

FRANKLIN COUNTY COMMISSIONERS MEETING AGENDA

LOCATION: Franklin County EOC, 120 County Way, Farmington

DATE AND TIME: January 6, 2026 @ 10:00 A.M.

The Franklin County Commissioners' meetings are open to the public. This meeting is also available virtually via [Video Conferencing, Cloud Phone, Webinars, Chat, Virtual Events | Zoom](#). Here is the meeting ID# 492 510 0482 passcode 030621.

Executive Session 1 M.R.S. § 405(6)(F) – Discussion of Confidential Records – Poverty Abatement

RECOGNITION:

APPOINTMENTS:

- Appointment of Commissioner Chair
- AVCOG Committee Representative
- Opioid Committee
- Central Western Maine Workforce Development Board Representative
- Maine Health EMS-Franklin Advisory Board

NEW BUSINESS:

1. Legal Consult-Budget
2. Administrator's Report
3. Minutes
4. Treasurer's Report
5. Cleaning Service at the Courthouse
6. Madrid Pit Discussion-Light Pole and LUPC
7. Inclement Weather-Public Notice
8. Treasurer Position
10. Set Date to Prepare the County Administrator Objectives, Evaluation, and Contract Review

OLD BUSINESS:

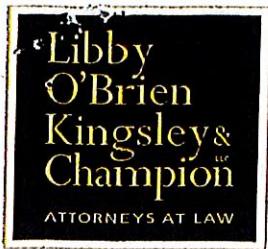
MISCELLANEOUS:

WARRANTS: County AP, ARPA, Payroll, & UT

ADJOURNMENT:

Meeting Packets are available to view by clicking on the link below:

[Agendas & Minutes - Franklin County, Maine \(franklincountymaine.gov\)](http://franklincountymaine.gov)



Gene R. Libby, Esq.
glibby@lokllc.com

July 28, 2025

CONFIDENTIAL ATTORNEY / CLIENT COMMUNICATION

BY EMAIL and Regular U.S. Mail:

bcarlton@franklincountymaine.gov

Bob Carlton, Chair
Franklin County Commissioners
120 County Way, Suite 4
Farmington, ME 04938

Re: FCBAC Budget Authority

Dear Bob:

I write in response to your letter of July 2, 2025 containing (5) questions for our review and response. In addition to the information contained in your July 2, 2025 letter, we have also reviewed the Minutes of the July 1, 2025 Commissioner meeting, specifically Item 5 "Personnel Policy – Elected Officials Benefit Stipend" and Item 6 "Legal Consult, A. Reallocation of County Funds After Budget Committee Reductions; B. County Reporting Structure of Elected Officials." I will address each item separately below.

Question 1. Under Title 30-A § 874(4), the FCBAC cut specific line items totaling nearly \$87,841 from the commissioners' proposed budget. The FCC subsequently overrode these itemized deductions with a 3/5 vote. The FCBAC then rejected the commissioners' revised budget, supporting their own budget with the required 2/3 vote. Are the FCBAC's itemized deduction legally final and binding?

In 1991, the Legislature established the Franklin County Budget Advisory Committee. 30-A M.R.S. § 873. Section 871 stated, "Notwithstanding sections 2, 701 and 702, in Franklin County the county commissioners may appropriate money, according to a budget which must be approved by a majority of the county commissioners." Section 874(4) dealt with the procedures for finalization of the budget as follows:

4. **Finality of budget.** After the public hearing is completed, the advisory committee shall adopt a final budget and transmit that budget to the county commissioners. The county commissioners may not further increase, decrease, alter or revise the budget adopted by the advisory committee, except by a 3/5 vote of the entire membership of the county commissioners. If the adopted budget is changed by the county commissioners, the advisory committee may

reject that change by a 2/3 vote of its membership. Those actions are final and are not subject to further action by either the county commissioners or the advisory committee.

It appears both the County Commissioners and the Advisory Committee followed the statutory process outlined in § 874(4). Further, the statute specifically provides, "The county commissioners may not further increase, decrease, alter or revise the budget adopted by the advisory committee . . ." and that the 2/3 vote of the Advisory Committee "[a]re not subject to further action by either the county commissioners or the advisory committee." Thus, in our view, the specific line items totaling \$87,841 removed from the proposed budget by the Advisory Committee are in conformance with the statute and should be considered the final budget for the line items covered.

We attach as Exhibit A Opinion No. 06-2 of the Office of the Attorney General dated January 23, 2006. The Attorney General at that time was asked whether the York County Commissioners have authority under 30-A M.R.S. § 501(1) to refuse to fill a position in the District Attorney's Office that was approved by the York County Budget Committee. The Attorney General concluded by interpreting the plain meaning of the language used in the statute and by ascertaining the Legislature's intent in enacting the statute. The Attorney General concluded:

Further, interpreting Section 501(1) to permit the Board of Commissioners to refuse to fill a position for budgetary reasons would frustrate the Legislature's intent in creating the Budget Committee. As is discussed above, the Legislature, in creating the Budget Committee, clearly intended that the Committee would have ultimate authority over the budget. Indeed, the Legislature considered and rejected a proposal that the Committee serve in only an advisory capacity. To interpret 501(1) to allow the Board of Commissioners to refuse, for budgetary reasons, to fill a position created by the Budget Committee would frustrate the Legislature's intent that it is the Budget Committee, and not the Board of Commissioners, that makes the final budget decisions.

Question 2. Do Maine statutes permit the FCC to transfer funds from other approved departmental line items to restore the \$87,841 in the itemized deductions made by the FCBAC, and if so, what statutory procedures must be followed for such inter-departmental transfers? Does Title 30-A § 922 "Insufficient Appropriations" apply?

The County Commissioners are required to comply with § 874(4) that provides the reductions by the Budget Committee "[a]re final and not subject to further action by either the County Commissioners or the Advisory Committee." Since the Budget Committee has the statutory authority to take final action with respect to the itemized deductions from the 2026 budget, restoring the funding through departmental line item transfers or through the contingent fund would be inconsistent with the Legislature's intent in establishing the Budget Committee, as well as the plain language of the statute. Section 922(2) that governs the use of the contingent

account is limited to “emergency purposes” and the refusal of the Budget Committee to fund the reductions cannot be considered an emergency since the Budget Committee does have final authority to make line item reductions to the proposed budget.

Question 3. Under these circumstances, does Franklin County’s personnel policy mandating 35% flex benefit compensation for the commissioners, cut by the Franklin County Budget Advisory Committee, create a legal obligation that supersedes the Franklin County Budget Advisory Committee’s final budget determination? Or does Home Rule Authority and the Supremacy of State Law prevent that policy from being implemented?

The County Commissioners are considered “county officers” by statute. 30-A M.R.S. § 1(2). Section 51(2) with respect to salaries of County Commissioners provides “These salaries are in full compensation for all services of the commissioners” While this language, in and of itself, does not preclude flex benefit compensation, it does not trump the Budget Committee’s authority under § 874(4). County officers are elected and their role and compensation is generally controlled by statutory authority. Since commissioners are elected county officers, questions regarding fairness and equity of limiting such benefits to a restricted class of employees is not applicable.

Question 4. County commissioners do have access to a contingent fund established under Title 30-A Section 922(2), which allows for an amount not exceeding “the greater of 1.5% of the annual county budget” or \$87,871. However, this fund may be used at the discretion of the county commissioners for emergency purposes only. Could the restoration of these costs be considered an emergency?

The vote of the Budget Committee to withhold funding for specific line items does not constitute an emergency under § 922(2). See response to question 2 above.

Question 5. It has been suggested that when county commissioners exceed their statutory authority by reallocating funds without proper approval, such actions constitute acting beyond legal powers. Maine legal precedent establishes that governmental actions exceeding statutory authority could be void and of no legal effect. Could civil action be initiated against the County if these cuts are made and the tax bills include payment for these reductions?

A citizen, state or local official may be able to challenge the County budget, and, at least theoretically, their individual tax bills, if the County budget included funds not authorized by the Franklin County Budget Committee. For example, I have attached the Order and Judgment in *The Maine Sheriff’s Association, et al. v. Knox County Commissioners* dated March 2, 2012. The action sought a declaratory judgment as to whether the Knox County Charter allowed the County Administrator to participate in certain matters internal to the operations of the Knox County Sheriff’s Department. The Superior Court Justice concluded that 30-A M.R.S. § 401 provided the Sheriff with full statutory authority that could not be overridden by the County’s Charter. “The sheriff shall act as a chief county law enforcement officer and is responsible for administering and directing the sheriff’s department as authorized by the county budget.” “Because section 401, either by its express terms or by clear implication, vests the sheriff with authority to administer

July 28, 2025

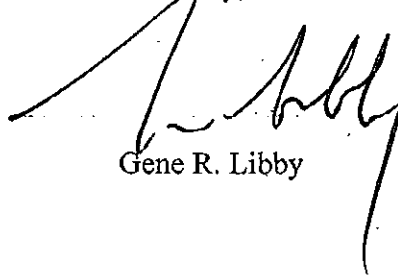
Page 4

and direct her department, a county charter may not lawfully purport to delegate or otherwise assign those powers and authority to others." The court cited to 30-A M.R.S. § 1351(2) that provides, "In any event, no county may, by adoption, amendment or revision of a charter, exercise any power or function in which the Legislature has not conferred on that county either expressly or by clear implication by general or specific law." A declaratory judgment action is one way the authority of the Commissioners could be challenged by an individual or organization with standing.

Section 922(3) does require the county treasurer to keep records of any transfers between specific line item categories or from the contingent account. The statute requires the record to be certified by the county commissioners within 30 days of each transfer. Further Title 30-A does provide that any agent or officer who willfully violates § 701, 921, 922, 923, 924 or 951 is guilty of a Class E crime. While we are not aware of any legal proceedings initiated under this statute, § 7 remains as a possible legal challenge. Section 8 also creates a civil violation for violations of Chapter 3 for which a forfeiture of not more than \$200 may be imposed by the court.

Please note that our opinion is based on our knowledge of the law and facts on the date of issuance. Our opinion is solely for the information and guidance of the Franklin County Commissioners and is not authorized to be used by anyone for any other purpose.

Sincerely,



Gene R. Libby

GRL/eb
Enclosures

c: Amy Bernard (via email only – abernard@franklincountymaine.gov)
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J.R. Fallon, Esq. (via email only)



2006 WL 3923859 (Me.A.G.)

Office of the Attorney General

State of Maine
Opinion No. 06-2
January 23, 2006

RE: Authority of York County Commissioners Under 30-A M.R.S.A. § 501(1)

*1 The Honorable Mark W. Lawrence.
District Attorney
York County Courthouse
P.O. Box 399
45 Kennebunk Road
Alfred, ME 04002-3999

Dear District Attorney Lawrence:

Pursuant to 5 M.R.S.A. § 199, I am writing in response to your letter of November 18, 2005 regarding whether the York County Commissioners have authority under 30-A M.R.S.A. § 501(1) to refuse to fill a position in your office that was approved by the York County Budget Committee.

