



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

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

Second Procedural Order
In the Matter of
The Application for Subdivision Permit SP4103

Loaf Land Development, LLC,
Coplin Plantation, Franklin County

October 1, 2026

Commissioner Millard Billings, Chair and Presiding Officer

This Second Procedural Order (Order) sets forth the Presiding Officer's decisions with respect to motions by the Applicant and the Intervenors to modify the hearing schedule and service list provided in the First Procedural Order and to ensure that the Commissioners view certain areas during the site visit.

I. BACKGROUND

- A.** See the First Procedural Order for a project description and the administrative background up to September 22, 2026.
- B. First Procedural Order:** On September 22, 2026, the Presiding Officer issued a Procedural Order that set forth general expectations regarding the conduct of the hearing, ruled on petitions to intervene, and provided a schedule for the hearing. The Procedural Order granted intervenor status to the following pairs of individuals:
1. Stanwood (Curt) Fish, Jr. and Jenny Burch (Intervenor 1)
 2. Russell and Cathryn Peters (Intervenor 2)
- C. Pre-hearing Conference:** On September 29, 2026, a virtual pre-hearing conference was held pursuant to Chapter 5 § 5.05 of the Commission's rules. The purpose of the conference was to orient the parties to the hearing process and schedule and to hear motions on, and objections to, modifying the process and schedule. An agenda for the conference was distributed in advance.

Participants in the Pre-hearing Conference

LUPC Staff

Ben Godsoe, Acting Executive Director
Tim Carr, Acting Chief Planner
David Hediger, Senior Planner

BENJAMIN GODSOE
ACTING EXECUTIVE DIRECTOR
HARLOW BUILDING, 4TH FLOOR



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Maine Attorney General's Office
Caleb Elwell, Assistant Attorney General

Applicant

Tyler Doucette, Manager, Loaf Land Development, LLC
Emily Hastings, Senior Project Engineer, Main-Land Development Consultants, Inc.
Rick Dunton, SVP/CEO, Chief Engineer, Main-Land Development Consultants, Inc.
David Johnson, Marcus Clegg Attorneys & Counselors

Intervenors

Curt Fish, Jr.
Jenny Burch
Cathryn Peters

D. Criteria and standards.

Chapter 5 § 5.02(C)(1): **Hearing Locations:** All hearings of the Commission must be held in a location or through certain means, and at a time determined by the Commission to be appropriate when considering the needs, costs, safety, and convenience of the interested parties together with those of the Commission. To the extent practicable, hearings must be held at a location in close proximity to, or significantly affected by, the project or projects under review or which are concerned about the issue.

Chapter 5 § 5.02(D)(2)(c): **Authority of Presiding Officer:** The Presiding Officer maintains the authority to: Regulate the course of the hearing, set the time and place of continued hearings, and fix the time for filing of evidence, briefs and other written submissions.

Chapter 5 § 5.03(A)(1): **Consolidation:** Petitioners for intervention may be required to consolidate or join their appearances in part or in whole if their interests or contentions are found to be substantially similar and such consolidation would expedite or simplify the hearing without prejudice to the rights of any party or petitioner. A consolidation under this section may be for all purposes of the proceeding, all of the issues of the proceeding or with respect to any one or more issues or purposes thereof.

Chapter 5 § 5.05(B) and (C): **Prehearing Conferences with Intervenors or Petitions for Intervention.** The Presiding Officer or the staff may, upon notice to the applicant, to any parties intervening pursuant to Section 5.03(A) of these regulations and to any other persons the Commission or the Presiding Officer deems appropriate, hold conferences and issue procedural orders for the purpose of formulating or simplifying the issues, obtaining admissions of fact, arranging for the submission of proposed exhibits or written testimony, limiting the numbers of witnesses, consolidating the examination of witnesses, consolidating parties or specifying procedures in connection with the hearing, and such other matters which may expedite the orderly conduct and disposition of the proceedings.

Recording of Conferences. The actions taken at or following any such conference and any agreements or orders arising therefrom must be stated on the record by the Presiding Officer, or detailed in a procedural order, and any person may ask questions about or raise objections to such actions at the time they are stated.

