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**Guidance Document on Site Law Certification, Land Use Standards**  
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The tables below list the LUPC's land use standards contained in statute and rule and identify which of these standards the LUPC will apply in its certification review of Site Law projects and which standards effectively will be considered by the DEP in its Site Law permit review. Procedures for review of requests for certification are governed by the Commission's Chapter 4, Rules of Practice.

This document is intended solely for guidance to Commission staff and the public when interpreting the statutory criteria for certification of Site Law projects. The document may not be relied upon to create rights, substantive or procedural. The Commission reserves the right to act in accordance with its statute and regulations, including in a manner that may vary from this document. Nothing in this document shall be construed to supersede or replace the statute, rules or Comprehensive Land Use Plan administered by the Commission.

**Statutory Criteria for Approval – Also in LUPC rule at Section 10.24**

Section of Law	LUPC Standard	DEP Standard	Notes
<b>12 M.R.S. § 685-B(4) [also in 10.24,A,1]</b>			
<b>Section A</b>			
Technical and financial capacity		<b>DEP</b>	
Solid waste and sewage disposal		<b>DEP</b>	
Odor		<b>DEP</b>	
Water supply		<b>DEP</b>	
<b>Section B</b>			
Traffic and transportation arteries	<b>LUPC</b>		



**Statutory Criteria for Approval – Also in LUPC rule at Section 10.24**

<b>Section of Law</b>	<b>LUPC Standard</b>	<b>DEP Standard</b>	<b>Notes</b>
<b>Section C</b>			
No undue adverse effect on existing uses, scenic character, and natural and historic resources		<b>DEP</b>	
<b>Section D</b>			
Soil suitability, sewage disposal		<b>DEP</b>	
<b>Section E</b>			
Conformance with statute, regulations, standards and plans	<b>LUPC</b>		This is accomplished through the application of the statute and rules, and using the CLUP to inform that application, as described in the CLUP guidance document.
<b>Section F</b>			
Subdivision approval	<b>LUPC</b>	<b>DEP</b>	Both agencies have a role – detailed below (see Section 10.25,Q).
<b>Closing Paragraph</b>			
Public health, safety and general welfare	<b>LUPC</b>		This is broad authority for the Commission to protect the public, but in the certification context would primarily apply to the adequacy of fire, police and ambulance services. In the case of wind energy development, the DEP implements the evaluation of fire, police and ambulance service adequacy because of the alignment with environmental concerns about fire protection issues.

**LUPC Rules, Chapters 10 and 13 Land Use Standards**

Section of Rule	LUPC Standard	DEP Standard	Notes
<b>10.11 Nonconforming Uses and Structures</b>	<b>LUPC</b>		
<b>10.24,B</b>	<b>LUPC</b>		The LUPC will address these criteria as part of its allowed use determination.
<b>10.25,A Structures Adjacent to Lakes</b>			
Natural and cultural resource values as specified in the Wildlands Lake Assessment		<b>DEP</b>	The natural and cultural resources specified in the Wildlands Lake Assessment also are included in the DEP review criteria.
Water quality		<b>DEP</b>	
Traditional uses		<b>DEP</b>	This may be addressed within the broader Site Law review criteria of harmonious fit and impacts on existing uses.
Regional diversity		<b>DEP</b>	This may be addressed within the broader Site Law review criteria of harmonious fit and impacts on existing uses.
Natural character		<b>DEP</b>	
Lake management goals		<b>DEP</b>	Lake management goals, which are furthered by the classification system, are reflected in the Chapter 10 provisions specific to each subdistrict that address which uses are allowed, including at what density, around lakes within the various management classes. The LUPC's zoning ( <i>i.e.</i> , subdistrict designations) also reflect lake management classifications. Through its zoning (including review of rezoning petitions) and application of its subdistrict-specific land use standards the Commission, as part of its important planning role, will promote the management goals of a lake's classification as part of its certification review, but will not separately apply Section 10.25,A,6, which is tied to the Commission's statutory authority to evaluate whether a proposed development fits harmoniously into the existing natural environment. The DEP, under its similar statutory authority, will evaluate