It is my understanding that, in September 2004, you submitted to the York County Board of Commissioners a proposed budget that included the creation of a new clerical position to assist you in addressing your office's increased caseload. The Board of Commissioners recommended that the Budget Committee not fund this new position. The Budget Committee, though, voted eleven to one in favor of creating the position, and the final budget included the position. Nevertheless, the County Manager has advised you that the Board of Commissioners will not post the position and will not allow the position to be filled.

In your letter, you raise the following questions:

1. Can the York County Commissioners refuse to allow the posting of a position that has been funded through the York County Budget process?
2. If they cannot, can the York County Commissioners refuse approval of every person submitted for employment in that position on the grounds that as a matter of policy they disagree with the expenditure of funds for this purpose?

Before addressing the questions raised by your letter, I will briefly discuss both the statutes that govern the operation of District Attorneys' offices and the statutes that establish the York County budget process.

Operation of District Attorneys' Offices

District Attorneys are elected every four years by the voters in their respective prosecutorial districts. 30-A M.R.S.A. § 251. In many cases, a single prosecutorial district is made up of more than one county. 30-A M.R.S.A. § 254. District Attorneys' offices are funded by both the State and the counties. District Attorneys and Assistant District Attorneys are declared to be "officers of the State," 30-A M.R.S.A. § 256, and the State pays their salaries. 30-A M.R.S.A. § 255. The State must provide "sufficient funds" such that each District Attorney will have an "adequate staff of [Assistant District Attorneys] to screen, process and investigate complaints, to assist law enforcement agencies, to conduct trials in the District and Superior Courts, to prosecute appeals in the Supreme Judicial Court and to carry out all other duties and responsibilities." 30-A M.R.S.A. § 272(5).

All other District Attorney expenses are funded by the counties. County Commissioners "shall allow to the district attorney serving the county sufficient funds for all office expense, clerk hire and travel" 30-A M.R.S.A. § 281(1). County

Commissioners must also either provide district attorneys with "office space suitable for the performance of the duties of the office" or "provide sufficient funds to the district attorney for the rental of suitable quarters at locations convenient to courthouses within the county." 30-A M.R.S.A. § 281(2).

York County Budget Process

*2 Originally, the budget for York County (and other counties) was proposed by the Board of Commissioners and approved, with or without modification, by the Legislature. 30-A M.R.S.A. §§ 701-702 (1987). In July 1989, the Legislative Council authorized a study of county government, and the Joint Standing Committee on State and Local Government established a subcommittee to perform the study. The subcommittee issued its report in December 1989. *County Government: A Study of Its Structure & Possible Redistribution of Certain Functions*, Joint Standing Committee on State and Local Government (Dec. 1989). Among the subcommittee's recommendations was that "all counties establish an autonomous budget process by January 1, 1992." *Id.* at 1.¹ The subcommittee noted that the Legislature was "not well equipped to continue reviewing the budgets for every county," and that autonomous budget processes would give counties "more direct responsibility for their own budgets." *Id.* at 17. The subcommittee specifically recommended that each county establish a Budget Committee to review the budget proposed by the County Commissioners. *Id.* The proposed budget would become final only if approved by a majority of the budget committee. *Id.* In essence, then, the Budget Committee would assume the role previously played by the Legislature.

In 1994, a bill was introduced to create an autonomous budget process for York County. L.D. 1817, "An Act Creating the York County Budget Advisory Committee." (116th Legis.). As the title suggests, this bill would have created a Budget Committee with only advisory powers - the Committee could make recommendations on the budget proposed by the Board of Commissioners, but the Board would have final authority over the budget. A Committee Amendment was proposed which, among other things, changed the title of the bill to "An Act Creating the York County Budget Committee" and gave the Budget Committee final authority over the budget. Ultimately, the Committee Amendment prevailed.

L.D. 1817, as amended by the Committee Amendment, was enacted as 30-A M.R.S.A. §§ 831-836. The York County Budget Committee consists of fifteen voting members and one nonvoting member. 30-A M.R.S.A. § 832. The Board of Commissioners must submit a proposed budget to the Budget Committee no later than sixty days before the end of the fiscal year. 30-A M.R.S.A. § 833(1). The Budget Committee, after holding a public hearing, may accept or modify the proposed budget. 30-A M.R.S.A. § 833(2). Once adopted by the Budget Committee, the budget "may be changed only by a majority vote of the county commissioners and a majority vote of all elected members of the budget committee." 30-A M.R.S.A. § 833(4).

Analysis

I will consider your second question first. It is my understanding that the Board of Commissioners, in refusing to fill the position that was authorized by the Budget Committee, is relying upon 30-A M.R.S.A. § 501(1). Section 501(1) states:

*3 All county officers or department heads shall submit to the county commissioners or the County Personnel Board, if one has been established under article 2, the name of any person the county officer or department head proposes to employ or the names of more than one person from which the county commissioners or personnel board are to select a person for employment. The county commissioners or the County Personnel Board may approve the employment of the person or select a person for employment. If approval is withheld or a selection is not made, the county commissioners or the county Personnel Board, within 14 days after the name or names have been submitted, shall notify the county officer or department head of the reasons for their disapproval or failure to make a selection.

It is my opinion that this statute does not give the Board of Commissioners authority over District Attorneys' hiring decisions, and, even if it does, it does not permit the Board to exercise its authority so as to effectively veto budget decisions made by the Budget Committee.

First, Section 501(1) gives the Board of Commissioners authority over hiring decisions made by "county officers" and "department heads," and District Attorneys are neither. "County officers" are defined as "the commissioners, treasurer, sheriff, register of deeds and register of probate of a county." 30-A M.R.S.A. § 1(2). District Attorneys are not included in this definition, and are thus not county officers.

"Department heads" is not defined. A reasonable interpretation, though, is that a department head is a person who oversees a particular unit of county government. District Attorneys' offices are not units of county government. Indeed, in many cases, a single District Attorney serves a prosecutorial district made up of multiple counties. Further, District Attorneys are elected officials and are "officers of the State." 30-A M.R.S.A. § 256. Such status belies the proposition that District Attorneys are county department heads.

The fact that District Attorneys may supervise some clerical staff who are county employees does not mean that District Attorneys are county department heads. They are still state officers and supervise Assistant District Attorneys, who are also state officers. I note, too, that 30-A M.R.S.A. § 281 does not require counties to provide clerical staff to District Attorneys, but instead states that county commissioners shall give District Attorneys "sufficient funds" to hire clerks. 30-A M.R.S.A. § 281(1). That counties have chosen to meet this obligation by providing staff directly does not convert District Attorneys into county department heads.

Even if District Attorneys were to be considered "county officials" or "department heads," the authority of the Board of Commissioners under Section 501(1) is, in my opinion, limited to approving or rejecting a specific candidate based upon the candidate's particular merits and qualifications. It does not give the Board the authority to effectively veto a budget decision made by the Budget Committee.

*4 In interpreting a statute, courts usually start with the plain meaning of the language used. *See, e.g., Coker v. City of Lewiston*, 1998 ME 93, ¶ 7, 710 A.2d 909, 910. Here, though, the plain meaning is of little help because Section 501(1) does not indicate one way or the other whether the Board of Commissioners may reject a candidate for budget reasons. Given this ambiguity, it is appropriate to attempt to determine the Legislature's intent in enacting Section 501(1), and then interpret the statute in accordance with that intent. *Mahaney v. State*, 610 A.2d 738, 741 (Me. 1992); *Greaves v. Houlton Water Co.*, 143 Me. 207, 212 (Me. 1948); *see also Paradis v. Webber Hospital*, 409 A.2d 672, 675 (Me. 1979) ("Of course, legislative intent is always of fundamental importance.").

Two provisions in Section 501 provide clues to the Legislature's intent. First, Section 501(1) states that county officers and department heads who wish to fill a position are to submit the names of the candidates. Second, Section 501(2) is captioned "qualifications" and states that county employees are to be hired without regard to political affiliation and solely upon their individual qualifications. These two provisions indicate that the Legislature's intent was that the Board of Commissioners would review the merits of individual candidates. Nothing suggests that the Legislature intended that Section 501(1) would be used as a budgetary tool.

Further, interpreting Section 501(1) to permit the Board of Commissioners to refuse to fill a position for budgetary reasons would frustrate the Legislature's intent in creating the Budget Committee. As is discussed above, the Legislature, in creating the Budget Committee, clearly intended that the Committee would have ultimate authority over the budget. Indeed, the Legislature considered and rejected a proposal that the Committee serve in only an advisory capacity. To interpret 501(1) to allow the Board of Commissioners to refuse, for budgetary reasons, to fill a position created by the Budget Committee would frustrate the Legislature's intent that it is the Budget Committee, and not the Board of Commissioners, that makes the final budget decisions.

In this respect, the present situation is similar to one involving the Androscoggin County Sheriff's Office in 1984. There, the Sheriff requested, and the Legislature approved, a county budget that included money to create a new position. The Androscoggin County Commissioners, though, refused to create the position. This Office opined that "the authority of the County Commissioners to control expenditures is exercised within the bounds established by the legislatively approved budget and must not be exercised in such a way so as to frustrate the legislative intent which is expressed therein." Opinion of the Attorney General, 1984 Me. AG Lexis 11 (Apr. 27, 1984). Here, while it is now the Budget Committee and not the Legislature that sets the budget, the same analysis applies. The authority of the County Commissioners must be exercised within the bounds established by the budget, as set by the Budget Committee.²

*5 Finally, while the Legislature gave counties the option of either directly providing office space to District Attorneys or paying for office space, it did not give counties such an option with respect to clerical staff. *Compare* 30-A M.R.S.A. § 281(2) *to* § 281(1). So, the Legislature presumably intended that County Commissioners would provide funding for clerical

staff, but would not exercise any authority over individual hiring decisions. Interpreting Section 501(1) to permit the Board of Commissioners to review a District Attorney's hiring decisions would frustrate this intent.

With respect to your second question, then, it is my opinion that the Board of Commissioners cannot refuse to fill a position that was created by the Budget Committee. Section 501(1) does not apply to District Attorneys because they are neither "county officers" nor "department heads." And, in any event, the Board of Commissioners does not have the authority under Section 501(1) to take actions that would effectively veto a budget decision made by the Budget Committee. The Legislature clearly intended that the Budget Committee would have final authority over the budget, and, in exercising its authority, the Board must respect that intent.³

With respect to your first question, I am not aware of any legal authority that would require the Board of Commissioners to post the position that was created by the Budget Committee. On the other hand, I am not aware of any legal authority that would preclude you from advertising the position yourself.

