Map free of charge for the township, town or plantation in which your property is located by contacting the LUPC. Locate your property on the map and identify all the subdistricts (zones) that apply to your lot. *For instance, the circled area on this LUPC map includes two subdistricts: General Management (M-GN) and Residential Development (D-RS).*

If your proposal is located in a prospectively zoned area as listed in Section 10.08.C of the Commission's Rules, contact the [LUPC office that serves your area](#) prior to completing this zoning petition form.

The LUPC's subdistricts can also be viewed on the Commission's Zoning and Parcel Viewer, at http://mapserver.maine.gov/conservation/lupc_master.php.



• Are soil conditions within the area proposed for rezoning suitable for development?

The soil scientist whom you hire to map soils on your property can advise you about whether the soils are suitable for the type of development you envision. Please note that several exhibits (including the soil suitability analysis and phosphorus control) require information that must be provided by a soil scientist. You may save time and expense if you discuss these requirements with your soil scientist **prior** to soils mapping.

Does your petition propose a Development Subdistrict?

• Is the area proposed for rezoning near development that is comparable in nature and scale to the use(s) proposed?

There can be negative impacts of inappropriately located development. These impacts include the loss or reduction of productive forest land, conflicts between incompatible uses, degradation of natural and scenic resources, loss of recreational opportunities, ineffective economic development / negative impacts to the economy, and negative fiscal impacts on communities and taxpayers. To avoid these impacts, the Commission promotes orderly growth adjacent to existing developed areas, particularly near organized towns and established settlements. The principle that new development should be located near existing development is referred to as the "adjacency" principle, and the Commission has generally interpreted adjacency to mean that most rezoning for development should be no more than one mile by road from existing, compatible development, i.e., existing development of similar type, use, scale, and intensity to that being proposed.

It is recommended that you evaluate your property to determine whether it is within a mile of development that is comparable to what you propose and discuss the proximity of compatible development with the LUPC staff at the pre-application meeting. Also see item 13 of the zoning petition form.

• If the rezoning is for a subdivision, are you aware of the LUPC's requirements regarding subdivision layout and design?

The Commission requires that subdivisions be designed to "harmoniously fit into the natural environment" and "cause no undue adverse impact on existing surrounding uses." Well-planned projects that apply an integrated planning approach – ones which conserve natural resources, protect sensitive resources, preserve undeveloped open space, and are otherwise well sited – have the greatest potential of providing harmonious, compatible development in accordance with the Commission's standards.

The recommended method for designing harmonious, compatible development is to begin the design process by gathering information about the natural features present within the project area as well as the uses and resources that surround the project area. Before laying out preliminary subdivision lot lines, map the important features of your land (e.g., steep slopes, scenic vistas and ridge lines, wetlands, streams and other water bodies, poor soils, important plant communities and wildlife habitats, historic landmarks, existing structures etc. – see Exhibit D-1 for details). Then look beyond your property lines and identify the characteristics of the surrounding area (i.e., identify the type and scale of land uses and the nature of natural resources surrounding your property). Use this information as a guide, and design your subdivision to: (1) avoid impacts to sensitive natural features on your property; (2) maximize the amount of undeveloped open space; and (3) fit the uses and resources of the surrounding area.

You are not required to have a final site design during the rezoning process, but you should know enough about your site to ensure that the area proposed for rezoning can meet your objectives, as well as the Commission's standards.

Refer to Section 10.25.Q.3 within Chapter 10 of the Commission's Rules, [Land Use Districts and Standards](#) or speak with staff for more details regarding the Commission's layout and design requirements for subdivisions.

• **If the rezoning is for development or a subdivision, are you aware that DEP's Site Law requirements may apply?**

Generally development involving more than 3 acres of impervious area (e.g., roads, parking, buildings, etc.) and subdivisions involving 15 or more lots on a parcel of 30 acres or more may be subject to DEP permitting under the Site Law; however, the DEP must make the determination of whether Site Law permitting is required.

HOW LONG WILL IT TAKE FOR THE COMMISSION TO ACT ON THIS PETITION?

Please be aware that petitions to rezone often are more complex than many of the other types of proposals reviewed by the Commission and only the Commission (and not its staff) may make the final decision on a zoning petition. It may take several months for the Commission to complete its review. By law, the Commission must either schedule a public hearing, the notice of which must be posted for 2 to 3 weeks prior, or the petition must be posted for public comment. The Commission must act upon that petition to rezone within 90 days after the public hearing or within 90 days of the end of the public comment period.

WHAT IF MY PROPOSAL DOES NOT MEET THE CRITERIA FOR APPROVAL?

After reviewing your petition, LUPC staff will contact you if they believe the proposal is not approvable as presented. Staff will then work with you to help you understand your options, including whether you might be able to modify your proposal in a manner that still achieves your project goals and satisfies the Commission's rezoning standards. In general, you always have the following options:


1. Amend your proposal and petition to better address the approval criteria (it will be placed on-hold until the amendment is submitted); or
2. Withdraw your petition; or
3. Proceed with Commission review of your petition as originally submitted. All petitioners have the opportunity to directly address the Commission and present their proposal. In the event your petition is denied by the Commission, you will have an opportunity to appeal that decision to Superior Court.

WHERE CAN I GET HELP TO COMPLETE THIS PETITION?

Call the [LUPC office that serves your area](#) and ask to speak to a regional representative (see below for office locations and contact information). Also, go to the LUPC website at www.maine.gov/dacf/lupc/ to browse through our rules and regulations, recent publications and newsletters, Commission meeting agendas, and other valuable information.

MAILING YOUR PETITION

Submit your completed petition and all required attachments, including the appropriate application fee, exhibits and supplements (see the Instructions for details) to the LUPC office serving your area. (see the LUPC website at www.maine.gov/dacf/lupc/about/AgencyContactSheet.pdf)

 A pre-application meeting is required prior to submission of zoning petitions. The best time for the pre-application meeting is after you have basic information about the area proposed for the rezoning and intended project, yet before you fully invest the time and resources needed to complete this form. Our staff can assist by explaining the requirements associated with a zoning petition. Should you wish, the LUPC staff are happy to have a second pre-application meeting just before you submit your petition to help ensure your petition is complete. Call the LUPC office that serves your area to schedule an appointment.

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For office use:

| | | | | |
|--------------|----|------------|----|--------------|
| | ZP | | \$ | |
| Tracking No. | | Permit No. | | Fee Received |

Zoning Petition

for Petitions to Rezone to Most Subdistricts

⚠ If you propose to rezone any portion of your land area to a Resource Plan Protection (P-RP) Subdistrict, **STOP HERE!**
 You cannot use this form. Contact the LUPC office that serves your area if you have questions.

1A. PETITIONER INFORMATION.

| | | | |
|--------------------|--|----------|----------------------------|
| Petitioner Name(s) | Petitioner Title <i>(if representative of a corporation, etc.)</i> | | |
| Daytime Phone | | | FAX <i>(if applicable)</i> |
| Mailing Address | Email <i>(if applicable)</i> | | |
| Town | State | Zip Code | |

1B. AGENT INFORMATION. (If applicable)

| | | |
|-----------------|------------------------------|----------------------------|
| Agent Name(s) | Daytime Phone | FAX <i>(if applicable)</i> |
| Business Name | | |
| Mailing Address | Email <i>(if applicable)</i> | |
| Town | State | Zip Code |

2. PETITIONER AND/OR AGENT SIGNATURES.

Petitioner: All persons, or authorized representatives of corporations, listed on the deed(s), lease(s) or sales contract as owners or lessees of the property must read the following statement and sign below.