**LUPC Rules, Chapters 10 and 13 Land Use Standards**

Section of Rule	LUPC Standard	DEP Standard	Notes
			whether a proposed development fits harmoniously into the existing natural environment and will not adversely affect existing uses, scenic character, or other natural resources. The Commission's lake information will be available to the DEP should the DEP find it informative in conducting its review.
Landowner equity	LUPC	DEP	LUPC – limits on density of development. DEP – phosphorus.
Lake Management Classification Standards	LUPC		Section 10.25,A,3
Water Quality Limiting Lake Standards		DEP	Section 10.25,A,4
<b>10.25,B Prospectively Zoned Areas</b>			
Dimensional standards	LUPC		See Section 10.26.
Vegetative buffering		DEP	This is related to visual buffering of development – the DEP will apply a more general standard.
Building layout	LUPC		
<b>10.25,C Technical and Financial Capacity</b>		DEP	See Chapter 4 rulemaking (included as part of January 2013 LUPC agenda materials; available on the LUPC website)
<b>10.25,D Vehicular Circulation, Access and Parking</b>	LUPC	DEP	DEP – Section 10.25,D,3,b. LUPC – all other parts
<b>10.25,E Natural Character and Cultural Resources</b>	LUPC	DEP	LUPC – Section 10.25,E,2 (hillsides) DEP – all other parts
<b>10.25,F Noise and Lighting</b>			
Noise		DEP	
Lighting	LUPC		
<b>10.25,G Soil Suitability</b>		DEP	
<b>10.25,H Solid Waste Disposal</b>		DEP	
<b>10.25,I Wastewater Disposal</b>		DEP	

**LUPC Rules, Chapters 10 and 13 Land Use Standards**

Section of Rule	LUPC Standard	DEP Standard	Notes
<b>10.25,J Water Supply</b>		<b>DEP</b>	
<b>10.25,K Surface Water Quality</b>		<b>DEP</b>	
<b>10.25,L Phosphorus Control</b>		<b>DEP</b>	
<b>10.25,M Erosion and Sedimentation Control</b>		<b>DEP</b>	
<b>10.25,N Groundwater Quality</b>		<b>DEP</b>	
<b>10.25,O Air Quality</b>		<b>DEP</b>	
<b>10.25,P Protected Natural Resources</b>		<b>DEP</b>	
<b>10.25,Q Subdivision and Lot Creation</b>			
Counting parcels	<b>LUPC</b>	<b>DEP</b>	The LUPC standards are related to the legal definition of subdivision in the UT; the DEP's standards relate to triggering Site Law. These are different and both are necessary.
Spaghetti lots	<b>LUPC</b>		Section 10.25,Q,2
Layout and design	<b>LUPC</b>		Sections 10.25,Q,3 and 4
Procedural requirements			
Sketch plan review	<b>LUPC</b>		
Filing plats		<b>DEP</b>	The LUPC will draft condition(s) for DEP review, the DEP will impose condition(s).
Conveyance of Lots or Dwelling Units	<b>LUPC</b>		The LUPC will issue Certificates of Compliance for only the Commission-related standards. Commission staff will report possible DEP standard problems to DEP.
Recording of large lot land divisions	<b>LUPC</b>		
<b>10.25,R (Reserved)</b>	<b>NA</b>	<b>NA</b>	
<b>10.25,S Common Open Space</b>	<b>LUPC</b>		
<b>10.25,T Activities in Flood Prone Areas</b>	<b>LUPC</b>		The LUPC will work with the DEP early because flood standards also impact issues such as fill and foundations.