I hope this information is helpful to you. Please let me know if I can be of further assistance.
Sincerely,

G. Steven Rowe
Attorney General

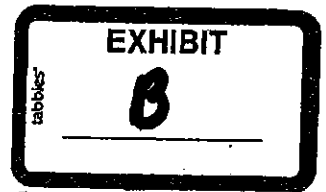
Footnotes

- ¹ The subcommittee noted that two counties - Cumberland and Waldo - already had autonomous budget processes which did not involve the Legislature, and that two other counties - Aroostook and Kennebec - were in the process of establishing autonomous budget processes. *Id.* at 17-18.
- ² Also relevant is a case from New York. In *Poillucci v. Pattison*, 466 N.Y.S.2d 360 (A.D.2 Dept. 1983), the County Executive proposed a budget to the County Legislature that included the creation of new positions. The County Legislature modified the budget to eliminate the new positions. *Id.* at 361. But, the County Executive vetoed the modifications and the County Legislature failed to override the veto. *Id.* So, under applicable law, the budget that went into effect included the new positions. *Id.* Subsequently, though, the County Legislature passed a "salary resolution" that did not allocate any funds to pay the salaries for the new positions. *Id.* The Court held that the County Legislature had no authority to refuse to fund positions that had been validly created as part of the budget process: "positions [established through the budget process] cannot be abolished by the adoption of a salary resolution which is inconsistent with the budget." *Id.* at 363.
- ³ To the extent that the Board of Commissioners relies on 30-A M.R.S.A. § 102, the reliance is misplaced. Section 102 gives the Board "final authority over the operation of all county offices by elected or appointed county officials." As is discussed above, District Attorneys are not county officials, and their offices are not county offices. And, as with Section 501(1), any authority the Board has under Section 102 may not be exercised so as to effectively veto budgetary decisions made by the Budget Committee.

2006 WL 3923859 (Me.A.G.)

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RECEIVED MAR 06 2012

STATE OF MAINE
LINCOLN, SS.

SUPERIOR COURT
CIVIL ACTION
Docket No. AP-09-1

The Maine Sheriffs' Association et al.,
Plaintiffs

v.
Order and Judgment

The Knox County Commissioners,
Defendants

The Maine Sheriffs' Association and Knox County Sheriff Donna Denison (collectively, Dennison) have brought this action against the Knox County Commissioners to seek a judicial declaration regarding the authority purportedly granted to the commissioners under the Knox County Charter to participate in certain matters internal to the operations of the Knox County Sheriff's Department. This action has followed a convoluted procedural route to its present posture, in which Dennison has filed a motion for judgment on the pleadings, and the commissioners have moved for summary judgment. For the reasons set out in this order, the court enters judgment for Dennison.

The factual predicate on which the court considers the parties' legal contentions is found in the amended complaint when viewed in light of the commissioners' answer to that pleading, and in the record on summary judgment. At oral argument held on the pending motions, the parties agreed that there are no material factual disputes and that the merits of Dennison's claims are in order for adjudication.¹

¹ At oral argument, the Commissioners also agreed that there now is a sufficiently concrete factual context in which those legal claims may be assessed. Thus, they no longer seek dismissal or other relief based on lack of ripeness or any other impediment to the consideration of Dennison's claim for declaratory relief.

It also bears note that in a prior order, the court raised the question of the plaintiffs' standing. The defendant does not seek dismissal of the complaint for lack of standing. Although one may question whether plaintiff Maine Sheriffs' Association has standing to pursue the claim at bar, it seems clear that plaintiff Knox County Sheriff

In November 2004, Knox County voters adopted a county charter, as authorized by 30-A M.R.S. § 1301 *et seq.*, which is the enabling legislation that authorizes the establishment of county charters. The process used to enact Knox County's charter has not been placed in issue here. The central question raised in this action is whether certain aspects of the authority that the charter vests in the commissioners and the county administrator are within the parameters of the enabling legislation. Under section 1351(1),

The charter for any county may provide for:

- C. The establishment of count departments, agencies, boards or commissions, and their descriptions, powers and duties; and the authority of county officers or officials to direct, regulate and control those agencies, departments, boards and commissions; [and]
- D. The internal activities of county government;

Section 1351(2) then prescribes the limits of the powers that may be set out in a charter: ". . . [N]o county may, by adoption, amendment or revision of a charter, exercise any power or function which the Legislature has not conferred on that county either expressly or by clear implication by general or specific law."

The Knox County Charter vests the county's powers in its three elected commissioners. *See* Charter, art. III, § 1. Among other things, the commissioners are authorized to appoint a county administrator who is charged with exercising the commissioners' administrative responsibilities. *See id.*, art. III, § 9. Under the charter, the county administrator is the County's "chief administrative official . . . and is responsible for the administration of all departments and offices controlled by the Commissioner." *See id.*, art. IV, § 1. The charter enumerates the county administrator's powers and responsibilities. *See id.* Among other responsibilities, the administrator is to "[d]irect and supervise the operation of all County departments and offices. . . ." *See id.*,

Donna Dennison does have standing, because the central question in this action is whether the Knox County Commissioners have the legal authority to intervene in certain matters involving the operation of the Knox County Sheriff's Department. As the Knox County Sheriff, Dennison is the proper party to pursue that issue. Thus, the court need not and does not reach the question of whether the Maine Sheriffs' Association is entitled to litigate the claim, because even if it does not, Dennison does, and so the court therefore may reach the merits of the claim set out in the complaint.

art. IV, § 2(a)(5). Additionally, under the charter, "[p]ersonnel administration shall be under the direction of the County Administrator or his or her designee; provided, however, that appeals from personnel actions may be taken to the Commission by aggrieved employees for resolution." *See id.*, art. IV, § 2(b).

In her amended complaint, Dennison alleges that Andrew Hart, the Knox County Administrator, intervened in an internal investigation of alleged misconduct by Sheriff's Department personnel and in the investigation of a citizen complaint about Sheriff's

Department operations. Further, Dennison alleges that Hart created committees charged with hiring employees for certain divisions within the Sheriff's Department; he has established the hiring procedure; and he has assumed responsibility for making hiring decisions. Dennison did not consent to or approve of Hart's intervention into any of these matters. Hart based his authority on the provision of the charter that vests the county administrator with responsibility for personnel matters within county departments. In their answer to the amended complaint, the commissioners admit that Hart has been involved in the operations of the Sheriff's Department in these ways, but they also contend that the charter requires him to do so.

As is noted above, section 1351 is framed in both positive and in limiting terms: section 1351(1) identifies the areas of affirmative powers and authority that may be exercised by county officials (which, here, would be the county administrator acting as the commissioners' agent), and section 1351(2) then imposes limitations on such powers and authority. When Hart intervened in the Sheriff's Department's internal investigative matters, he acted within the powers and authority created by the charter. Further, the affirmative grant created in section 1351(1) encompasses those matters, because the investigations at issue were the Sheriff's Department's "internal activities," which is an area of control under section 1351(1)(D). Similarly, when Hart -- again, as the authorized designee of the commissioners -- became involved in the hiring process and the actual hiring decisions of Sheriff's Department employees, that involvement was countenanced by both the charter and the enabling legislations in section 1351. The charter specifically entitles the county administrator to direct "personnel administration" within the county's departments, and under section 1351(1)(C) and (D), a county charter may extend to these matters. Therefore, the commissioners' intervention in internal investigations and hiring

practices and decisions within the Sheriff's Department falls within the basic grant of power associated with both the charter and the statutes governing county charter framework.²

Title 30-A M.R.S. § 401 establishes the relevant limitation on the commissioners' power to intervene in the operations of the Sheriff's Department that are at issue here. Under section 401(1), "The sheriff shall act as the chief county law enforcement officer ~~and is responsible for administering and directing the sheriff's department as authorized by the county budget.~~" (Emphasis added.) Thus, within the parameters established the by the departmental budget, section 401 vests the sheriff with full responsibility and authority to manage and direct the operations of the sheriff's department. The statute does not carve out issues of internal investigations and personnel matters as areas of internal operations of the sheriff's department over which the sheriff does not have responsibility or over which she must share that responsibility with others. Rather, under section 401, those are operational areas over which the sheriff herself has responsibility, and section 401 does not provide expressly or impliedly that any other official is authorized to intervene in those aspects of the sheriff's department's operations.

Because section 401, either by its express terms or by clear implication, vests the sheriff with authority to administer and direct her department, a county charter may not lawfully purport to delegate or otherwise assign those powers and authority to others. See 30-A M.R.S. § 1351(2). Consequently, Hart was not entitled to intervene in investigations and hiring issues that were internal to the sheriff's department, because the terms of the Knox County Charter supporting that intervention exceeded the limitations prescribed in the enabling legislation.

The entry shall be:

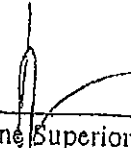
² Dennison argues that the provisions of section 1352(2) limit the commissioners' reach into the operations of the Sheriff's. That statute, however, merely requires a county charter to identify those persons who would assume responsibility for the duties of the commissioners, county treasurers and registers of deeds, *if* the charter abolishes those offices or positions. By its own terms, this provision has nothing to do with the interrelationship between the powers of the county administrator and the operations of a sheriff's department.

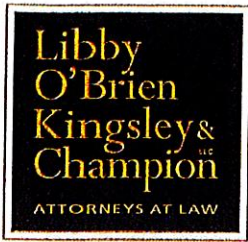
For the foregoing reasons, the plaintiffs' motion for judgment on the pleadings is granted, and the defendant's motion for summary judgment is denied. Judgment on the complaint is entered for the plaintiffs. The court concludes and declares that the Knox County Sheriff retains responsibility for administering and directing investigations and personnel practices and decisions within the Knox County Sheriff's Department as authorized by the county budget, and that provisions of the Knox County Charter that purport to authorize the County Commissioners and the county administrator to intervene in such administration and direction are void and unenforceable.

~~The plaintiffs' motion to supplement the pleadings is dismissed as moot.~~

The plaintiffs are awarded their costs of court.

Dated: March 2, 2012


Justice, Maine Superior Court



Gene R. Libby, Esq.
glibby@lokllc.com

August 27, 2025

CONFIDENTIAL ATTORNEY/CLIENT COMMUNICATION

BY EMAIL ONLY: bcarlton@franklincountymaine.gov

Bob Carlton, Chair
Franklin County Commissioners
120 County Way, Suite 4
Farmington, ME 04938

Re: FCPAC Budget Authority

Dear Bob:

After our discussion August 26, 2025, I received the minutes of the Franklin County Budget Advisory Meeting for April 8, April 23, April 30, May 7, May 21 and June 11. I also reviewed the Franklin County Commissioners' meeting minutes of June 5, 2025. I performed this review to see whether or not the Budget Committee complied with 30-A M.R.S. §874(2) that requires the committee to "enter[s] into its minutes an explanation for any suggested change in the estimated expenditures in revenues as initially presented by the County Commissioners."