- If an Agent is listed above, I hereby authorize that individual or business to act as my legal agent in all matters relating to this petition.
- If an Agent is not listed above, I have personally examined and am familiar with the information submitted in this petition, including the accompanying exhibits and supplements, and to the best of my knowledge and belief, this petition is complete with all necessary exhibits. The information in this petition is a true and adequate depiction of what currently exists on, and what is proposed at, the property. I understand that I am ultimately responsible for complying with all regulations, conditions and limitations of any petitions and permits issued to me by the Commission.

Please check **one** of the boxes below: *(see "Accessing the Project Site for Site Evaluation and Inspection" just prior to the application form)*

- I authorize staff of the Land Use Planning Commission to access the project site as necessary at any reasonable hour for the purpose of evaluating the site to verify the application materials I have submitted, and for the purpose of inspecting for compliance with statutory and regulatory requirements, and the terms and conditions of my permit.
- I request that staff of the Land Use Planning Commission make reasonable efforts to contact me in advance to obtain my permission to fully access the project site for purposes of any necessary site evaluation and compliance inspection.

The person(s) signing below must demonstrate that they have a legal right to apply for this petition, either as the petitioner or via a legal agreement or other written contract with the petitioner. (See Exhibit B).

Petitioner Signature _____ **Date** _____

Agent: *All agents listed above must read the following statement and sign below.*

I understand that I am hereby authorized by the above-listed petitioner to act as their legal agent in all matters relating to this zoning petition. I have personally examined and am familiar with the information submitted in this petition, including the accompanying exhibits and supplements, and to the best of my knowledge and belief, this petition is complete with all necessary exhibits. I understand that if the petition is incomplete or without any required exhibits that it will result in delays in processing the petition. The information in this petition is a true and adequate depiction of what currently exists on, and what is proposed at, the property. I certify that I will provide any final action by the Commission on this petition and associated conditions to the petitioner. I will ensure that the petitioner understand that they are ultimately responsible for complying with all regulations, conditions and limitations of any petitions and permits issued by the Commission as they regard this property.

If the petitioner has not signed above, the petition must include legal documentation designating the agent listed above as a representative of the petitioner in matters such as these. (See Exhibit B).

Agent Signature _____ **Date** _____

3. PROPERTY LOCATION. Provide the following details about your property location. Tax plan and lot numbers are listed on your property tax bill. Book and page numbers are listed on your deed. If you lease your property, check your lease to find out whether any unique lease lot numbers have been assigned to the property.

| | |
|--|--|
| Township, Town or Plantation | County |
| <p> If your property is located in one of the following Prospectively Zoned Plantations or Townships, please contact the LUPC office that serves your area prior to completing this form: Adamstown Twp., Dallas Plt., Lincoln Plt., Magalloway Plt., Rangeley Plt., Richardsontown Twp., Sandy River Plt., Township C, Township D, or Township E.</p> | |
| Tax Information <i>(check tax bill)</i> | Deed or Lease Information <i>(check deed or lease)</i> |
| Map: _____ Plan: _____ Lot: _____ | Book: _____ Page: _____ Lease #: _____ |
| Map: _____ Plan: _____ Lot: _____ | Book: _____ Page: _____ Lease #: _____ |
| Map: _____ Plan: _____ Lot: _____ | Book: _____ Page: _____ Lease #: _____ |
| Lot size <i>(in acres, or in square feet if less than 1 acre)</i> | Lot Coverage <i>(in square feet)</i> |
| All Current Zoning on Property <i>(check the appropriate LUPC map)</i> | Current Zoning at Development Site |
| Road Frontage. List the name(s) and frontage(s) (in feet) for any public or private roads, or other rights-of-way adjacent to your lot: | Water Frontage. List the name(s) and frontage(s) (in feet) for any lakes, ponds, rivers, streams, or other waters on or adjacent to your lot: |
| Road #1 _____ Frontage _____ ft. | Waterbody #1 _____ Frontage _____ ft. |
| Road #2 _____ Frontage _____ ft. | Waterbody #2 _____ Frontage _____ ft. |
| <p> Provide, as EXHIBIT A, a location map. See page iv of the instructions for more detail regarding this exhibit.</p> <p> Provide, as EXHIBIT B, your deed, lease or easement. See page iv of the instructions for more detail regarding this exhibit.</p> | |

4. PROJECT DESCRIPTION. Provide a brief summary of your proposal, including a general description of the project, including proposed development, number of lots (if applicable), roads, and land use activities.

Proposed Zoning. List all proposed zoning designations (contact the [LUPC office that serves your area](#) if you have questions).

If your proposal includes rezoning lands to or from one of the following subdistricts, be sure to provide as **EXHIBIT G**, the necessary documentation, data, and/or maps that support the proposed change:

| | |
|---|---|
| <input type="checkbox"/> Aquifer Protection (P-AR) Subdistrict; | <input type="checkbox"/> Fish and Wildlife Protection (P-FW) Subdistrict; |
| <input type="checkbox"/> Soil and Geology Protection (P-SG) Subdistrict; or | <input type="checkbox"/> Wetland Protection (P-WL) Subdistrict |

See page v of the instructions for more detail regarding this exhibit.

Proposed Project Name *(if applicable)*

5. ACREAGE. Specify the acreage proposed for rezoning under "Acres to be Developed." If your petition to rezone is intended for subsequent subdivision, specify the acreage proposed to be retained by the petitioner under "Retained Acres." Specify the total amount of contiguous land area that is owned or leased by the petitioner within the township, town or plantation of the project area under "Total Contiguous Acres." "Total Contiguous Acres" should equal the sum of "Acres to be Developed" and "Retained Acres."

| | | |
|---------------------------------|---|------------------------|
| Acres to be Rezoned / Developed | Retained Acres / Acres to retain current zoning | Total Contiguous Acres |
|---------------------------------|---|------------------------|

6. SITE CONDITIONS. Describe in detail the present condition of your property and areas to be rezoned, including the nature of any water frontage (rocky, sandy, wooded, cleared, etc.); the general slope and topography of the ground (flat, steep, percent slope, etc.); existing vegetation; the history of vegetation clearing and timber harvesting activities; hydrologic features, including whether portions of the site are subject to flooding or ponding; special natural features, such as rare or unique plants or plant communities; and other natural and cultural conditions.

| |
|----------------------------------|
| Water Frontage: |
| Slope and Topography: |
| Existing Vegetation: |
| Hydrologic Features: |
| Wetlands: |
| Special Natural Areas: |
| Natural and Cultural Conditions: |

7. CURRENT USE OF PROPERTY.

| | | | |
|--|---|---|--|
| How has your property been used over the past ten years? | | | |
| <input type="checkbox"/> Residential | <input type="checkbox"/> Residential with home occupation | <input type="checkbox"/> Commercial or industrial | |
| <input type="checkbox"/> Undeveloped / Forestry | <input type="checkbox"/> Public or institutional | <input type="checkbox"/> Other: _____ | |

8. EXISTING STRUCTURES AND DEVELOPMENT. Please list any structures or development on your property, such as roads, residences, accessory structures, driveways, trails and/or other uses.

| Type of use or structure (dwelling, garage, driveway, commercial, recreation, etc.) | Year built | Exterior dimensions (in feet) (LxWxH) | Type of foundation (full basement, slab, post, etc.) | Distance (in feet) of structure from nearest: | | | | | |
|---|---------------|---|--|--|------------------|-----------------|--------------------|---------|-------|
| | | | | Road | Property line | Lake or pond | River or stream | Wetland | Ocean |
| | | | | | | | | | |
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9. PETITIONS TO REZONE TO A MANAGEMENT OR PROTECTION SUBDISTRICT.