**LUPC Rules, Chapters 10 and 13 Land Use Standards**

Section of Rule	LUPC Standard	DEP Standard	Notes
<b>10.25,U Affordable Housing</b>	<b>LUPC</b>		The LUPC, but the DEP will make wastewater determination.
<b>10.26,A through G Dimensional Requirements</b>	<b>LUPC</b>		Consists of lot size, frontage, setbacks, lot coverage, height, exceptions.
<b>10.27,A Agricultural Activities</b>	<b>LUPC</b>	<b>DEP</b>	<b>DEP</b> – only if in conjunction with a development activity. <b>LUPC</b> – all others.
<b>10.27,B Vegetation Clearing</b>	<b>LUPC</b>	<b>DEP</b>	<b>DEP</b> – clearing standards in NRPA resource areas; <b>LUPC</b> – clearing standards in other areas, and the two agencies will coordinate review.
<b>10.27,C Mineral Exploration and Extraction</b>	<b>LUPC</b>		These activities generally do not trigger Site Law. Metallic mineral mining is excluded from the definition of Mineral Extraction and is handled in Chapter 13 (see below).
<b>10.27,D Roads and Water Crossings</b>		<b>DEP</b>	Except that the MFS may also regulate land management roads in some areas.
<b>10.27,E Timber Harvesting</b>	<b>LUPC</b>		<b>LUPC</b> – in Development zones; <b>MFS</b> – in Management and Protection zones.
<b>10.27,F Filling and Grading</b>		<b>DEP</b>	These address natural resource impacts and visual impacts – the DEP will evaluate these in a site-specific way for Site Law projects.
<b>10.27,G Motorized Recreational Gold Prospecting</b>	<b>LUPC</b>		
<b>10.27,H Driveways Associated with Residential Structures and Uses</b>			
Applicability	<b>LUPC</b>		As part of allowed use determination.
Setbacks, frontage	<b>LUPC</b>	<b>DEP</b>	<b>LUPC</b> – For individually permitted residences. <b>DEP</b> – For other than individually permitted dwellings (e.g., condo complex).
Roadway entry	<b>LUPC</b>	<b>DEP</b>	<b>LUPC</b> – For individually permitted residences.

**LUPC Rules, Chapters 10 and 13 Land Use Standards**

Section of Rule	LUPC Standard	DEP Standard	Notes
			<b>DEP</b> – For other than individually permitted dwellings ( <i>e.g.</i> , condo complex).
Water crossings, wetlands, slope, erosion, fill		<b>DEP</b>	
<b>10.27,I Pesticide Application</b>	<b>LUPC</b>		This is a non-issue because the Commission's only requirement is that the application be in conformance with applicable State and Federal statutes and regulations.
<b>10.27,J Signs</b>	<b>LUPC</b>		
<b>10.27,K Water Impoundments</b>		<b>DEP</b>	
<b>10.27,L Trailered Ramps, Hand-Carry Launches, and Water-access Ways</b>			
Alternative available	<b>LUPC</b>		As part of allowed use determination.
One dock and one access way per subdivision	<b>LUPC</b>		
Maintenance		<b>DEP</b>	
Dimensional requirements (frontage)	<b>LUPC</b>		
Design and construction standards	<b>LUPC</b>	<b>DEP</b>	<b>LUPC</b> – only reviews dimensional requirements ( <i>e.g.</i> , width). <b>DEP</b> – all others.
<b>10.27,M Service Drops</b>	<b>LUPC</b>		This is a non-issue because if the project receives a permit or is exempt from a permit, the service drop is allowed.
<b>10.27,N Home-based Businesses</b>	<b>LUPC</b>		Unlikely to be part of a Site Law project.
<b>10.27,O Permanent Docking Structures</b>			
Reconstruction	<b>LUPC</b>	<b>DEP</b>	<b>LUPC</b> – legally existing, size limits, 2 years from damage, relocation to meet setbacks. <b>DEP</b> – natural resources, navigation, recreational uses.
Special exception criteria	<b>LUPC</b>		As part of allowed use determination.

**LUPC Rules, Chapters 10 and 13 Land Use Standards**

<b>Section of Rule</b>	<b>LUPC Standard</b>	<b>DEP Standard</b>	<b>Notes</b>
Maximum dimensions	<b>LUPC</b>		
Normal maintenance and repair	<b>LUPC</b>		
Construction standards	<b>LUPC</b>	<b>DEP</b>	<b>LUPC</b> – only the limitation on non-water dependent uses <b>DEP</b> – all others
<b>10.27,P Accessory Structures</b>	<b>LUPC</b>	<b>DEP</b>	<b>DEP</b> – Site Law permit covers all structures in the development. <b>LUPC</b> – For individual dwellings in a subdivision, regular LUPC permitting, including Section 10.27,P apply.
<b>10.27,Q Recreational Lodging Facilities</b>	<b>LUPC</b>		
<b>10.27,R Rural Businesses</b>	<b>LUPC</b>		
<b>10.27,S Commercial Businesses</b>	<b>LUPC</b>	<b>DEP</b>	<b>DEP</b> – Noise, erosion control, hazardous materials, and solid waste <b>LUPC</b> – all others
<b>Chapter 13</b>	<b>LUPC</b>		Chapter 13 identifies specific LUPC standards to be addressed in the certification process.