The Budget Committee minutes reflect a motion to approve the Commissioners budget at \$400,000 "by not funding the part-time secretary position, reducing the additional stipend for the Commissioner Chair, reducing the payroll taxes line, and removing the 35% health insurance stipend that Commissioners receive out of the health insurance fund. The motion passed 9 in favor and 2 opposed. The minute entry appears to comply with the requirements of Section 874(2). At the Commissioners' meeting of June 5, 2025, Commissioners revised the Budget Committee proposal (4/1) by reducing part-time staff by \$7,654, reducing payroll taxes by \$585, reducing the document preservation line by \$9,000, and adding \$30,146 back into the budget for the Commissioners' flex benefits.

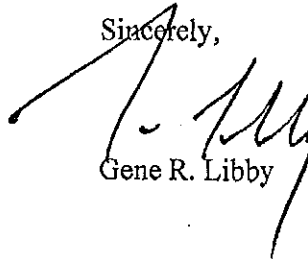
On June 11, 2025, the Budget Committee voted to reject the Commissioners' proposed changes to the Commissioners' budget by an 8/3 vote.

In my legislative research I noted that the 131st Maine Legislature amended 30-A M.R.S. §874(4) as follows, "The County Commissioners may not further increase, decrease, alter or advise the budget adopted by the Advisory Committee, except by ~~unanimous~~ a 3/5 vote of the entire membership of the County Commissioners." PL, 1991 c. 495. The Legislature did not modify the controlling language that "the Advisory Committee may reject that change by a 2/3 vote of its membership." This language is similar to the budget. Approved procedures required in the following counties, Androscoggin, Aroostook, Knox, York, Kennebec, Oxford, Somerset and Washington.

August 28, 2025
Page 2

I also discussed the issues surrounding section 874(4) with my partner, Tim O'Brien, who, along with me, has been advising York County for over two decades. To the extent you have any further questions, please feel free to be in touch.

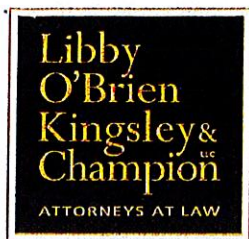
Sincerely,

A handwritten signature in black ink, appearing to read "Gene R. Libby", is written over the typed name.

Gene R. Libby

GRL/jlw

c: Amy Bernard (via email only – abernard@franklincountymaine.gov)
Timothy J. O'Brien, Esq. (via email only)
J.R. Fallon, Esq. (via email only)



Gene R. Libby, Esq.
glibby@lokile.com

August 26, 2025

CONFIDENTIAL ATTORNEY/CLIENT COMMUNICATION

BY EMAIL and Regular U.S. Mail: **bcarlton@franklincountymaine.gov**

Bob Carlton, Chair
Franklin County Commissioners
120 County Way, Suite 4
Farmington, ME 04938

Re: Legal Review – County Reporting Structure of Elected Officials

Dear Bob:

I write in response to your letter of July 28, 2025, containing four (4) questions for our review and response. In addition to the information in your letter, we have also reviewed the Minutes of the July 1, 2025, Commissioner meeting, specifically Item 6 “Legal Consult, B. County Reporting Structure of Elected Officials.”

Maine law draws a clear distinction between county-elected officials and traditional county employees, reflecting their unique constitutional and statutory roles. County-elected officials are not considered county employees in the traditional sense, as they are constitutional or statutory officers who are independently elected to their positions. As such, they are not subject to the same reporting structure and classification as regular county employees. Moreover, the term “county officers” means the commissioners, treasurer, Sheriff, registry of deeds, and Register of Probate of a county. Title 30-A M.R.S. § 1(2). The term “county official” means an elected or appointed member of a county government. *Id.* § 1(4). These unique legal distinctions affirm that county-elected officials function independently from the traditional county employee structure.

In addition, though the county pays these officers and officials, and they work within the county government structure, they are not subject to at-will employment, supervision, or employment discipline by county commissioners or administrators. Alternatively, their staff, such as deputies, clerks, etc., *are* considered traditional county employees. I will now address the questions below as they apply to each elected position. For further clarification, I have also included in my analysis the duties of a Probate Judge.

Questions Presented:

1. Who does the Register of Probate, Register of Deeds, the County Sheriff, the County Treasurer, and the District Attorney formally and legally report to within the county government?

2. Is the Register of Probate directly accountable to the Judge of Probate, or another official for their primary duties and responsibilities?

3. Are the Register of Deeds, the County Sheriff, the County Treasurer, and the District Attorney directly accountable to the County Commissioners?

4. Are there distinctions between reporting lines for administrative, financial, and judicial matters?

Official	County Employee	Removal/Discipline Authority
Probate Judge	No	Judicial Discipline System
Register of Probate	No	Impeachment or Governor
Register of Deeds	No	AG through Superior Court
Sheriff	No	Governor (after complaint)
Treasurer	No	Possibly AG or State Review
District Attorney	No	Initiated by the AG

I. Probate Judge

Maine's Probate Judges occupy a unique position within the judiciary, shaped by both statutory provisions and historical practice. These jurists are statutory officers who are independently elected to their positions. Title 4 M.R.S. § 301. "Historically Probate Judges in Maine are different from other judges in that they are elected and have always served on a part-time basis. In recognition of this, the Code of Judicial Conduct provides that Probate Judges are excused from certain of the rules applicable to other judges. See Code of Judicial Conduct, Coverage and Effective Date, § I.B(1) (Probate Judges required to comply with certain canons 'only while serving as a judge'); § I.B(2) (Probate Judges not required to comply with Rule 3.10, which provides that judges may not practice law)...." *Legrand v. Nadeau*, 2016 Me. Super. LEXIS 307, *2. This interpretation underscores the state's recognition of the part-time and elected nature of Probate Judgeships, setting them apart from their full-time judicial counterparts.

In addition to their unique judicial status, Maine Probate Judges are also financially distinct within the state's legal structure. "Probate Judges are also anomalous in that they are state officers even though they are paid by the county. See *Hart v. County of Sagadahoc*, 609 A.2d 282, 284 (Me. 1992). Title 4, M.R.S. § 301 states, 'Judges of probate in the several counties are entitled to receive annual salaries as set forth in Title 30-A, section 2.' Although there is no longer a direct reference to Probate Judge salaries in 30-A M.R.S. § 2, the parties do not dispute that the salaries of probate court judges are determined as part of the county budget ..." *Legrand v. Nadeau*, 2016 Me. Super. LEXIS 307, *3. This financial status reinforces the broader notion that Maine's Probate Judges operating within an exclusively bifurcated system – state in title, but local in support.

Furthermore, like all attorneys, a Probate Judge must comply with all the rules codified in the Maine Rules of Professional Conduct, which the Maine Supreme Judicial Court adopted on August 1, 2009.¹ All Probate Judges may face sanctions, including suspensions, if they are found

¹ See, https://www.mebaregulators.org/regulation/maine_conduct_rules.html.

in violation of the Maine Code of Judicial Conduct.² Thus, Maine Probate Judges are accountable to both judicial and professional conduct rules, with violations overseen and sanctioned by the Maine Supreme Judicial Court.

II. Register of Probate

The Register of Probate is subject to both judicial oversight and constitutional mechanisms for removal. There is no defined reporting structure per se, but those elected are subject to the supervision and authority of the Probate Judge of the court in which the register serves. Title 18-C § 1-305. The Probate Judge is required to “constantly inspect the *conduct of the register* with respect to the register’s records and *duties*.” *Id.* at § 507. (emphasis added). Pursuant to the Maine Constitution, a Register of Probate may be removed from office by impeachment or by the Governor on the address of the Legislature. Me. Const. Art. IX, § 5. This framework ensures that while registers of probate are independently elected and trusted to perform the necessary duties of the position, their conduct remains accountable to both judicial supervision and constitutional checks.

It is imperative to distinguish that although a Probate Judge has some supervisory oversight over the Register of Probate, the jurist lacks the statutory authority to terminate or replace a Register of Probate. As cited in a 2005 case where I defended York County, “It is also clear from the Constitution that the judge cannot remove a Register of Probate from office since both the judge and Register are officials whose terms of office are set by the Constitution (Me. Const. art. [VI], § 6) and, as a result, neither may be removed from office except by impeachment or address of the Legislature.”³ A Register of Probate is independently accountable for managing their primary duties and responsibilities, as well as the day-to-day flow of the court, however, they do report in a limited capacity to the Probate Judge. If the Probate Judge were to determine that the Register of Probate was not appropriately carrying out their duties, whether administrative or financial, and an investigation determined that removal may be warranted, the Register of Probate may also be removed pursuant to the Maine Constitution.

III. Register of Deeds

Maine law imposes specific statutory obligations and accountability measures on the Register of Deeds. The Register of Deeds serves as an independent County Officer governed by statute. Title 33 § 601. Though there is not a defined daily reporting structure for a Registry of Deeds, he or she is required to provide monthly reports to the County Treasurer for the financial accounting of fees received. *Id.* at § 604. They must also follow strict reporting requirements to the State Tax Assessor. *Id.* at § 663. If the Register of Deeds becomes incapable of performing their elected duties, he or she may be removed from the office through the legal process directed by the Maine Attorney General. “When on presentment of the grand jury or information of the Attorney General to the Superior Court, any Register of Deeds, by default, confession, demurrer or verdict, after due notice, is found guilty of misconduct in his office or *incapable of discharging its duties*, the court shall enter judgment for his removal from office and issue a writ to the Sheriff to take possession of all the books and papers belonging thereto and deliver them to the Register

² See, <https://www.pressherald.com/2025/04/11/hancock-county-probate-judge-suspended-from-practicing-law/>.

³ *York County Probate Court v. Atwood*, No. CV-03-041, 2005 WL 2759304 *2 (Me. Super. Ct. May 10, 2005).

August 26, 2025

Page 4

of Deeds.” Title 33 § 608. (emphasis added). Should the Commissioners determine that the facts justify such action, we would promptly intervene and provide further guidance on the appropriate legal process. These statutory provisions affirm the Register of Deeds’ independent authority but also outline a formal legal process for discipline or removal if the elected official fails to competently perform their duty.

IV. County Sheriff

County Sheriffs are elected officials who primarily report to the county voters. However, a Maine Sheriff’s role is still subject to certain legal and constitutional checks, as they must operate within the bounds of the law. Removal from office may occur through impeachment by the legislature or removal by the Governor for cause. “Whenever the county commissioners find that the Sheriff is not faithfully or efficiently performing any duty imposed by this chapter or that the Sheriff is improperly exercising or acting outside the Sheriff’s authority, the commissioners may file a complaint with the Governor describing in detail the facts of those actions or omissions and requesting the Governor to remove the Sheriff from office and appoint another Sheriff in that office for the remainder of the term.” Title 30-A § 441. Although the Franklin County Sheriff is not directly accountable to the Commissioners, a strong working relationship between the two parties is mutually beneficial to the County. The Commissioners have great influence on the power of the purse and may also negotiate budgetary items like employment contracts, facilities, and administrative matters, all of which could influence the Sheriff Office’s departmental operations.