If your petition proposes to rezone to a Management or Protection Subdistrict please complete item 9; If NOT, continue to item 10.

Describe how the proposed new subdistrict designation is more appropriate for the protection and management of existing uses and resources within the affected area.

Empty lined box for describing the proposed new subdistrict designation.

10. FLOOD AREA ZONING.

See page ii of the instructions for additional information for, and explanation of, each question.

- a. Is any portion of the area proposed for rezoning located within: i) a mapped P-FP (Flood Prone Area Protection) Subdistrict, ii) a mapped FEMA (Federal Emergency Management Agency) flood zone, or iii) an unmapped area prone to flooding? YES NO

If you are unsure whether your property is in a mapped P-FP Subdistrict contact the LUPC office that serves your area or review the official zoning map. If you are unsure whether your property is in a mapped FEMA flood zone, first check whether your property is in one of the townships listed on page ii of the instructions and, if so, contact the LUPC office that serves your area.

If you answer NO to 10.a, above, go to Section 11.

If you answer YES to 10.a, above, please continue to items 10.b through d. Note that more than one of the following may apply.

Note, if this petition proposes to leave unchanged the P-FP or mapped FEMA flood zone, yet proposes to add or change other zoning designations, be aware that in the P-FP Subdistrict:
• some uses may require specific limitations or design requirements; or
• subsequent permitting procedures may require that you hire a licensed land surveyor, engineer or architect who is authorized to certify elevation information.

See page ii of the instructions for illustrations of items c through e.

- b. Does this petition propose to remove any part of a mapped P-FP Subdistrict? YES NO
c. Does this petition propose to affect any areas in a mapped FEMA flood zone? YES NO
d. Does this petition propose to add a mapped P-FP Subdistrict? YES NO

If you answer YES to 10 b, c, or d above, be sure to provide the necessary information as EXHIBIT E. See page v of the instructions for more detail regarding EXHIBIT E.

Unless advised otherwise by the LUPC staff, if your petition only proposes to rezone land areas to a Management or Protection Subdistrict you may STOP HERE, but, be sure to review and include the exhibits and supplements required by previous items and by the checklist included before the instructions. However, if your petition proposes to rezone land areas to a Development Subdistrict, please continue and complete the rest of this zoning petition form.

11. PUBLIC AND COMMUNITY SERVICES.

| Service / feature | Name of provider / facility | Distance (in miles) from site: |
|---|-----------------------------|--------------------------------|
| Ambulance | | |
| Education | | |
| Fire | | |
| Police | | |
| Solid waste disposal (during construction: construction debris, stumps, brush, asphalt and pavement products) | | |
| Solid waste disposal (after construction, if different) | | |
| Public water supply (if applicable) | | |
| Public wastewater (if applicable) | | |
| Public road | | |
| Service center | | |
| Electric utilities | | |
| Phone utilities | | |

ⓘ Provide as **EXHIBIT L**, either: i) a letter from each service provider confirming the facility's availability and capacity to provide the necessary services to the proposed development; OR ii) only in cases where the rezoning is for legally existing development, provide notice of the rezoning proposal to each service provider and provide, as EXHIBIT L, proof of such notice. All zoning petitions intended for residential development must submit such exhibits for education services, regardless whether the dwelling units are anticipated to be seasonal or year-round dwellings. See page vi of the instructions for more detail regarding this exhibit.

ⓘ Public services, such as those identified above, are commonly provided by a municipality, or in the case of much of the unorganized territories, these services are provided or contracted for, by the county. In some cases, service centers may provide some of these public services. Service centers are identified by the Department of Agriculture, Conservation and Forestry's Municipal Planning Assistance Program. A partial listing of those near the Commission's jurisdiction includes: Ashland, Augusta, Bethel, Bingham, Brewer, Bridgeton, Calais, Caribou, Dexter, Dover-Foxcroft, Eastport, Ellsworth, Farmington, Fort Kent, Greenville, Guilford, Houlton, Jackman, Limestone, Lincoln, Machias, Madawaska, Mars Hill, Mexico, Milbridge, Millinocket, Newport, Norway, Orono, Pittsfield, Presque Isle, Rangeley, Rumford, Van Buren. For a more complete listing, check with the Municipal Planning Assistance Program at www.maine.gov/dacf/municipalplanning/index.shtml.

12. ACCESS TO SITE.

- a. Starting with the closest public road, then each successive road, provide the following information about each existing road that will be used to access the area proposed for rezoning.

| Road name | Public or private? (if private, complete the rest of this row) | Owner name | Length and travel width of road | Right-of-way width | Type of wearing surface |
|-----------|---|------------|---------------------------------|--------------------|-------------------------|
| | | | | | |
| | | | | | |
| | | | | | |

ⓘ If access to your site is limited as part of your deed, lease, easement or other covenants, be sure to include a copy of such restrictions or provisions as part of **EXHIBIT B**. See page iv of the instructions for more detail regarding this exhibit.

- b. If the site can only be accessed by water during any part of the year, identify and describe the parking and boat launching facilities at or near the site and on the mainland. When addressing this item be sure to: i) provide a map or clear description of the locations of the facilities, identify their owner(s), and describe the capacity and any use restrictions of the facilities; and ii) describe how construction equipment and materials will access the site (e.g., will barges be utilized, and if so are there suitable areas for conveyance).

! Submit answers to Items 13 through 21 on separate 8½ x 11 inch sheets of paper.

13. SURROUNDING USES.

- a. Describe existing uses surrounding the area proposed for rezoning (e.g., within one mile). Identify the types of uses in this area, such as commercial forest, farmland, seasonal residential, year-round residential, commercial uses, and/or other uses.
- b. Provide a detailed list of existing uses in the area, including the number and type of residences (e.g., seasonal vs. year-round), the type and scale of commercial enterprises, and other relevant details.

14. ANTICIPATED IMPACTS.

Projects may have positive and/or negative impacts on surrounding areas.

- a. Describe possible positive impacts the rezoning would have on the surrounding land, resources, and uses in the community or area. If describing economic benefits, distinguish between short- and long-term benefits.
- b. Describe possible negative impacts the rezoning would have on the surrounding land, resources, and uses in the community or area.

15. CONSISTENCY WITH COMPREHENSIVE PLAN.


Some of the Commission goals and policies, as contained in the [Comprehensive Land Use Plan](#), are designed to guide the location of new development to appropriate areas. Read the goals and policies found in Chapter 1 of the *Comprehensive Land Use Plan* and describe how the proposed rezoning will be consistent with the Plan's policies. Be as specific as possible with regard to individual goals and policy statements. (The Comprehensive Land Use Plan can be viewed or downloaded from the LUPC website at www.maine.gov/dacf/lupc/plans_maps_data/clup/index.html; or CD or paper copies are available at the Commission's Augusta office.)

- a. One of the policies encourages "orderly growth within and proximate to existing, compatibly developed areas – i.e., existing development of similar type, use, occupancy, scale and intensity to that being proposed." This policy is referred to as the "adjacency" principle. The Commission generally has applied the adjacency principle to mean that most rezoning for development should be no more than a mile by road from existing, compatible development. Refer to pages 62 and 128 of the *Comprehensive Land Use Plan* for further information. Drawing upon the information provided in item 13 provide, with as much detail as possible, an explanation of how the proposed rezoning is consistent with the adjacency principle.
- b. Identify and discuss any other goals and policies of the *Comprehensive Land Use Plan* that support your zoning petition.