Chapter 5 § 5.09(D): **Written Testimony.** At any time prior to or during the course of the hearing, the Presiding Officer may require that all or part of the testimony to be offered at such a hearing be submitted in written form. Any written testimony must be submitted and be in such form and at such time as the Presiding Officer may specify. All persons offering testimony in written form must be available for cross-examination as provided in Section 5.08(A) of these rules. Testimony offered in written form must be available for public inspection. The person submitting the written testimony may be required within a specified time to serve a copy thereof on the applicant or petitioner, on all intervenors and on any other person whom the Presiding Officer deems appropriate.

Chapter 5 § 5.09(E): **Continuance; Multiple Hearings on Matter.** All hearings conducted pursuant to these rules may be continued and reconvened from time to time and from place to place by the Presiding Officer as circumstances require. Any hearing may also be convened in multiple hearing sessions, on multiple dates and in multiple locations, in the interest of providing the public with an opportunity to be heard across the Commission's jurisdiction. When the Commission elects to hold multiple public hearings on any matter, either by continuance of a hearing or by holding multiple scheduled hearing sessions, all hearings within a 45-day period are considered one hearing for administrative purposes. All orders for continuance must specify the time and place at which such hearing will be reconvened, or must set forth the manner in which such information may be later publicized by the Commission and obtained by interested persons. The Presiding Officer, or the staff under the direction of the Presiding Officer, must give notice to interested persons and the public in such a manner as is appropriate to ensure that reasonable notice will be given of the time and place of such reconvened hearing.

II. DELAYING THE HEARING AND SITE VISIT

A. Motions and Comment

Intervenors 1 and 2 requested that the hearing and site visit be delayed by 60 days to allow them time to adequately prepare. Intervenors 1 and 2 generally cited the limited time available between being granted intervenor status and the hearing date, the necessity for independent technical review due to site conditions, the length of time available to the Applicant, and ongoing changes to the application. Intervenor 1 also stated that the requested delay to the hearing would not affect any construction schedule of the Applicant given the time of year. The Applicant did not object to delaying the hearing by 60 days but did object to delaying the site visit.

Scope: The Intervenors' request primarily pertains to the Technical Session (called the "Applicant and Intervenor Session" in the First Procedural Order) of the hearing limited to the topics of stormwater and phosphorus control, access via Mountain Road, and access via Moose Track Trail. The Presiding Officer and the parties agree that a site visit is important for the Commission's evaluation of the Application. The Presiding Officer agrees with the Applicant that delaying the site visit increases the risk of further delays due to weather and of snow on the ground negatively affecting the Commission's ability to evaluate the site.

Changing Nature of the Application: The Application has not changed since its initial submission on November 4, 2025, with regard to its proposal to access the subdivision lots via Mountain Road and Moose Track Trail.

The Presiding Officer also concludes that the Application has not changed substantively over time with regard to the proposed stormwater and phosphorus control infrastructure and that varying degrees of change to a proposal are a normal part of the application process based on

feedback and interaction with Commission staff.

Time to Prepare: The Presiding Officer notes that the Intervenor requested a public hearing and were aware that the Commission approved their request at its regular business meeting on June 10, 2026. At that meeting, a possible hearing date in September was discussed. Additionally, Intervenor 1 spoke at that meeting and indicated plans to present technical evidence that would supplement and contradict the information in the Application. This meeting was held over two months prior to the date of the hearing notice that included the deadline for Petitions to Intervene. While the Intervenor contend that it was not reasonable to begin engaging with and seeking independent expert technical review until after their request for intervention was granted, anyone may submit technical information to the hearing record or submit technical comment on an application regardless of their status. However, the Presiding Officer appreciates that engaging technical experts is not straightforward and may be time-consuming for the general public.