Yet, each party must acknowledge their limitations. As I referenced in my legal opinion dated July 28, 2025, in *The Maine Sheriff’s Association, et al. v. Knox County Commissioners*, the action sought a declaratory judgment as to whether the Knox County Charter allowed the County Administrator to participate in certain matters internal to the operations of the Knox County Sheriff’s Department. The Superior Court Justice concluded that 30-A M.R.S. § 401 provided the Sheriff with full statutory authority that could not be overridden by the County’s Charter. “The Sheriff shall act as a chief county law enforcement officer *and is responsible for administering and directing the Sheriff’s department as authorized by the county budget.*” “Because section 401, either by its express terms or by clear implication, vests the Sheriff with authority to administer and direct her department, a county charter may not lawfully purport to delegate or otherwise assign those powers and authority to others.” The court cited Title 30-A § 1351(2) that provides, “In any event, no county may, by adoption, amendment or revision of a charter, exercise any power or function in which the Legislature has not conferred on that county either expressly or by clear implication by general or specific law.” A declaratory judgment action such as the one referenced above is one way the authority of the Commissioners could be challenged by an individual or organization with standing.

V. County Treasurer

County Treasurers are elected officials and are therefore directly accountable to the citizens of the county. Yet, of the county-elected officials, the Commissioners have more oversight and influence over this office than the others. As Maine law states, "[C]ounty commissioners may decide to abolish the position of elected county treasurer and replace it with an appointed county treasurer. This decision is not effective until approved by the voters of the county under subsection 3." Title 30-A § 156. As such, Franklin County Treasurers do not report directly to the Commissioners, however, by functionality of their duties, Treasurers work closely with the Commissioners, especially regarding budgeting, payroll, and disbursement of county funds. Ultimately, while the County Treasurer is elected by and accountable to the public, the Commissioners' statutory authority to propose structural changes to the office underscores their significant influence over its function and future.

If an elected Treasurer fails to perform her duties, she may be subject to removal via the impeachment process codified in the Maine Constitution which states, "every person holding any civil office under this State may be removed by impeachment for misdemeanor in office" or by the Governor, if both legislative chambers pass an address addressing misconduct." Me. Const. Art. IX, § 5. These constitutional provisions reinforce that while the office of the County Treasurer is accountable to the electorate, it remains subject to significant legal oversight and potential removal when public trust is compromised.

VI. District Attorney

In Maine, District Attorneys are elected officials who are primarily accountable to the voters within their prosecutorial districts. However, much like Probate Judges, their authority and conduct are shaped by multiple layers of legal oversight. District Attorneys are classified as county officials rather than county officers. Title 30-A §1. Furthermore, they are not considered county employees and therefore do not report directly to county commissioners or the county administrator. *Id.* at §255. Similarly to all county-elected officials, a District Attorney's unique position is sovereign from county administrative control yet firmly embedded within the broader structure of county governance and public accountability.

Additionally, like all officers of the court, District Attorneys in Maine are bound by the Maine Rules of Professional Conduct and must adhere to all applicable court rules. If a District Attorney fails to meet these ethical standards, the Maine Board of Overseers of the Bar has the authority to investigate allegations of misconduct. Such investigations can result in disciplinary actions ranging from public reprimands to suspension or disbarment, depending on the severity of the violation. As described herein, should the Commissioners determine that the facts justify such action, we would promptly intervene and provide further guidance on the appropriate legal process.

While the Maine Attorney General does not exercise direct supervision over district attorneys, the two offices often collaborate closely, particularly in matters involving statewide prosecutions, legal guidance, and policy coordination. Furthermore, a District Attorney may be removed from office through a judicial process initiated by the Attorney General. *Id.* at § 257.

August 26, 2025

Page 6

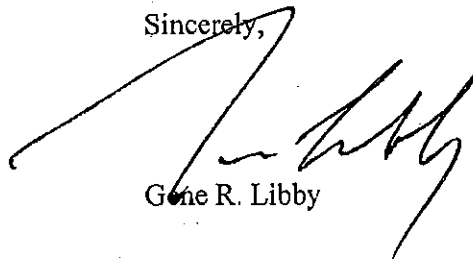
This process is distinct from impeachment or gubernatorial removal and reflects the unique oversight structure for District Attorneys in Maine.

Conclusion

Lastly, it is important to acknowledge that the relationship and power dynamic between County Commissioners and County Officers/Officials has historically been tenuous, largely due to the law's tendency to produce unclear outcomes. While each officer or official described herein retains a degree of independence, the statute provides that, "The county commissioners have final authority over the operation of all county offices by elected or appointed county officials, except in circumstances for which a County Personnel Board has been established under subchapter VII, article 2 with the powers and duties set forth in that article and in section 501. The county commissioners must act as a board and not on an individual basis in exercising this authority." *Id.* at §102. This provision grants County Commissioners final authority over the *operation* of county offices, but not over the *elected or appointed officials* themselves. As such, disputes or questions regarding this dynamic often hinge on the specific facts and circumstances of each case.

This opinion is based upon our knowledge of the law and facts as of the date hereof. Our opinion is solely for the information of the Franklin County Commissioners and is not authorized to be used by anyone for any other purpose. Please let me know if further clarification is needed.

Sincerely,



Gene R. Libby

GRL/jlw

c: Amy Bernard (via email only – abernard@franklincountymaine.gov)
Jeff Gilbert (via email only – jgilbert@franklincountymaine.gov)
Tom Saviello (via email only – tsaviello@franklincountymaine.gov)
Fen Fowler (via email only – ffowler@franklincountymaine.gov)
Tom Skolfield (via email only – tskolfield@franklincountymaine.gov)
Timothy J. O'Brien, Esq. (via email only)
J.R. Fallon, Esq. (via email only)

**County Commissioner's Meeting
Agenda Discussion and Analysis
January 6, 2026**

**Executive Session 1 M.R.S. § 405(6)(F) – Discussion of Confidential Records –
Poverty Abatement**

RECOGNITION:

APPOINTMENTS:

- **Appointment of Commissioner Chair**
- **AVCOG Committee Representative**
- **Opioid Committee**
- **Central Western Maine Workforce Development Board Representative**
- **Maine Health EMS-Franklin Advisory Board**

NEW BUSINESS:

Administrator's Report

- The county has made an offer of employment to Tammy Thomas (Corrections) and Austin Gross (Dispatch). They will begin orientation and training on January 5th.
- Insurance premium updates, vacation balance transfers, and contractual payouts will be reflected in the next payroll.
- The county has received an abatement request from Kingfield. Once we have more information, we will work to get this scheduled on a future agenda.

Recommendation: Motion to accept the Administrator's Report.

Recommendation: Motion to approve the hiring of Tammy Thomas and Austin Gross.

Minutes: Provided to you prior to the Commissioner's Meeting

Recommendation: Motion to approve December 16, 2025, Minutes.

Treasurer's Report: Included in the Packet

Recommendation: Motion to accept the Treasurer's Report.

Cleaning services at the Courthouse

Comments: At the December 16, 2025, Commissioner Meeting, the board opened three bids for the cleaning services at the Courthouse. Bids were received from Sandy Rivers Cleaners - \$1,000 per week; RCCM \$1,060 per week; and The Home Team - \$1,275. The Commissioners requested that the HR Director and Administrator evaluate the bids and make a recommendation to the Commissioners. Within the packet you will find a comparison and rating analysis for the three bids.

Recommendation: Motion to award the cleaning services bid to _____ at a rate of \$_____ per week.

Madrid Pit Discussion – Light Pole and LUPC

Light Pole

Comments: Commissioner Carlton received an e-mail from a resident regarding the strobe-like light at the Madrid Pit. See the attached correspondence for reference. Additionally, Commissioner Carlton wants to discuss the information provided by the LUPC and how the county intends to meet the standards. Supporting documentation from the LUPC is included in your packet for reference.

Recommendation: None at this time.

Inclement Weather – Public Notice

Comments: Historically, we have reported closure to all employees, not just Department Heads via text, and we notify WKTJ and WCSH. Additionally, our social media has been updated to notify the public as this is a heavily trafficked platform that other agencies and people can share to get the word out. Here is the procedure for reporting closure:

“The County Administrator will contact the Communications Director as well as the Sheriff’s Department to assess the road conditions, and in addition, consider local closures in determining whether the County should close the offices. The County Administrator will then contact the Board of Commissioners and notify them of the results of the road condition evaluation and recommend closure when appropriate. When a decision is made to close, the County Administrator or designee will then contact each Department Head. Department Heads will then be responsible for contacting employees if work is canceled before the start of the workday. The County Administrator will also be responsible for contacting TV and radio stations to post announcements of closings. Announcements will be communicated to the public by TV on WCSH 6 as well as by radio on WKTJ 99.3.”

Recommendation: None at this time.

Treasurer Position:

Comments: Commissioner Saviello requested this be added to the agenda to determine whether or not the Board wants to include a question to voters regarding appointing a Treasurer on the November ballot.

Recommendation: None at this time.

Set Date to Prepare the County Administrator Objectives, Evaluation, and Contract Review

Comments: Commissioner Saviello and Commissioner Fowler requested this item be put on the agenda to set a date for a work session.

Recommendation: None at this time

OLD BUSINESS:

MISCELLANEOUS:

PAM PRODAN, TREASURER – Report January 6, 2026, Franklin County Commissioners mtg

Current cash and investment (CDARS) balances from trio-web.com Ledger Detail Report

General Fund Operating Cash \$3,444,249.87

General Fund Payroll Cash \$109,362.07

General Fund CDARS \$0.00

ARPA Fund Cash \$533,899.70

UT General Fund Cash \$754,146.19

UT General Fund CDARS \$0.00

UT TIF Fund Cash \$2,144,592.20

UT TIF CDARS: \$2,070,574.31

Interest rates

General Fund Operating Cash 3.50% as of 11/30/2025 invested w/Intrafi Cash Service at Androscoggin Savings

ARPA Fund Cash 2.65% as of 12/17/2025 invested w/ Intrafi Cash Service at Franklin Savings

UT General Fund Cash 3.50% as of 11/30/2025 invested w/Intrafi Cash Service at Androscoggin Savings

UT TIF Fund Cash 3.50% as of 11/30/2025 invested w/Intrafi Cash Service at Androscoggin Savings

UT TIF CDARS 3.77796% as of 1/6/2026 invested at Androscoggin Savings

Town Tax Payments

The second payment of a municipality's County Tax of fifty percent (50%) is due on or before February 1, 2026. A total of \$4,814,251.00 will be due. Interest will begin April 1, 2026.

Warrants

AP Warrants for signatures 1/6/2026 (warrants not finalized at the time of this writing)

AP County Warrant \$121,878.55

AP UT Warrant \$

AP ARPA Warrant \$39,006.56

Payroll Warrants \$214,814.84 12/24/2025

Franklin County Courthouse – Cleaning Bid Evaluation Report

This report provides a comparative evaluation of three cleaning service bids submitted for the Franklin County Courthouse. The analysis includes financial comparison, scope of services, vendor qualifications, and a final recommendation. The evaluation applies a cost-focused scoring rubric as requested.