16. SHORELAND DEVELOPMENT.

If the site is adjacent to any lakes or ponds, explain how your proposal fulfills each of the following statements:

- a. The intended activity will not adversely affect any significant or outstanding natural and cultural resource values identified in the Commission's Wildland Lakes Assessment (list the significant or outstanding values for the pertinent lake or pond).
- b. The intended activity will not have an undue adverse impact on water quality, alone or in conjunction with other development.
- c. The intended activity will not have an undue adverse impact on traditional uses, including non-intensive public recreation, sporting camp operations, timber harvesting, and agriculture.
- d. The intended activity will not substantially alter the diversity of lake-related uses available in the area.
- e. Adequate provision can be made to maintain the natural character of shoreland.
- f. The intended activity is consistent with the management intent of the affected lakes classification.
- g. Where development on a lake may be limited for water quality or other reasons (such as subdivision or development within a P-AL or P-GP2 Subdistrict), proposed development on each land ownership does not exceed its proportionate share of total allowable development.


 Refer to Appendix C of Chapter 10 of the Commission's Rules, [Land Use Districts and Standards](#) for a list of lakes and their related natural and cultural resource value ratings, and refer to Appendix C of the Commission's *Comprehensive Land Use Plan* for more information regarding the management intent of each classification.

17. SUBDIVISION OR DEVELOPMENT ZONING PROPOSAL.

If your proposed rezoning is for a subsequent subdivision or development proposal, you must provide information in response to the following items concerning whether the land for which rezoning is petitioned is likely to be suitable for the proposed use. Should your zoning petition be approved, the Commission will require more detailed information in your subsequent permit application.

- a. **Harmonious Fit:** Describe what measures will be taken to fit the proposal into the existing surroundings. Include any special considerations given to siting, design, size, coloring, landscaping or other factors which will lessen the impact of the proposal on the surroundings.
- b. **Scenic Impacts:** Describe what measures will be taken to minimize impacts of the proposed new or expanded land use on the scenic quality of the area. Consideration should be given particularly to visibility from roads used by the public and visibility from water bodies.
- c. **Wildlife Habitat:** Describe what measures will be made to minimize impacts of the proposed new or expanded land use on wildlife habitat including birds and water fowl? Consideration should be given particularly to riparian zones along waterbodies.

- d. Sufficient Land Area: Describe how, or provide sufficient evidence that, the area proposed for rezoning is of sufficient size and configuration to accommodate: (1) the proposed use / development, including but not limited to subdivision lots that could meet design standards, structures, parking, wastewater disposal, water supply, stormwater management, etc.; (2) likely phosphorus control and stormwater management areas and infrastructure; and (3) a modest amount of extra land area to provide appropriate flexibility during subsequent development review and construction processes. While subdivision plats are informative at this stage, they are not required; if provided staff will only consider them to be conceptually representative.


 Note that this information does not need to be extensive; rather, this information is intended to best ensure that the petition results in a sufficient yet appropriate amount of land area is rezoned, while minimizing the burden on the applicant and increasing applicant awareness of future permitting requirements early in the process. For example: *a proposal to rezone 25 acres for a small retail store would likely be found to include excessive acreage; while a proposal to rezone 25 acres intended for a 20 lot subdivision would likely be found to be reasonably sized.*


- e. High Yield Sand and Gravel or Bedrock Aquifer: If the proposed rezoning is on or near a mapped and zoned high yield sand and gravel or bedrock aquifer, explain how the rezoning and land use will result in no undue adverse impact on the aquifer.

18. NATURAL AND HISTORICAL FEATURES.

For information needed to answer items 18 a and b about S1 and S2 natural communities and plant species, contact the Maine Natural Areas Program at (207) 287-8044 or go to the Program's website at www.maine.gov/dacf/mnap/index.html. For information about archaeological and historic features, contact the Maine Historic Preservation Commission at (207) 287-2132 or go to the MHPC's website at www.maine.gov/mhpc/index.shtml.

- a. If any portion of the area proposed for rezoning includes critically imperiled (S1) or imperiled (S2) natural communities or plant species, describe the resource and the designation. Explain why the proposed rezoning of the area will result in no undue adverse impact on the community/species AND how the values that qualify the site for such designation will be maintained.
- b. If any portion of the area proposed for rezoning includes archaeologically sensitive areas, structures listed in the National Register of Historic Places, or significant archaeological sites or structures, describe the resources and the designation. Explain why the proposed rezoning of the area will result in no undue adverse impact on such features AND how the values that qualify the site for such designation will be maintained.
- c. If any portion of the area proposed for rezoning includes essential habitat, significant wildlife habitat, or other important wildlife habitat, describe the extent of the habitat. Explain why the proposed rezoning of the area will result in no undue adverse impact on the habitat or species AND describe how the habitat will be maintained.

 Provide as **EXHIBIT M**, either a Phase 1 archaeological survey or a letter from the Maine Historic Preservation Commission that a Phase 1 archaeological survey is not necessary. See page vi of the instructions for more detail regarding this exhibit.

 Provide as **EXHIBIT N**, letters from the Maine Natural Areas Program AND Maine Inland Fisheries and Wildlife confirming the presence or absence of rare or special plant communities or significant wildlife habitat in the area of the rezoning. See page vi of the Instructions for additional detail regarding this exhibit.


19. RECREATIONAL RESOURCES.

Identify high value recreational resources and significant natural or cultural features in the area that might receive increased use if the area is rezoned. Explain why the proposed rezoning will result in no undue adverse impact on these features AND how the values of these recreational resources will be maintained.

20. PROSPECTIVELY ZONED AREAS.

For areas that have been prospectively zoned by the Commission, a petition for amendment to a development subdistrict boundary must demonstrate that:

- a. The requested change is needed due to circumstances that did not exist or were not anticipated during the prospective zoning process;
- b. The new development subdistrict is either contiguous to existing development subdistricts or within areas that are suitable as new growth centers; and
- c. The change will better achieve the goals and policies of the [Comprehensive Land Use Plan](#), including any associated prospective zoning plan.

 Refer to Section 10.08,C,2 of Chapter 10 of the Commission's Rules, [Land Use Districts and Standards](#) for a list of plantations and townships that have been prospectively zoned by the Commission.

21. PLANNED DEVELOPMENT OR PLANNED RECREATION FACILITY DEVELOPMENT SUBDISTRICTS.

For zoning petitions that propose to rezone any portion of land area to a Planned Development (D-PD) or Planned Recreation Facility Development (D-PR) Subdistrict, contact the [LUPC office that serves your area](#). Because the D-PD or D-PR Subdistricts are in many ways custom, additional zoning petition materials and procedures are required; consult Section 10.21,G,8 (D-PD) or Section 10.21,H,8 (D-PR) for additional, specific requirements.

22. ADDITIONAL INFORMATION.

State any facts that further explain your proposal or may help in the review of your petition.

23. REQUIRED FEES, EXHIBITS AND SUPPLEMENTS.

Submit all necessary fees, exhibits and supplemental information with this petition, as described in the instructions.

