



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
106 HOGAN ROAD, SUITE 8
BANGOR, MAINE 04401

PAUL R. LEPAGE
GOVERNOR

May 19, 2016

RE: Substantive Review, Milton Township
Petition to Remove Milton from the Expedited Permitting Area for Wind Energy Development
First Procedural Order

Dear Interested Persons:

The Land Use Planning Commission has completed the first procedural order for the substantive review of the Petition to Remove Milton Township from the Expedited Permitting Area for Wind Energy Development. A copy of the procedural order is attached. An electronic copy will also be posted on our website. We will be adding a webpage specific to the substantive review process for Milton Township. You will be able to access the webpage from the following website by clicking on the *Summary of Petitions Received, Petition Area: Milton Township*.

[Windpower Expedited Area Petitions](#)

Please note the deadlines and schedule in the procedural order, including the deadline for pre-hearing submissions, June 29, 2016. If you have any questions, please do not hesitate to contact me. I can be reached during normal business hours, at phone number 207-941-4593 and by e-mail at stacie.r.beyer@maine.gov.

Sincerely,

Stacie Beyer
Land Use Planning Commission
Chief Planner, Acting Capacity



PAUL R. LEPAGE
GOVERNOR

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

Memorandum and Order

First Procedural Order
In the Matter of the
Substantive Review of the Petition to Remove Milton Township
from the Expedited Permitting Area for Wind Energy Development

May 18, 2016

In 2015, the legislature enacted “*An Act To Improve Regulatory Consistency within the Jurisdiction of the Maine Land Use Planning Commission*,” [Public Law 2015, Ch. 265] (“the Act”), which became effective January 1, 2016. The Act created a six month time window within which registered voters in a given town, township, or plantation within the Commission’s service area may petition to have a place removed from the Expedited Permitting Area for Wind Energy Development (“Expedited Area”). Title 35-A, section 3453-A of Maine’s statutes describes the mechanism by which the petition process is to take place, and provides the opportunity for any person to request “substantive review” of the petition. Substantive review involves consideration of two statutory criteria, both of which must be met during the substantive review process to remove a place from the Expedited Area.

Criterion A. The proposed removal will not have an unreasonable adverse effect on the State’s ability to meet the state goals for wind energy development in [Title 35-A] section 3404, subsection 2, paragraph C.

Criterion B. The proposed removal is consistent with the principal values and the goals in the comprehensive land use plan adopted by the Maine Land Use Planning Commission pursuant to Title 12, section 685-C.

Background

On January 8, 2016, the Commission received a rulemaking petition requesting the removal of Milton Township from the Expedited Permitting Area for Wind Energy Development.

On February 29, 2016, the Commission received a timely request for substantive review of the petition to remove Milton Township from the Expedited Area. The property owners of Milton Township were subsequently notified that a substantive review request had been received, that a public comment opportunity will be provided, and that they may request a public hearing, in accordance with Title 35-A §3453-A(4).

On March 9, 2016, the Commission determined that public hearings on substantive review requests would provide information helpful to the Commission in its review and voted to hold a public hearing for each substantive review request.

A pre-hearing conference call with the petition circulator for Milton Township (“Circulator”) was held on May 5, 2016. A pre-hearing meeting with the person requesting substantive review (“Requestor”) was held on May 12, 2016.

Public Hearing Date and Submission Deadlines

The deadline for filing pre-hearing submissions is June 29, 2016 (*all deadlines close at 5:00 PM on the deadline date*). The Commission asks anyone interested in this matter submit written comments and information that would be helpful to the Commission in preparing for the hearing and asking questions during the hearing by the June 29th deadline. Comments and information should be relevant to the statutory criteria (Criterion A and Criterion B, above).

A public hearing to receive oral testimony from the public regarding the petition to remove Milton Township from the Expedited Area will be held on August 10, 2016. A written copy of the oral testimony may be submitted to the record at the hearing, or after the hearing on or before August 22nd at 5:00 PM. The time and location of the public hearing will be set in a subsequent procedural order and public notice of the hearing will be published in the Lewiston Sun Journal.

The public comment period will close on August 22, 2016. Following the public hearing, anyone wishing to submit additional comments relating to the statutory criteria and addressing the removal of Milton from the Expedited Area may submit those comments in writing by the public comment deadline.

The rebuttal period will close on August 29, 2016. The Commission will accept comments rebutting testimony at the public hearing or written comments submitted during the public comment period up until the close of the rebuttal period.

The record will close on August 29, 2016.

All comments and rebuttal received through August 29th will be posted to the Commission’s web site at: http://www.maine.gov/dacf/lupc/projects/wind_expedited_area/wind_expedited.shtml.

Receiving Public Comment

Comments from the Circulator, Requestor, and public on this matter should be directed in a way that allows the comments to be properly heard and considered by the full Commission. In this proceeding, Commission members may not consider nor act upon public input unless it is orally provided to the Commission as a body at a Commission meeting or hearing, or it is addressed to the Commission in writing. Any private discussions between interested persons or members of the public, and Commission members should avoid this substantive review matter while it is pending before the Commission in accordance with the *Commission Guidance on Receiving Public Comment*, adopted October 16, 1996.

Commission Decision

The Commission will deliberate and make a determination on this proposed rulemaking at a regular monthly business meeting following the close of the record. The agenda for the meeting and the staff memo for the deliberation may be viewed on the Commission's web site when it becomes available 5 to 7 days before the Commission meeting at:

http://www.maine.gov/dacf/lupc/projects/wind_expedited_area/wind_expedited.shtml.

All information, and written comments or rebuttal relating to this matter may be directed to Stacie Beyer, Acting Chief Planner, by mail or email.

Stacie R. Beyer
Maine Land Use Planning Commission
106 Hogan Road, Suite 8
Bangor, ME 04401
Stacie.R.Beyer@maine.gov

Questions or requests to be added to the notice list for this petition may also be directed to Stacie Beyer by phone at (207) 941-4593.

This memorandum and order is issued by the Presiding Officer pursuant to the Commission's Chapter 5 Rules for the Conduct of Public Hearings.

DATED AT AUGUSTA, MAINE THIS 18th DAY OF May, 2016

By:



Everett Worcester, Presiding Officer