B. Decision

After considering the arguments raised by the parties in their filings and at the pre-hearing conference, constraints on the Commission's schedule, and requirements regarding public hearings, the Presiding Officer has decided to continue the hearing to allow the Intervenor additional time to prepare. The hearing will now occur over two sessions. The first will take place as initially scheduled, at 6:00 P.M. on October 13, 2026, at the Town of Eustis Community Building, 84 Main Street, Village of Stratton, Eustis, Maine. This session, the General Public Comment Session, is intended for comment and participation by members of the public who are not Intervenor. The second session will take place on Thursday, November 12, 2026, at 10:30 AM at Jeff's Catering & Event Center, 15 Event Center Way, Brewer, ME. At this second, Technical Session, participation will be limited to the Intervenor and the Applicant and is intended for the presentation of expert and technical materials and evidence by the Applicant and the Intervenor on the three topics previously identified.

Holding the Site Visit and a General Public Comment Session on October 13, and a Technical Session on November 12, balances the concerns of the Intervenor and the Applicant, the Commission's view of those concerns, requirements regarding where public hearings are held, constraints on the Commission's schedule, and the vagaries of weather.

General Public Comment Session

The schedule of the Public Comment Session will be:

- Introductions, opening statement by the Presiding Officer, and swearing in of those testifying
- LUPC staff statement, administrative history, overview of the hearing process, and submitting the file to the record
- Project Overview by the Applicant [10 minutes]
- Optional Cross-examination of the Applicant by the Intervenor [5 minutes]
- LUPC Commission and staff questions
- Public comment session

Intervenor are not required to attend the General Public Comment Session, but they are

consolidated for the Session should they choose to attend. The Intervenor must inform the Commission, via the service list, whether they intend to exercise their right to cross-examination at the Public Comment Session by October 8 at 5:00 PM. The Applicant must pre-file their project overview by October 7 at 5:00 PM as it is testimony subject to cross-examination by the Intervenor.

The times provided above are the maximum allocated, although the Presiding Officer may change these during the hearing based on circumstances at the time. The Presiding Officer may permit Commissioners, Commission counsel, and Commission staff to ask questions at any time.

The record will remain open for written comments following the Public Comment Session and will close on December 2 at 11:59 PM (see the Technical Session below). To facilitate post-hearing comment, an audio recording of the Public Comment Session will be made available on the Commission's webpage about the Application, <https://www.maine.gov/dacf/lupc/projects/coplin-subdivision>.

Accordingly, the following schedule now applies:

Pre-filing of the Applicant's Project Overview: October 7 (5:00 PM)

Intervenor Notice of Intent to Cross-Examine: October 8 (5:00 PM)

Site Visit: October 13 (1:30 PM)

General Public Comment Session: October 13 (6:00 PM)

Technical Session

Notice of the Technical Session will at least be provided at the October 13 Public Comment Session, on the Commission's webpages for this Application and for Public Meetings, by GovDelivery to the Commission's subscription lists for Franklin County and Public Hearings, and in the Daily Bulldog.

The schedule of the Technical Session will be:

- Introductions, opening statement by the Presiding Officer, and swearing in of those testifying
- LUPC staff statement, administrative history, overview of the hearing process, and submitting the file to the record
- Opening statement and project summary by the Applicant [10 minutes]
- Opening statement by the Intervenor [5 minutes]
- Topic: Stormwater Management and Phosphorus Control
 - Applicant's testimony and evidence [10 minutes]
 - Cross-examination of the Applicant's witnesses by the Intervenor [5 minutes]
 - Applicant's redirect [3 minutes]
 - Intervenor's testimony and evidence [10 minutes]
 - Cross-examination of the Intervenor's witnesses by the Applicant [5 minutes]

- Intervenor's redirect [3 minutes]
- LUPC Commission and staff questions
- Topic: Access via Mountain Road
 - Applicant's testimony and evidence [10 minutes]
 - Cross-examination of the Applicant's witnesses by the Intervenor [5 minutes]
 - Applicant's redirect [3 minutes]
 - Intervenor's testimony and evidence [10 minutes]
 - Cross-examination of the Intervenor's witnesses by the Applicant [5 minutes]
 - Intervenor's redirect [3 minutes]
 - LUPC Commission and staff questions
- Topic: Access via Moose Track Trail
 - Applicant's testimony and evidence [10 minutes]
 - Cross-examination of the Applicant's witnesses by the Intervenor [5 minutes]
 - Applicant's redirect [3 minutes]
 - Intervenor's testimony and evidence [10 minutes]
 - Cross-examination of the Intervenor's witnesses by the Applicant [5 minutes]
 - Intervenor's redirect [3 minutes]
 - LUPC Commission and staff questions