CHECKLIST OF REQUIRED FEES, EXHIBITS, AND SUPPLEMENTS

Please check off the following for the fee, exhibits, and supplements. To determine which exhibits are required for your petition, use the highlighted notes (👉) contained in certain items and the instructions in Required Fees, Exhibits and Supplements. Please check if the exhibit is required and if it has been provided, and note that the supplements may also require additional exhibits. Please check with the LUPC staff if you have any questions.

| Required* | | Provided | | Exhibit | *Required |
|--------------------------|--------------------------|--------------------------|--------------------------|---|---|
| YES | NO | YES | NO | | |
| √ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Pre-application meeting | Required unless otherwise indicated by the LUPC staff. |
| √ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Application Fee | Required unless a waiver is granted by the LUPC Director in very specific and limited circumstances. |
| √ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Exhibit A – Location Map and Digital Location Data..... | Location map required; digital location data is ideal. |
| √ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Exhibit B – Deed, Lease or Easement..... | Required unless already on file with the Commission and no changes have been made from what is on file. |
| √ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Exhibit C – Site Photographs..... | Required unless already on file with the Commission and photos are representative of current conditions. |
| √ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Exhibit D-1 – Existing Site Plan | Required. Show all existing and proposed structures and features, and existing and proposed subdistrict boundaries. |
| √ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Exhibit D-2 – Preliminary Site Plan or Subdivision Plan.. | Required if the proposed rezoning is intended to accommodate a subsequent subdivision; Optional if subsequent subdivision is not intended and if all proposed changes cannot be clearly shown on Exhibit D-1. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Exhibit E – Flood Area Zoning | Required for any rezoning of a FEMA Flood Plain or a P-FP Subdistrict, if your answer to any part of item 10 b, c, or d is YES. |
| √ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Exhibit F – Notice of Filing | Required. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Exhibit G – Protection Subdistricts | Required for rezoning to or from a P-AR, P-FW, P-SG, or P-WL. |

The following exhibits may only be required for petitions that propose a development subdistrict:

| | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|---|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Exhibit H – Financial Capacity | Required. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Exhibit I – Corporate Good Standing | Required if applicant is a corporation. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Exhibit J – Soil Suitability and Mapping..... | Required. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Exhibit K – Wastewater Disposal..... | Required. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Exhibit L – Impacts on Public Services..... | Required. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Exhibit M – Archaeological Resources..... | Required. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Exhibit N – Rare or Special Plant Communities and Wildlife Habitat..... | Required. |

**THIS PETITION IS NOT A CONSTRUCTION OR SUBDIVISION PERMIT
AND NO CONSTRUCTION OR SUBDIVISION ACTIVITIES
MAY BEGIN PRIOR TO YOUR RECEIPT OF ALL REQUIRED PERMITS**

1. PETITIONER INFORMATION

Print the legal names and mailing addresses of all persons or companies with title, right or interest in the property associated with this zoning petition. Persons with “title, right or interest” are those listed on any deed, lease or easement for the property.

3. PROJECT LOCATION AND PROPERTY DETAILS

Tax Plan and Lot Numbers: The tax plan and lot numbers are listed on your property tax bill.

Book/Page Numbers or Lease Lot Numbers: The book and page numbers are listed on your deed. Check your lease or ask your lessor whether a unique lease lot number has been assigned to your property. Unless already on file with the Commission, you will need to submit **Exhibit B: Deed, Lease or Sales Contract** with your petition (see instructions on page iv).

Zoning: Locate your property on a Land Use Guidance Map and identify all the subdistricts covering your lot AND those where the development will be located. The subdistrict(s) for your property can also be viewed on the LUPC website at www.maine.gov/dacf/lupc/plans_maps_data/zoning_maps/index.shtml or the Zoning & Parcel Viewer at http://mapserver.maine.gov/conservation/lupc_master.php.

Lot Coverage: Calculate the area of your property that will be covered by structures, driveways, sidewalks, and other impervious surfaces after your proposed activities are completed. Include all existing and proposed structures and features on your lot. *For example, a lot with: a 28 foot by 35 foot (980 sq. ft.) dwelling, 10 foot by 12 foot (120 sq. ft.) patio, 20 foot by 20 foot (400 sq. ft.) garage, 20 foot by 50 foot driveway (1,000 sq. ft.), and 20 foot by 20 foot (400 sq. ft.) parking area, would have a total lot coverage of 2,900 sq. ft.*

Road and Water Frontage: Measure road frontage along the traveled portion of the road, between the points of intersection of side property lines and the road. Measure water frontage in a straight line between the points of intersection of side property lines and the normal high water mark of the shoreline.

LUPC Approved Subdivision: If your lot is part of a Commission approved subdivision, provide the subdivision number and lot number that represents your lot. This information is usually included in your deed description. If your lot is part of a Commission approved subdivision, you do NOT need to complete a land division history.

Land Division History: Before a permit can be issued, the Commission needs to know whether your property is part of an unauthorized subdivision. Using your deed, lease or sales contract as a starting point, trace the ownership history and configuration changes of your property back to 20 years from today. Unless already on file with the Commission, list all of the changes in ownership and all divisions of those lots from which your property originated. Be sure to include any land transfers to neighboring land owners as well as property gifted to relatives. (Use an extra sheet of paper if needed). You will also need to submit **Exhibit B: Deed, Lease, or Sales Contract**, if not already on file with the Commission. (see Instructions on page iv)

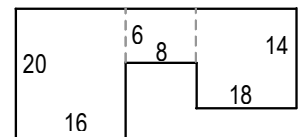
4. PROJECT DESCRIPTION

Provide a brief summary of your proposal, including a general description and proposed development, roads, and land use activities.

8. EXISTING STRUCTURES AND DEVELOPMENT

Types of Structures: Include a house, camp, garage, bunkhouse, porch, deck, shed, driveway, parking area, etc. For each structure that exists on your property, fill out the appropriate information in the table.

Exterior Dimensions: Calculate the dimensions (length, width and height) of each structure along its exterior surfaces. Measure the height of the structure from the peak of the roof (excluding chimneys or antennae) to the mean original grade of the structure along the downhill side. If the structure is irregularly shaped, write in its detailed dimensions. *For example, a structure that is 24 feet high and is shaped like this would have these dimensions: 16x20x24; 6x8x24; 14x18x24.*



Type of Foundation: Describe the type of foundation that supports the structure. Types of foundations include full foundations, basements, frost walls, slabs, posts, sono tubes, etc.

Setback Distances: All setback distances should be measured horizontally. Road setbacks should be measured as the distance from the edge of the pavement or traveled way to the nearest portion of the structure. Property line setbacks should be measured as the distance from the property boundary line to the nearest portion of the structure. Setbacks from lakes, ponds, rivers, streams and wetlands should be measured as the distance from **the normal high water mark** to the nearest portion of the structure.

📌 *If you own or are under contract to buy the property to be developed, your [county registry of deeds office](#) or the previous owner of the property may provide you some helpful information. If you lease your property, contact your lease company for information on the lease history of your lot.*

📌 *If you lease your property, contact your lessor before submitting this application to the Commission. You may need to get written permission from the lessor for your proposal first.*

📌 *The **normal high water mark** is the line on the shores and banks of non-tidal waters which is identifiable by the different character of the soil or vegetation due to the influence of surface water. This mark is not necessarily the water line! Call the LUPC staff if you need help identifying this mark.*

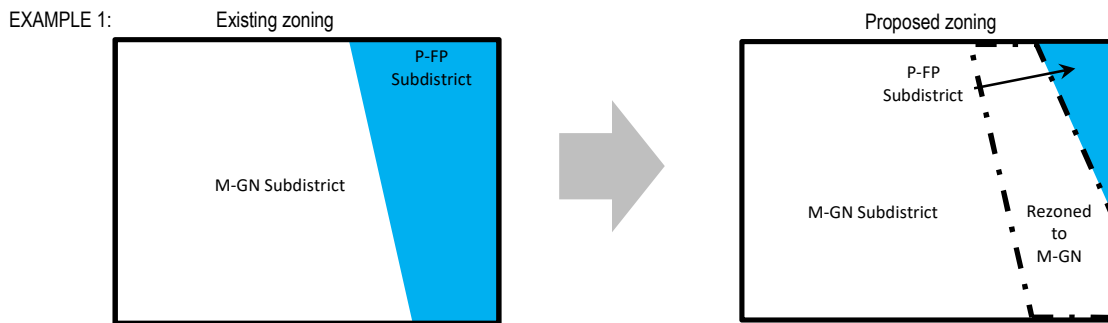
10. FLOOD PRONE AREA ZONING

- a. If the petition does not involve any flood prone areas, check “NO”, and continue on to item 11. However, if the petition involves any flood prone areas check “YES” and continue on to items 10.b through e.