Scoring Rubric (Option B – Cost Focused)

- Cost: 60%
- Scope of Services: 25%
- Vendor Qualifications & Reliability: 10%
- Flexibility / Additional Services: 5%

Vendor Summary Findings

The Home Team: Highest estimated weekly cost, brings own supplies, flexible scheduling, emergency services offered, less detailed scope, optional courtroom cleaning fee.

RCCM Cleaning Services: Mid-range weekly cost, brings own supplies, most detailed scope, clear accountability structure.

Sandy River Cleaners: Lowest weekly cost, brings own supplies, moderate scope detail, optional courtroom cleaning fee.

Final Recommendation

Based on the cost-focused scoring rubric, Sandy River Cleaners receives the highest value score due to the lowest weekly cost while still providing a broad scope of services. If budget is the primary driver, Sandy River Cleaners is the recommended vendor.

If, however, the County prioritizes task detail and accountability, RCCM Cleaning Services is a strong alternative offering greater operational transparency for a modest cost increase.

Side-by-Side Vendor Comparison – Cleaning Services

The Home Team

- Daily Cleaning Rate: \$425
- Weekly Total: \$1,275
- Courtroom Cleaning: \$100 (as needed)
- Provides own supplies and equipment, except paper products and trash bags
- Emergency Rate: \$75/hr
- Strengths: Flexibility, emergency availability
- Limitations: Highest cost, less detailed scope

RCCM Cleaning Services

- Weekly Total: \$1,060
- Courtroom Cleaning: 2 hours per week included in total cost
- Provides own supplies and equipment, except paper products and trash bags
- Highly detailed task-by-task scope
- Strengths: Accountability, clarity

Sandy River Cleaners

- Weekly Total: \$1,000
- Courtroom Cleaning: \$175 (as needed)
- Provides own supplies and equipment, except paper products and trash bags
- Strengths: Lowest cost, reliable scope
- Limitations: Less detailed than RCCM

I just spoke with Tyson and he knew exactly what you were talking about. When he unplugs his truck the security light at the pit begins strobing. He did say it was annoying especially right there in the pit. He did say he had an electrician look at it and its not an easy fix. There might be a temporary fix but we need another opinion from an electrician. So I believe as long as his truck is plugged in it does not strobe. I've copied our administrator and road supervisor so we will develop a plan. Thanks for bringing this forward.
Bob

From: Virginia Robie <vrobie@live.com>
Sent: Friday, January 2, 2026 8:13 AM
To: Commissioner Bob Carlton <BCarlton@franklincountymaine.gov>
Subject: Light Question

Caution: This is an external email. Please take care when clicking links or opening attachments.
When in doubt, contact your IT Department

Good morning.

If I knew how to reach Tyson Chase I would ask him. As I don't have his contact information I will ask you to ask him.

I realize this may sound a bit...strange. Many of my neighbors, myself included, have noticed a strobe-like light, noticeable only at night, that seems to be emanating from the pit Tyson leaves from when he is sanding or plowing. This is the first year anyone has noticed it.

Can you inquire?

Also want to reiterate...Tyson is doing an amazing job. That last snow/freezing rain/flash freeze storm, he was out non-stop. He is taking very good care of Madrid.

Thank you and wishing you a great 2026.

Ginni Robie

Reeds Mill Church

"The Church in the Wildwood"
reedsmillchurch.org

★ Barn Yoga
starbarnyoga.com

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

From: Hauber, Rachel <Rachel.Hauber@maine.gov>
Sent: Tuesday, December 16, 2025 12:42 PM
To: Commissioner Bob Carlton <BCarlton@franklincountymaine.gov>
Subject: Lot 05-17, Madrid Twp. Gravel Pit

Caution: This is an external email. Please take care when clicking links or opening attachments.
When in doubt, contact your IT Department

Good afternoon,

I have reviewed the history of this gravel pit (Lot 05-17, Madrid Twp.) with our enforcement coordinator Debbie Kaczowski. We have found the following:

- The Town of Madrid was organized from before the Commission began until 2000.
- After deorganizing, any gravel extraction in Madrid Twp. would have been permitted by either the Maine Forest Service (MFS) or LUPC. Both MFS and LUPC have a 250-foot lot line setback requirement for gravel extraction.
- Based on the available satellite imagery (see attached), the gravel pit was significantly smaller in the year 2000 than it is currently.
- Therefore, any expansion since 2000 would need to have been approved by either MFS or LUPC, and meet the appropriate standards.
- MFS inspected the site this year, and determined that the size of the gravel pit was currently somewhere between 4.5 and 5.01 acres in size, but growing, and should be permitted by LUPC. He also determined that the edge of the gravel pit appears to be within 100 feet of the neighboring property line.
- All expansion since 2000 will need a permit from LUPC, and will need to meet current standards.
- Section 10.27(C)(2)(b) of our standards clearly states:
"No portion of any ground area disturbed by the extraction activity shall be closer than 250 feet from any public roadway, or 250 feet from any property line in the absence of the prior written agreement of the owner of such property."

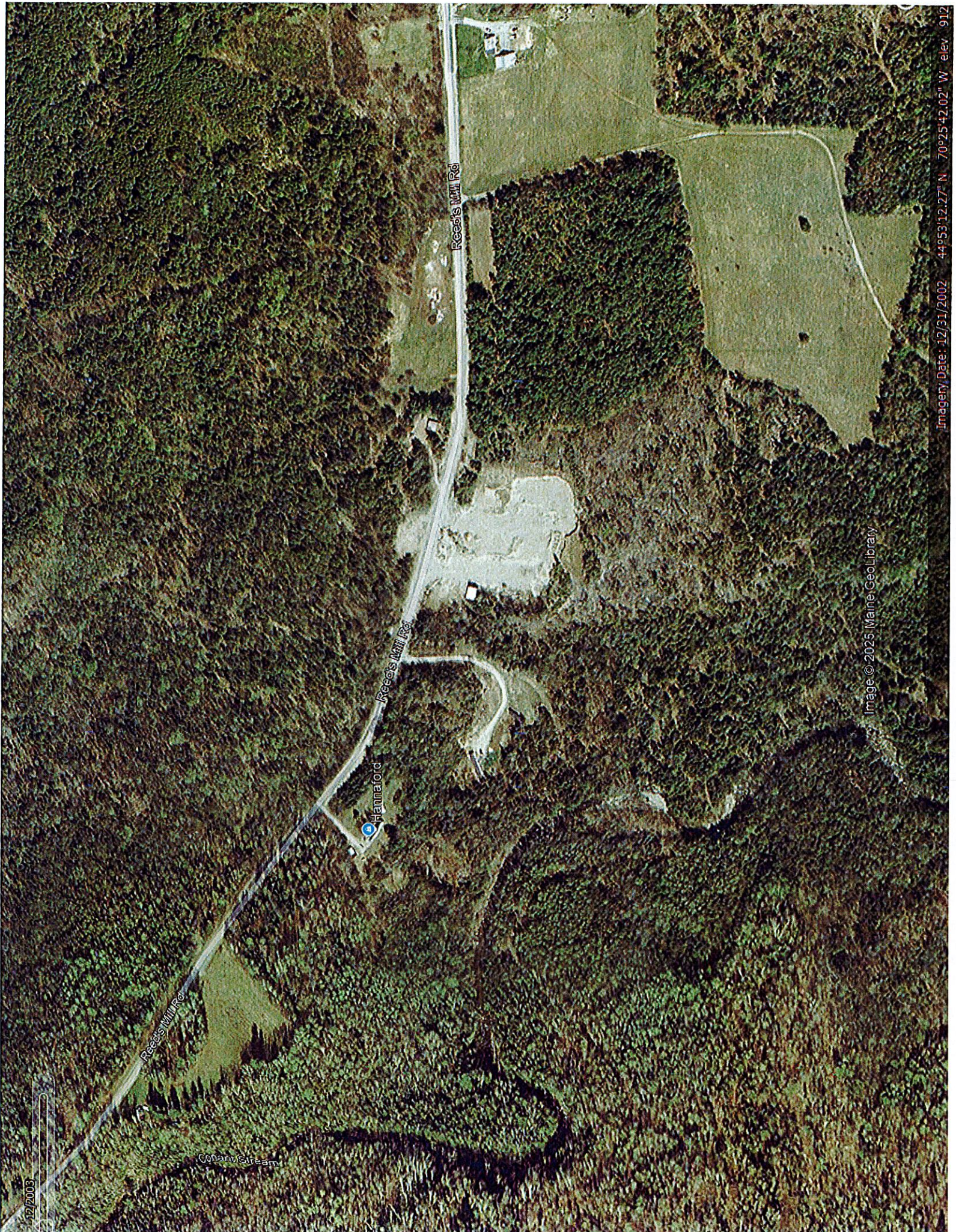
Therefore, you will need to apply for a permit for this gravel pit, and explain how you will meet LUPC standards.

I have attached the nonresidential development permit application form. I would be happy to meet with you at your earliest convenience to discuss the application process and help answer any questions. If you have any other information to provide about the history of this gravel pit, please let me know.

Sincerely,

Rachel Hauber

Environmental Licensing Specialist II
Department of Agriculture, Conservation, and Forestry
Land Use Planning Commission
932 US Route 2 East
Wilton, ME 04294
207-670-7493



12/2003

Image © 2025 Maine GeoLibrary

Imagery Date: 12/31/2002 44°53'12.27" N 70°25'42.02" W elev. 912

12/2025
2025

Click and drag to rotate, or click "N" to re



Image © 2025 Airbus

Application for Nonresidential Development

Land Use Planning Commission



Getting Started

Contact the Land Use Planning Commission (LUPC) office that serves your area (see contact information on the next page) to schedule a pre-application meeting (if applying for a Zone Change or Development Permit) or a sketch plan review meeting (if applying for a Subdivision Permit). LUPC staff can also inform you about fees for the project (detailed in [Chapter 1](#) of the Commission's Rules) and make sure you are using the correct form(s). If you are requesting to change an existing permit, LUPC staff can determine which information you need to submit.