Applicant and Intervenor closing statements and hearing rebuttal may be provided in writing during the public comment period following the Technical Session (November 13 – 22; see below). To facilitate post-hearing comment, an audio recording of the Technical Session will be made available on the Commission's webpage about the Application, <https://www.maine.gov/dacf/lupc/projects/coplin-subdivision>.

The times provided above are the maximum allocated, although the Presiding Officer may change these during the hearing based on circumstances at the time. The Presiding Officer may permit Commissioners, Commission counsel, and Commission staff to ask questions at any time.

Accordingly, the following schedule now applies:

Witness Lists and Pre-filed Testimony for the Technical Session: November 4 (5:00 PM)

Technical Session: November 12 (10:30 AM)

Post-Hearing Comment Period: November 13 – 22 (11:59 PM)

Post Hearing Rebuttal Period: November 23 – December 2 (11:59 PM)

Hearing Record Closes: December 2 (11:59 PM)

III. OTHER MOTIONS

A. Locations viewed during the site visit

The Intervenor requested that the site visit include the following locations: all lots, all septic locations, all filter pond discharge areas including any easement areas for discharge, the southern portion of the property around proposed Lots 1 and 2, and Moose Track Trail. The Intervenor stated that it is important for the Commission to see these areas to understand the challenges to developing the site and potential off-site impacts. The Applicant did not object to this request.

The Presiding Officer acknowledges the nature of the site and the importance of conducting a robust site visit in evaluating the Application. However, given the mobility concerns about the challenging terrain raised by Commissioners during their June 10, 2026, discussion of the site visit, the Commission will not commit to viewing certain locations at the site. Accordingly, the Intervenor's motions are denied.

B. Allowing Intervenor to speak on additional topics

Intervenor 1 requested to speak during the General Public Comment Session on topics outside of those covered in the Technical Session, stating that preventing Intervenor from speaking on other topics limits their rights and due process. Intervenor 1 further stated that Intervenor may serve as spokespersons for members of the general public and that this role may be significant enough in this case that they would rescind their Petition to Intervene to speak during the General Public Comment Session.

The Applicant objected to this request, noting that Intervenor are granted additional rights in the proceedings and stating that allowing the Intervenor to participate both as intervenors and as members of the public would afford them "another bite at the apple."

Intervenor, due to their demonstration that they may be "substantially and directly affected by the proceeding" [Chapter 5 § 5.03(A)] are granted rights beyond those of a member of the general public (including the rights to present witnesses, cross-examine the Applicant, and to make motions and objections regarding the hearing proceeding) and are provided an extended opportunity to speak before the Commission. The Applicant also has rights in the proceedings, including the right to cross-examine Intervenor. Speakers in a General Public Comment Session are not afforded the right to cross-examination.

If the Intervenor believe specific topics not currently included in the Technical Session should be added, they may move to add them and may also comment on all aspects of the Application through written comments. In addition, the Presiding Officer does not find compelling the argument that an Intervenor may function as a spokesperson for the general public. Over decades of experience with public hearings, the Commission has observed that the general public is capable of speaking for itself. Accordingly, the Presiding Officer denies Intervenor 1's motion to be allowed to speak as a member of the public during the General Public Comment Session in addition to their participation in the Technical Session.

If any of the four Intervenor would prefer to speak at the Public Comment Session instead, they must rescind their Petition to Intervene by notice to the service list by October 7, 2026, at 5:00 PM. Although Petitions to Intervene were filed jointly, one member of a couple may rescind their petition without affecting the Intervenor status of the other. The rescission applies to the entire hearing (including the Technical Session, any continuance, and any reopening of the hearing record) and may not be reversed.