If you are unsure whether your property is in a mapped a P-FP Subdistrict contact the LUPC office that serves your area or review the official zoning map. If you are unsure whether your property is in a mapped Flood Prone Area Protection Subdistrict or a mapped FEMA flood zone, check Appendix E of the Commission’s Land Use Districts and Standards (www.maine.gov/dacf/lupc/laws_rules/rule_chapters/Ch10_Appendix.pdf); check FEMA’s map service center (<https://msc.fema.gov/portal/>); or contact [the LUPC office that serves your area](#).

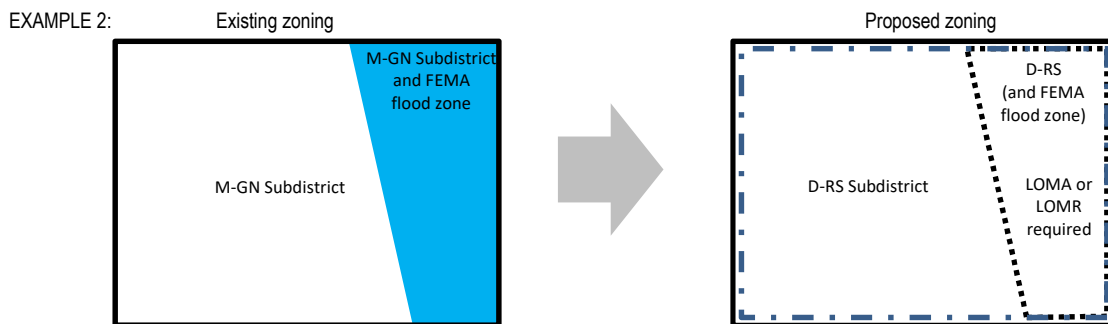
- b. If this petition proposes to remove a mapped P-FP, check “YES”. **If you answer “YES” to 10.b**, be sure to review and attach the appropriate materials as EXHIBIT E. See page v of the instructions for more detail regarding Exhibit E.


Example 1 illustrates a rezoning from P-FP to M-GN, expanding the M-GN by rezoning a portion of the P-FP to M-GN.



- c. If this petition proposes to affect an area in a FEMA flood zone, check “YES”. Specifically, does this petition include a LOMA or LOMR from FEMA that would exempt parts of the site from the provisions of the P-FP? **If you answer “YES” to 10.c**, be sure to review and provide the appropriate materials as EXHIBIT E. See page v of the instructions for more detail regarding Exhibit E.

Example 2 illustrates a rezoning from M-GN to D-RS that also involves a FEMA flood zone; this example is a rezoning from M-GN to D-RS, and requires the issuance of a LOMA or LOMR by FEMA for the appropriate areas. (NOTE: in this example the intended use is residential subdivision, which is not allowed within a FEMA flood zone. As a result, the zoning petition would need to include a LOMA or LOMR for the areas within the FEMA flood zone. If the area proposed for rezoning is covered by an overlapping P-FP Subdistrict and FEMA zone, then the requirements for rezoning the P-FP and for obtaining a LOMA or LOMR must be met if the intended use is not allowed within the P-FP/FEMA zone.)



 The Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program, and as part of that program, FEMA develops the Flood Insurance Rate Maps that are subsequently adopted by the Maine Land Use Planning Commission. The FEMA flood zones delineated on those maps are separate from the LUPC Land Use Guidance Maps, and the FEMA zones overlay the LUPC zones. The LUPC cannot amend or revise the FEMA maps. An applicant must apply to FEMA for a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) to remove a proposed building site or portion of a property from FEMA zoning. If you have questions about the process of obtaining either a LOMA or a LOMR, or to learn more about the National Flood Insurance Program, contact the Maine Floodplain Management Program (MFMP) at (207) 624-6230 or go to the MFMP website at www.maine.gov/dacf/flood/flood_insurance.shtml; or go to the FEMA website at www.fema.gov/.

- d. If this petition proposes to add a P-FP Subdistrict in an unmapped area prone to flooding, check “YES”. **If you answer “YES” to 10.d**, be sure to review and provide the appropriate materials as EXHIBIT E. See page v of the instructions for more detail regarding Exhibit E.

REQUIRED FEES, EXHIBITS AND SUPPLEMENTS

GENERAL INSTRUCTIONS. A zoning petition cannot be considered complete until all necessary exhibits have been submitted. Read carefully the description of what is required for each exhibit. If you are unsure about what to submit with your petition, contact the [LUPC office that serves your area](#). In general:

- Each exhibit must be clearly identified with the petitioner's name and exhibit letter.
- All plans must be drawn to the same scale, generally 1 inch = _____ feet, and must include an identification box with the following information: _____ →
- Plans must not exceed 24 x 36 inches in size.
- Submit 1 complete electronic copy, and at least two complete paper copies. Additional paper copies may be required; the LUPC staff will advise you as to how many paper copies will be required at the pre-application meeting.

| | |
|---|----------------------|
| Project Name and Petitioner Name | |
| Name of Township, Town or Plantation; and County Name | |
| Scale 1 inch = _____ feet (include scale bar) | |
| Prepared by: _____ | Date prepared: _____ |

FEE FOR ZONING PETITIONS (nonrefundable). Submit a check or money order payable to "Treasurer, State of Maine" for the appropriate fee:

1. Change to a protection subdistrict\$250.00
2. Change to a management subdistrict\$500.00
3. Change to a development subdistrict (except D-PD).....\$1,000.00 plus \$25.00 per acre of new or changed development subdistrict
4. Change to a D-PD subdistrict\$5,000.00 fee for Preliminary Plan, plus \$0.40 per square foot (footprint) structures

EXHIBIT A: LOCATION MAP AND DIGITAL LOCATION DATA. Submit a copy of the LUPC Land Use Guidance Map or another equivalent map (such as a USGS topographic map) on which you have clearly marked the boundaries of your property and the boundaries of the land you propose to rezone, **and if available**, the location of the area proposed for rezoning in digital form created from GIS or CAD source data.

All location maps must include and otherwise illustrate:

- the boundaries for the entire area proposed for rezoning
- map reference points, including but not limited to roads and waterbodies
- a scale bar, north arrow, and legend

Land Use Guidance Maps are available for all townships, towns and plantations served by the Land Use Planning Commission. If you did not receive one of these maps with your petition form, copies are available at the regional LUPC office. There is no charge for these maps when associated with a zoning petition.

If you have questions or difficulty developing this exhibit, please contact the LUPC office serving your area or the LUPC's GIS coordinator.