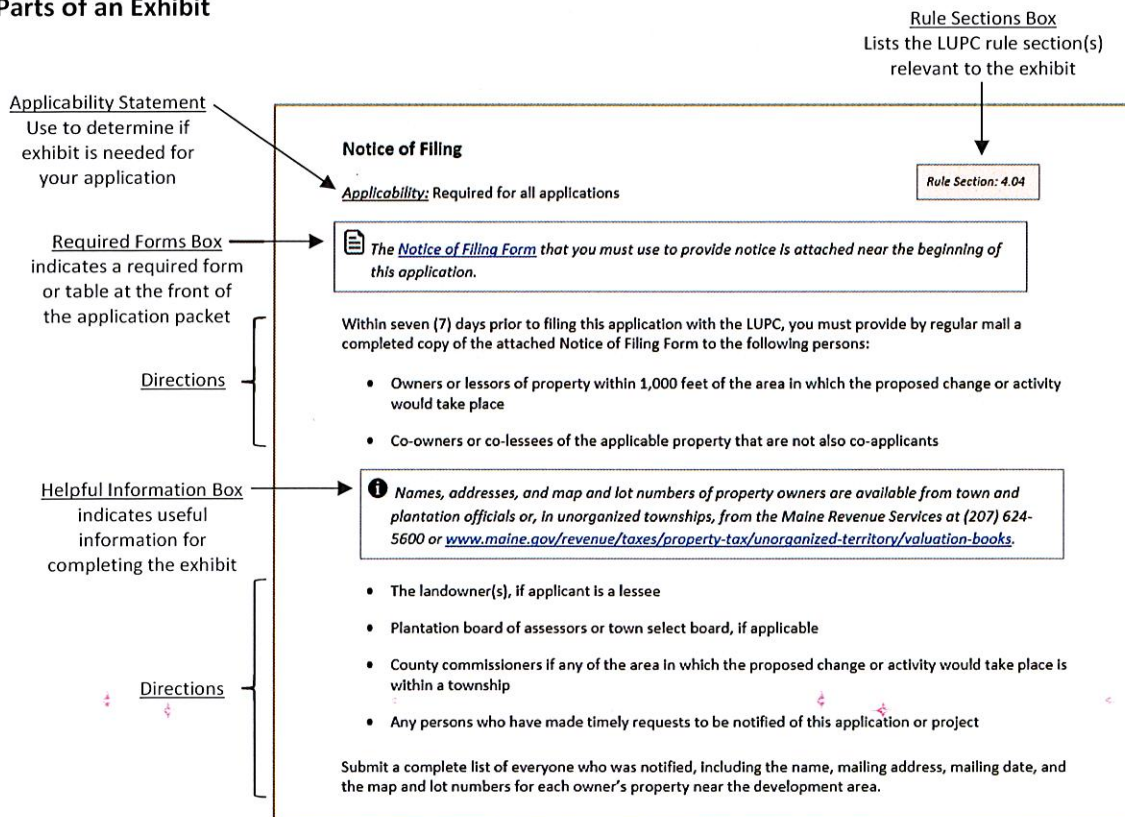
How Can I Get Help Completing This Application?

LUPC staff are available to answer your questions throughout the application process. You may also visit our web site at www.maine.gov/dacf/lupc/ to obtain copies of LUPC guidance materials and regulations.

Parts of this Form:

- 1) [Applicant, Agent, and Property Information](#) (p. 3-4) – two pages requesting information about the applicant, the applicant's agent (if applicable), and the property. The applicant and the agent must sign at the bottom of the first page.
- 2) [Required Forms and Tables](#) (p. 5-9) – these blank forms and tables must be used in completing this application. They may be typed in or printed and filled out by hand. Digital versions are also available on the [LUPC's website](#).
- 3) [Exhibit List](#) (p. 10-11) - provides the names and order of the exhibits required for all applications and those that are required only for certain applications.
- 4) [Exhibit Instructions](#) (p. 12-42) – describe the information to be submitted as part of each exhibit. Exhibits required for all projects appear first, followed by those required for certain projects.

Parts of an Exhibit

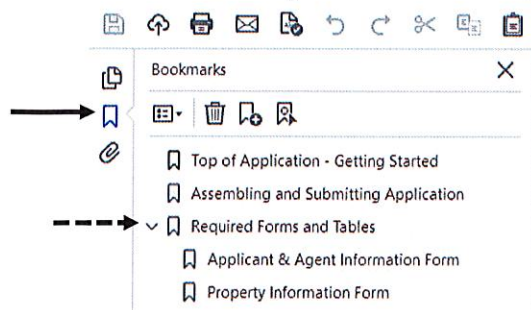


Application for Nonresidential Development - Land Use Planning Commission

Helpful Hints for Navigating in the Application

The application contains both bookmarks and internal links to help you find what you are looking for.

In Adobe Acrobat Reader, bookmarks are revealed by clicking the bookmark symbol (usually on the far left):



If the bookmark symbol is not present, reveal it by using the 'View' drop-down menu at the top and selecting Show/Hide > Navigation Panes > Bookmarks so that 'Bookmarks' is checked.

Click on a bookmark to jump to the corresponding section of the application.

Click on the > symbol to reveal additional bookmarks.

Links are shown in underlined, blue font. Some links will take you to another part of the application (similar to how a bookmark works); other links will take you to a webpage.

Assembling Your Application

Assembling your application involves bringing two pieces together. 1) The Applicant, Agent, and Property Information is provided by filling out two pages of forms requesting information such as name, address, etc. 2) Exhibits contain the information, required forms, required tables, maps, drawings, etc. that you submit in response to information requests and instructions. For example, to complete the exhibit called "Directions and Location Map," the applicant is given instructions for providing directions to the project site and a map of the site's location.

A completed application will include the Applicant, Agent, and Property Information form on the top followed by the exhibits. The information requested in the exhibits must be organized and labeled by exhibit and follow the order of exhibits given in the Exhibits List. *Use separate sheets of paper to answer all questions in the exhibits.* Do not add your exhibit information to the exhibit instructions.

Submitting Your Application

Submit the complete application and fee (see the [Application Fee](#) exhibit) to the LUPC regional office serving your area. See the LUPC [Contact Sheet](#) for a list of offices and addresses. For electronic submissions, call the appropriate office to speak with a staff person.

Digital Signatures and Electronic Submissions

Applicants and agents at their discretion may sign the Applicant and Agent Information Form (next page) using a digital signature. This digital signature has the same force and effect as an original manual signature. To meet statutory requirements, digital signatures must be computer-created electronic signatures linked to data, such as those generated by Adobe Fill and Sign, DocuSign, or any similar method with prior approval by the LUPC. A pasted image of a signature is not sufficient.

Applicants wishing to submit electronic application materials but not sign digitally must supply a paper copy of the Applicant and Agent Information Form with original manual signatures. This paper copy has the effect of applying signatures to all electronic records submitted as part of the application. Please be aware that review of application materials for completeness will not begin until an acceptable digital or manual signature has been received.

This Application Is Not A Permit.

No construction activities may begin prior to the Commission issuing a permit.

The Land Use Planning Commission decides whether to issue a permit based on the information submitted in this application. To complete its review, the LUPC may require additional information not requested in this application.

DP/BCP/RP/ULP

Tracking No.

Permit No.

Fee Received

Applicant and Agent Information – LUPC Nonresidential Development Application

APPLICANT INFORMATION

Please Print Legibly

Applicant Name(s)	Title (if representing a corporation)	
	Phone	
Mailing Address	Email	
Town	State	Zip Code

AGENT INFORMATION (If applicable)

Agent Name(s)	Phone	
Business Name		
Mailing Address	Email	
Town	State	Zip Code

APPLICANT AND AGENT SIGNATURES

I have personally examined and am familiar with all information submitted in this application, and to the best of my knowledge, it is true, accurate, and complete. I am aware that there may be significant penalties for submitting false information. I understand that the applicant is responsible for complying with all conditions of any permits issued by the Land Use Planning Commission.

If signing this document on behalf of a corporation, partnership, trust, or other legal entity, I affirm that I am authorized to bind the entity and execute legal agreements on its behalf.

Please check **one** of the boxes below:

- ☐ I authorize staff of the Land Use Planning Commission to access the project site as necessary between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.
- ☐ I request that staff of the Land Use Planning Commission make reasonable efforts to contact me in advance to coordinate access to the project site.

Authorization of Agent by Applicant: By signing below, I authorize the individual or business listed above to act as my legal agent in all matters relating to this application.

Applicant Signature: _____ Date: _____

Agent Signature: _____ Date: _____

Tracking No.

DP/BCP/RP/ULP

Permit No.

Fee Received

Property Information – LUPC Nonresidential Development Application

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

Applicant	Township, Town or Plantation	County
Tax Map, Plan, and Lot Numbers <i>[list all applicable; check tax bill(s)]</i>		
Lot size <i>(in acres, or in square feet if less than 1 acre)</i>	Deed Book and Page #'s, and lease information if applicable <i>(include any lessor or lease lot numbers assigned by a property owner)</i>	
All Zoning on Property <i>(check the LUPC Land Use Guidance Map)</i>	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: Road #1 _____ Frontage _____ ft. Road #2 _____ Frontage _____ ft.	Water Frontage: List the name(s) and frontage(s) (in feet) for any lakes, ponds, rivers, streams (named and unnamed), or coastal wetlands on or adjacent to your lot: Waterbody #1 _____ Frontage _____ ft. Waterbody #2 _____ Frontage _____ ft.	
If there is no road frontage, describe the access for the property. access is by Helicopter		
LUPC Approved Subdivision: If the lot is part of an LUPC approved subdivision, provide the subdivision permit and lot numbers: Subdivision Permit # _____ and Lot # _____ <i>(usually included in deed description)</i>		
BRIEF PROJECT SUMMARY <i>(include proposed zoning if submitting an application for zone change; include proposed project name, if applicable)</i> 		
APPLICATION FEE <i>(see the Application Fee exhibit for more information, including surcharges if paying online)</i> Please check one of the boxes below: <input type="checkbox"/> I have enclosed a check or money order to pay my application fee. <input type="checkbox"/> I would like to pay my application fee online. Please contact me with the necessary information.		

NOTICE OF FILING OF APPLICATION

Within seven days prior to filing an application with the Maine Land Use Planning Commission, the applicant must send by regular mail a completed copy of this notice to: all persons owning or leasing property within 1,000 feet of the proposed project; co-owners and co-lessors that are not co-applicants; the landowner(s) (if applicant is a lessee); plantation assessors or town select board (if applicable); county commissioners if any area proposed for development is within a township; and any persons who have made timely requests to be notified of this application or project.

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

has filed an application with the Maine Land Use Planning Commission, pursuant to provisions of 12 M.R.S. Section 685-B and the Commission's rule Chapter 10, Land Use Districts and Standards, to

(general description of proposed activity, use, and acreage)

_____ located in _____
(name of town, township, or plantation, and county)

The application 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 application will be filed with the LUPC).

<u>AUGUSTA OFFICE</u>		<u>NORTHERN REGION</u>	
18 Elkins Lane - Harlow Bldg.	Tel. (207) 287-2631	<i>Serving most of Aroostook County and northern Penobscot County</i>	
22 State House Station	TTY (888) 577-6690	45 Radar Road	Tel. (207) 435-7970
Augusta, ME 04333-0022	FAX (207) 287-7439	Ashland, ME 04732-3600	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	Tel. (207) 215-4685	191 Main Street	Tel. (207) 485-8354
Bangor, ME 04401	Tel. (207) 592-4448	East Millinocket, ME 04430	Tel. (207) 399-2176
	FAX (207) 941-4222		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	Tel. (207) 349-0941	932 US Route 2 East	Tel. (207) 670-7492 FR
P.O. Box 1107	Tel. (207) 731-4398	Wilton, ME 04294	Tel. (207) 670-7493 OX
Greenville, ME 04441			

Written comments and requests for a public hearing should be sent to the Maine Land Use Planning Commission at the address circled above and **must be submitted in a timely manner**. The Commission prefers that all written comments and requests for a public hearing be submitted within 20 days of the date an application is accepted for processing. Requests for a public hearing must clearly state the reason(s) a public hearing is warranted on this project.