C. Adding two to three minutes of redirect questioning in the Technical Session

The Applicant requested adding two to three minutes of redirect questioning per party for each topic in the Technical Session. The Intervenor did not object to this change.

The Presiding Officer notes that holding the Technical and General Public Comment Sessions on different days allows additional time for the Technical Session. Seeing no objection to the motion, the Presiding Officer grants the request to add time for redirect questioning in the Technical Session. Three-minute redirect periods have been added to the schedule for the Technical Session as described in Section II above.

E. Modifying the Service List

The Applicant requested that two members of counsel be added to the service list. The Intervenor did not object.

The Presiding Officer notes that, in the Commission's experience, limiting the contacts in the service list to one person per party simplifies the proceeding and helps avoid confusion. Therefore, the Applicant's request to add contact people to the service list is denied. As the Applicant specified that Emily Hastings should remain the contact person for the Applicant if the service list is limited to one contact person per party, the service list (Appendix A) has not changed.

IV. APPLICATION DEADLINE

During the pre-hearing conference, the Intervenor stated that ongoing changes to the Application make it difficult to review. On September 25, 2026, the Commission sent the Applicant a letter regarding its lack of evidence of title, right, or interest (TRI) for a proposed culvert under Mountain Road and options for addressing this deficiency during the public hearing. At the pre-hearing conference, the Applicant stated its preference for revising the application to include only a plan for which it has evidence of TRI in the record.

The deadline for the Applicant to file its revised plan and to respond to any remaining comments on the application is October 7, 2026. After this date, the Applicant may submit evidence regarding its proposal in pre-filed testimony, written comment, and written rebuttal, but may not modify the Application.

V. SUMMARY OF SCHEDULE (all dates are in 2026)

Final Application Updates: October 7 (5:00 PM)

Pre-filing of the Applicant's Project Overview: October 7 (5:00 PM)

Recissions of Petitions to Intervene: October 7 (5:00 PM)

Intervenor Notice of Intent to Cross-Examine: October 8 (5:00 PM)

Site Visit: October 13 (1:30 PM)

General Public Comment Session: October 13 (6:00 PM)

Witness Lists and Pre-filed Testimony for the 11/12 Technical Session: November 4 (5:00 PM)

Technical Session: November 12 (10:30 AM)

Post-Hearing Comment Period: November 13 – 22 (11:59 PM)

Post Hearing Rebuttal Period: November 23 – December 2 (11:59 PM)

Hearing Record Closes: December 2 (11:59 PM)

Note that the hearing record will remain open for the submission of comments between the General Public Comment and Technical Sessions of the hearing.

VI. FIRST PROCEDURAL ORDER

All requirements of the First Procedural Order not affected by the Second Procedural Order remain in effect.

VII. AUTHORITY AND RESERVATIONS

This Procedural Order is issued by the Presiding Officer pursuant to Chapter 5. All objections to matters contained herein should be timely filed in writing with the Commission staff but are not to be further argued except by leave of the Presiding Officer. All rulings and objections will be noted in the record.

The Presiding Officer may amend this Order at any time.

DONE AND DATED AT AUGUSTA, MAINE, THIS 1ST DAY OF OCTOBER, 2026.

A handwritten signature in black ink, appearing to read "Millard Billings", written in a cursive style.

Millard Billings, Chair and Presiding Officer

APPENDIX A

Application for Subdivision Permit SP4103, Loaf Land Subdivision

Service List

Land Use Planning Commission (LUPC or Commission)

Tim Carr
Land Use Planning Commission
22 State House Station
18 Elkins Lane, Augusta, ME 04333-0022
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Office of the Maine Attorney General (OAG)

Caleb E. Elwell, AAG
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caleb.elwell@maine.gov

Loaf Land Development, LLC (Applicant or Loaf Land)

Emily Hastings, P.E.
emily@main-landdci.com

Stanwood Fish, Jr., Jenny Burch (Intervenor 1)

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Russell and Cathryn Peters (Intervenor 2)

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