EXHIBIT B: DEED, LEASE OR EASEMENTS. Submit complete, signed copies of all deeds or leases, including any covenants/restrictions or easements that demonstrate the petitioner's title, right or interest in the land proposed for rezoning. A lessee must provide a copy of the written notice provided to the landowner of the intent to file this zoning petition. In the case of fractional ownership, the petitioner must either: i) include all other owners as co-petitioners, or ii) provide documentation or statements from all other owners that authorizes the petitioner to proceed on such matters.

This exhibit must include any existing or proposed restrictions pursuant to a conservation easement or other binding mechanism. This exhibit should include a map and the deed or binding language.

EXHIBIT C: SITE PHOTOGRAPHS. Attach a series of photographs taken within the past two years that show your property as it currently exists. Photographs should be of features or aspects of the site that are of note or are representative of the site as a whole. In many cases aerial photography can best illustrate the current condition of expansive proposals such as a proposed rezoning. Either mount the photos on 8½ x 11 inch paper or provide photographs in electronic format – in both cases include an explanatory caption and date for each photo. Provide a map that indicates the vantage point or field of vision for each photograph.

EXHIBIT D: PRELIMINARY SUBDIVISION OR SITE PLANS. Submit two site plans of the area proposed for rezoning, one showing the area as it presently exists and one preliminary plan showing the proposed subdivision or site plan. Include the following features for each plan:

D-1: EXISTING SITE PLAN

- Existing natural features (including wooded areas, open fields, steep slopes, waterbodies, incl. perennial and intermittent streams, wetlands, floodplains, historic landmarks, special natural areas, etc), property boundary lines and dimensions (including amount of road and water frontage).
- Existing development (including roads, buildings, trails, etc.).
- Areas that have been cleared of vegetation, or otherwise disturbed.

D-2: PRELIMINARY SITE PLAN OR SUBDIVISION PLAN

- All property boundary lines, existing development and natural features as shown on the Existing Site Plan, topography (identifying areas with steep slopes), and soils mapping.
- For subdivisions, conceptual lot lines, common areas, and new roads. For other development, preliminary site plan, and approximate location of proposed structures and roads.
- Areas proposed to be cleared and/or disturbed.

EXHIBIT E: FLOOD AREA ZONING. The types of materials required to be provided as Exhibit E are determined by your answers to Questions 10 c through e, specifically:

If you answer **YES to 10.b**, EXHIBIT E must include substantial evidence that the land area does not qualify as a P-FP Subdistrict.

If you answer **YES to 10.c and** the intended uses are not allowed within the FEMA flood zone, EXHIBIT E must include a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) issued by FEMA. However, **if you answer YES to 10.c, and** the intended uses are allowed within the FEMA flood zone, no additional materials are required as part of Exhibit E.

If you answer **YES to 10.d**, EXHIBIT E must include substantial evidence that the land area qualifies as a P-FP Subdistrict.

- ↳ “Substantial evidence” for rezoning a P-FP Subdistrict may include, but is not limited to:
- historical data (e.g., information that illustrates a local base flood elevation (BFE) derived from marks on a bridge or building or from DOT studies for bridge construction or replacement, **and** information correlating that elevation to the area proposed for rezoning);
 - soils information;
 - elevation information (e.g., a documented local BFE **and** information correlating that elevation to the area proposed for rezoning);
 - a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) issued by FEMA; and/or
 - the best available data for determining the BFE.

EXHIBIT F: NOTICE OF FILING. Within the same week that this petition is filed with the Commission, you must provide by certified mail a completed copy of the attached Notice of Filing Form to the following persons: (1) all persons owning or leasing property abutting or within 1,000 feet of the property to be rezoned (as shown on the records of the Maine Revenue Service or plantation or town tax assessors); (2) plantation assessors or town selectboard; and (3) county commissioners. You must also send a complete copy of the petition to Town or Plantation, and County officials. The written notice must either be provided using the attached form or contain the information, exactly as stated on the attached form.

Submit to the Commission a copy of the written notice that was sent and a complete listing of all persons to whom notice was provided (including names and mailing addresses) and the date such notice was provided.

IMPORTANT: Additional notice requirements will apply where the LUPC Director deems the petition to be of general public interest due to their nature, location, or size (Chapter 4, Section 4.05,(4)(c)). Contact the [LUPC office that serves your area](#) to determine whether these additional requirements apply to your petition.

Note: Names and addresses of abutting property owners are available from town and plantation public officials or, in unorganized townships, from the Maine Revenue Service at (207) 624-5611 or at www.maine.gov/revenue/.

EXHIBIT G: PROTECTION SUBDISTRICTS. If the zoning petition proposes to rezone to or from one of the following protection subdistricts, provide substantial evidence supporting the proposal in accordance with the following.

- Aquifer Protection (P-AR) Subdistrict – Submit a letter and supporting evidence from a qualified geologist demonstrating that the proposed change to the P-AR Subdistrict is appropriate due to resources that are or are not present.
- Fish and Wildlife Protection (P-FW) Subdistrict – Submit the following information and evidence:
 - a. Site details, including:
 - the applicable Wildlife Management District;
 - applicable deer yard number;
 - number of acres currently designated by the LUPC as P-FW or P-4 Subdistrict;
 - number of acres proposed for designation by the LUPC as P-FW Subdistrict;
 - current zoning designation;
 - proposed zoning designation;
 - current use of the area proposed for rezoning; and
 - b. All information required by Section 10.23,D,2 within Chapter 10 of the Commission’s Rules, [Land Use Districts and Standards](#)
- Soil and Geology Protection (P-SG) Subdistrict – Submit a letter and supporting evidence from a qualified, licensed soil scientist or geologist demonstrating that the proposed change to the P-SG Subdistrict is appropriate due to resources that are or are not present.
- Wetland Protection (P-WL) Subdistrict – Submit a letter and supporting evidence from a qualified wetlands professional demonstrating that the proposed change to the P-WL Subdistrict is appropriate due to resources that are or are not present.

↳ Unless advised otherwise by the LUPC staff, **if your petition only proposes to rezone land areas to a Management or Protection Subdistrict you may STOP HERE**; you do not need to submit Exhibits G through M. **However, if your petition proposes to rezone land areas to a Development Subdistrict**, please continue and review and provide Exhibits G through M as appropriate.

EXHIBIT H: FINANCIAL CAPACITY. If the zoning petition is in preparation for subsequent subdivision or development, you must demonstrate that you have adequate financial resources to undertake the proposed rezoning and subsequent development. Describe how you expect to finance subsequent development in the area proposed for rezoning, and submit at least one of the following:

- Submit a letter of Intent to Fund from a financial institution, government agency or other funding source indicating a commitment to provide a specified amount of funds and their specified uses.
- Submit the most recent corporate annual report indicating the availability of sufficient funds to finance proposed development, along with explanatory materials to interpret the report.
- If you will personally finance the development, submit copies of bank statements or other similar evidence indicating availability of funds necessary to complete proposed development.
- If the applicant is a governmental agency, or agents thereof, indicate the source of funding (e.g., town revenue, bond, grant, etc).

EXHIBIT I: CORPORATE GOOD STANDING. If the petitioner is a corporation, submit a certification of corporate good standing from the Secretary of State, State of Maine. Certification of good standing can be requested at: <https://icrs.informe.org/nei-sos-icrs/ICRS?MainPage=x> or by contacting the Bureau's Reporting and Information Section at (207) 624-7752.

EXHIBIT J: SOIL SUITABILITY AND MAPPING. Submit an on-site soil survey, conducted by a [Maine certified soil scientist](#) according to the "Guidelines for Maine Certified Soil Scientists for Soil Identification and Mapping" Maine Association of Professional Soil Scientists, 2009. Use a Class A high intensity soil survey to identify soils within areas on your project site that will be disturbed. Disturbed areas include areas that are stripped, graded, grubbed or otherwise result in soil exposure at any time during the site preparation for, or construction of, a project. If the project is linear, or has linear components that involve soil disturbance, such as road construction, fairway construction or trail construction, and have little or no adjacent development, use a Class L soil survey for those disturbed areas. Use a Class C soil survey to identify soils elsewhere within the project area.

With the results of your soil survey, identify the development potential rating for each soil type within your project area using the Natural Resources Conservation Service's soils potential ratings for low density development. All map units on the project site with hydric (frequently flooded or waterlogged) soils, or with a low or very low development potential rating for low density development must be identified on the soil survey map.

If any soils within your project area have a low or very low development potential rating, explain what measures will be used to overcome the limitations that resulted in such a rating.

Be sure to review Chapter 10, Section 10.25,G prior to conducting the soil survey or designing a sewage disposal system; section 10.25,G includes specific requirements regarding the location and number of test pits.


 In certain cases, LUPC may revise the soil survey class requirements, or waive certain provisions of a soil survey class (for instance, the contour mapping requirement). Before you conduct your soil survey, contact the [LUPC office that serves your area](#) for guidance on how to proceed.

EXHIBIT K: WASTEWATER DISPOSAL. If you propose to install a private centralized or clustered waste water disposal system, or if you propose that waste water be collected and treated off-site, submit one of the following:

- If a private central or clustered wastewater disposal system is proposed, submit evidence that there are sufficient appropriate soils on-site to support the system(s) and a replacement site in the event of system failure.
- If waste water is to be collected and treated off-site by a sewage treatment facility, submit evidence that: (1) there is adequate capacity in the facility to ensure satisfactory treatment; and (2) the facility is fully licensed by the Maine Department of Environmental Protection.

EXHIBIT L: IMPACTS ON PUBLIC SERVICES. Submit information quantifying the expected change in demand for public services and the associated cost (e.g., fire protection, ambulance service, education, solid waste disposal, wastewater disposal, etc.). Provide information on: 1) either the estimated capacity of the facility to provide the necessary services or evidence that such capacity can be created without an undue burden on the service provider; and 2) the cost to provide additional public services to expected development, the revenue generated by the development, and whether the revenues generated will flow to the service providers. Include letters from local and county officials, and/or service providers confirming the availability and capacity of services to meet demand generated by development in the area proposed for rezoning. In cases where the rezoning is for legally existing development, provide notice of the rezoning proposal to each service provider and provide, as EXHIBIT L, proof of such notice.

EXHIBIT M: ARCHAEOLOGICAL RESOURCES. Submit a Phase 1 archaeological survey or information on provisions for preservation of historic structures if the area proposed to be rezoned meets any of the following conditions: (1) any portion of the area contains an archaeologically sensitive area or a structure listed in the National Register of Historic Places; OR (2) any portion of the area is considered likely to contain a significant archaeological site or structure by the Maine Historic Preservation Commission or other pertinent authority. If these do not apply, submit a letter from the Maine Historic Preservation Commission confirming that a Phase 1 archaeology survey is not necessary for the area proposed for rezoning. For information about archaeological and historic features, contact the Maine Historic Preservation Commission at (207) 287-2132 or go to the MHPC's website at www.maine.gov/mhpc/index.shtml.

EXHIBIT N: RARE OR SPECIAL PLANT COMMUNITIES AND WILDLIFE HABITAT. Submit letters from the Maine Natural Areas Program (“MNAP”) and Inland Fisheries and Wildlife (“IFW”) confirming the presence or absence of rare or special plant communities or significant wildlife habitat in the area proposed for rezoning. If MNAP or the IFW recommends a more detailed inventory of the area proposed for rezoning by a qualified professional, submit the results of an on-site survey for these features. For information about S1 and S2 natural communities and plant species, contact the Maine Natural Areas Program at (207) 287-8044 or go to the Program’s website at www.maine.gov/dacf/mnap/index.html. For information about wildlife habitat, contact the Maine Inland Fisheries and Wildlife at (207) 287-8000 or go to the department’s website at www.maine.gov/ifw/.

**NOTICE OF FILING OF ZONING PETITION
WITH THE MAINE LAND USE PLANNING COMMISSION**

At the time a zoning petition is filed with the Maine Land Use Planning Commission, the petitioner must send by certified mail a completed copy of this notice to: all persons owning or leasing property abutting or within 1,000 feet of the property to be rezoned (as shown on the records of the Maine Revenue Service or plantation or town tax assessors); plantation assessors or town selectboard; and county commissioners. Note: if the number of persons owning or leasing land within 1,000 feet of the affected land is more than 50, notice may instead be by publication in a newspaper(s) of general circulation in the area affected by the petition as determined by the LUPC staff.

This is to notify you that _____
(name and address of petitioner)

has filed a zoning petition with the Maine Land Use Planning Commission, pursuant to provisions of 12 M.R.S. Section 685-A(8-A), to rezone _____ acres of land located in _____
(name of town, township or plantation, and county)

from its present _____ designation
(name(s) of the existing zoning subdistricts)

to _____
(name(s) of the proposed zoning subdistricts)

for purposes of _____

The petition will be filed for public inspection at the Maine Land Use Planning Commission office circled below (circle the appropriate office) on _____
(specify the date that this petition will be filed with the LUPC).

| | |
|---|---|
| <u>AUGUSTA OFFICE</u> | <u>NORTHERN REGION</u> |
| 18 Elkins Lane - Harlow Bldg. 22 State House Station Augusta, ME 04333-0022 | 45 Radar Road Ashland, ME 04732-3600 |
| Tel. (207) 287-2631 TTY (888) 577-6690 FAX (207) 287-7439 | Tel. (207) 435-7970 Tel. (207) 435-7969 FAX (207) 435-7184 |
| <u>DOWNEAST REGION</u> | <u>EASTERN REGION</u> |
| <i>Serving Hancock, Knox, Lincoln, and Sagadahoc Counties, and portions of Washington, Kennebec, Penobscot and Piscataquis counties; and the coastal islands in the LUPC service area</i> | <i>Serving southern Penobscot County, southern Aroostook County, and portions of Piscataquis County</i> |
| 106 Hogan Rd, Suite 8 Bangor, ME 04401 | 191 Main Street East Millinocket, ME 04430 |
| Tel. (207) 215-4685 Tel. (207) 592-4448 FAX (207) 941-4222 | Tel. (207) 485-8354 Tel. (207) 399-2176 FAX (207) 746-2243 |
| <u>MOOSEHEAD REGION</u> | <u>WESTERN REGION</u> |
| <i>Serving Somerset County and most of Piscataquis County</i> | <i>Serving Franklin County and Oxford County</i> |
| 43 Lakeview Street P.O. Box 1107 Greenville, ME 04441 | 932 US Route 2 East Wilton, ME 04294 |
| Tel. (207) 695-2466 Tel. (207) 731-4398 | Tel. (207) 670-7492 FR Tel. (207) 670-7493 OX |

Written comments from interested persons should be sent to the Maine Land Use Planning Commission address circled above and **must be received by the Commission in a timely manner.**

Requests for a public hearing must be submitted in writing and **must be received by the Commission in a timely manner.** Requests for a public hearing must clearly state the reasons for why a public hearing is warranted on this project.

For information on how to request a public hearing or for additional information, contact the Maine Land Use Planning Commission staff at the office circled above.