For questions about submitting written comments, requesting a public hearing, or for any additional information, contact Commission staff at the office circled above.

The Land Use Planning Commission's legal authority is established by 12 M.R.S. Section 683-A.

Required Table

For Use with [Exhibit 8](#): Land Division History

Applicant/Project Name: _____

Use this table to present the ownership and land division history of your parcel. Be sure to start the history 20 years ago and include drawings. See further instructions and an example in [Land Division History \(Exhibit 8\)](#).

Drawing (does not have to be to scale)	Transaction Details, Including Names of <u>Seller/Grantor and Buyer/Grantee</u>	Date of <u>Transaction</u>	Book & Page <u>Numbers</u>	Lot Size (in acres)

Note: 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 helpful information. If you lease your property, contact your lessor for information on the history of your lot.

Required Table

For Use with Exhibit 9: Structures Table

Applicant/Project Name: _____

Refer to Structures, Features, Uses (Exhibit 9) for instructions. Name structures consistent with the labeling used on the Site Plans (Exhibit 10).

Structure Type and Use (specify if temporary)	Year Built or Duration (if temporary)	Proposed alterations (check all that apply)										Exterior Dimensions (LxWxH) in ft Indicate Current (C) & Proposed (P)	Type of Foundation	Number of:		Distance (in feet) of structure from nearest:						
		Change in Use	New Construction	Expand or Add On	Reconstruct or Replace	Permanent foundation	Relocate or Remove	Enclose deck or porch	Setbacks	Change Dimensions or Other	Bedrooms	Plumbing or water fixtures	Road	Property line	Lake or pond	River or stream	Wetland	Ocean/Coastal				
<u>Existing Structures</u>																						
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
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<u>Proposed Structures</u>																						
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
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		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												

Required Table

For Use with [Exhibit 9](#): Infrastructure Table

Applicant/Project Name: _____

Refer to [Structures, Features, Uses \(Exhibit 9\)](#) for instructions. Name infrastructure consistent with the labeling used on the [Site Plans \(Exhibit 10\)](#).

Infrastructure Type and Use (specify if temporary)	Proposed alterations (check all that apply)							Dimensions (LxW) in ft	Year Built or Duration (if temporary)	Average Slope (%)	Max. Sustain. Slope (%)	Distance (in feet) of infrastructure from nearest:					
	Change in Use	New Construction	Change Dimensions	Reconstruct or Replace	Relocate	Change Setbacks	Other					Road	Property line	Lake or pond	River or stream	Wetland	Ocean/Coastal Wetland
<u>Existing Infrastructure</u>																	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
<u>Proposed Infrastructure</u>																	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										

Applicant/Project Name: _____

Note: Use of this grid is not required if you have prepared a site plan by other formal means.

For Use with Exhibit 10: Existing or Proposed Site Plan

This image shows a full page of blank graph paper. The grid consists of small, equal-sized squares formed by thin, light gray lines. The grid covers the entire area of the page, leaving no margins or other markings. There are 20 columns and 20 rows of squares, creating a total of 400 square units.

Notes/Legend:

Scale:_____

Not to Scale: ☐

LIST OF EXHIBITS

i Road, Water Crossing, and Utility Line Projects: A subset of these exhibits is required for projects involving only a road, water crossing, or utility line. Water crossing and utility line projects also require an additional exhibit. [Contact](#) your regional LUPC representative for more information.

i Locating Maine Licensed Professionals: Some exhibits require Maine licensed professionals (for example, licensed soil scientists) to obtain information. Guidance and links for locating licensed professionals can be found on the LUPC's homepage, www.maine.gov/dacf/lupc/index.shtml, in the column on the right.

<u>Exhibits Required for All Applications</u>	
Exhibit	✓
1. Directions and Location Map	
2. Project Description	
3. Deed, Lease, Sales Contract, or Easement	
4. Application Fee	
5. Financial Capacity	
6. Technical Capacity	
7. Notice of Filing	
8. Land Division History	
9. Structures, Features, and Uses	
10. Site Plans	
11. Site Photographs	
12. Fire, Police, and Ambulance	
13. Solid Waste Disposal	
14. Electricity and Telephone Service	

List of Exhibits Required for All Applications (continued)

15. Water Supply	
16. Wastewater Disposal	
17. Vehicle Access, Circulation, and Parking	
18. Exterior Lighting	
19. Noise	
20. Harmonious Fit and Natural Character	
21. Archaeological and Historical Resources	
22. Rare or Special Plant Communities and Wildlife Habitat	
23. Soil Suitability and Mapping	
24. Water and Air Quality	
25. Erosion, Sedimentation, and Drainage Control Measures	

Exhibits Required for Certain Applications

Exhibit	Applicability	✓
26. Wildlife Passage	Required for commercial businesses located in development subdistricts established in primary locations after June 17, 2019	
27. Site Access	Required when site access is off a private road or over water	
28. Roadway Construction and Upgrades	Required for projects upgrading existing roads and/or constructing new roads	
29. Roadway Maintenance	Required for any development project accessed by a private road	
30. Phosphorus Control	Required for all projects within the direct watershed of a lake or pond > 10 acres in size	
31. Additional Information	As needed	

Exhibits Required for All Applications

Use Separate Sheets of Paper to Answer All Questions in the Exhibits. Do Not Add Your Exhibit Information to these Exhibit Instructions.

1. Directions and Location Map

Applicability: Required for all applications

Rule Section: 4.05,A

Provide directions to the site using enough detail for Commission staff to locate the site. Helpful information includes distances and, where applicable, a street address.


Submit an LUPC Land Use Guidance Map or a map from the LUPC Zoning and Parcel Viewer (see information and tool boxes below) on which you have clearly marked (if possible given the map scale):

- the approximate boundaries of all the parcels you own in the area
- the approximate location of the proposal (for example: the location of structural development, the boundaries of a proposed subdivision, or the area proposed for rezoning)
- map reference points such as roads or waterbodies
- a scale bar, a north arrow, and a legend that clearly describes what is shown on the map

If possible, the map should show a distance greater than one mile from all property boundaries.

If available, provide the latitude and longitude (by using a GPS app, Google Earth, etc.) for the approximate location of the center of the site plan, or provide a Geographic Information Systems (GIS) shapefile for the project area.

i Land Use Guidance Maps are available for all townships, towns, and plantations served by the Land Use Planning Commission. Copies are available on the LUPC's website at www.maine.gov/dacf/lupc/plans_maps_data/digital_maps_data.html and at any [LUPC regional office](#). There is no charge for these maps when associated with an application.

 The Zoning and Parcel Viewer is an interactive map on the Commission's website that provides information about zoning and parcels in the Commission's service area. This tool can be found at www.maine.gov/dacf/lupc/plans_maps_data/digital_maps_data.html#viewer.

2. Project Description

Applicability: Required for all applications

Rule Section: 4.05,A

Explain, in detail, the activity or development that you are proposing, and the purpose of the project. For example, describe any proposed principal structures, accessory structures, roads, septic systems, driveways, parking lots, alterations of the shoreline (for example: boat launch, docking area, etc.), or other structures and features. Also describe any proposed uses and changes in use.

Describe the schedule of the project, including the start date, the completion date, and the dates and activities of any project phases.

3. Deed, Lease, Sales Contract, or Easement

Applicability: Required for all applications

Rule Sections: 4.05,A & 10.24

Submit complete, signed copies of registered deeds, leases, purchase or sale agreements, or easements that demonstrate the applicant's right, title, or interest in all of the areas relevant to this application.

Common Ownership: In the case of common ownership, the applicant must either:

- a) include all other owners as co-applicants
- or
- b) provide documentation or statements from all other owners that authorize(s) the applicant to proceed with the application. Documentation or statements must indicate that other owners have thorough knowledge of the proposed development.

Leases: A lease-holder must provide written permission from the lessor for the proposed activity. Written permission must indicate that the lessor has thorough knowledge of the proposed development.

Purchase or Sale Agreement: If the property is under contract, you may submit a current binding option to purchase all necessary interest in the land or a similar contract that establishes terms for future title and provides a description of the property. If you are submitting a contract, you must also submit complete, signed copies of all deeds or leases that demonstrate the current land owner's title, right or interest.

Restrictions: Submit copies of any existing or proposed restrictions described in a conservation easement or other binding mechanism. Include a parcel map showing the easement/restriction area.

4. Application Fee

Applicability: Required for all applications

Rule Section: 1.02

Please note that LUPC application fees are nonrefundable.

Calculating the Application Fee

For a permit application, the total application fee is the sum of the following subsidiary fees:

$$\begin{aligned} & \text{Base Fee} \\ & + \text{Activity Specific Fee} \\ & + \text{Fees for Uses Allowed by Special Exception (if applicable)} \\ & + \text{After-the-Fact Fee (if applicable)} \\ & = \text{Total Application Fee} \end{aligned}$$

For accurate fee calculation, it is necessary to know the extent and type of the various activities planned (for example: the size of structures, the amount of disturbed area, the length of any road construction, etc.). This information is needed to calculate activity specific fees and determine any fee limits that may apply. For that reason, it is important to complete key exhibits such as the [Structures, Features, Uses](#) exhibit and the [Site Plans](#) exhibit as thoroughly and accurately as possible before calculating the fee. LUPC staff can help you determine the exhibits, or portions of exhibits, that are necessary to complete for calculating the fee.

To assist with fee calculation, LUPC staff have prepared a Fee Handout and Worksheet. Please contact the appropriate LUPC regional office to obtain a copy or for assistance with calculating your application fee.

i A list of LUPC regional offices along with contact information may be found on the [Notice of Filing Form](#) earlier in this application. Regional offices and contact information may also be found online through the clickable map at www.maine.gov/dacf/lupc/about/offices.

After-the Fact Permit Applications: The fee for development started prior to receiving permit approval is three times the otherwise applicable fee. This after-the-fact fee may exceed the maximum fee allowable had permit approval been sought prior to starting development activity.

Paying the Application Fee

Check or Money Order: Along with your application materials, submit a check or money order payable to "Treasurer, State of Maine" for the total application fee.

Electronic/Online Payment: *Effective 1/1/2022* LUPC will be accepting electronic payments. If you intend to pay the application fee online, please check the appropriate box at the [bottom of the Property Information](#)

[Form](#). LUPC staff will provide you with the applicable fee, a tracking number, and a link to the online payment option.

Please note that the following third-party surcharges apply to electronic/online payments:

- For debit payments: \$0.25, regardless of the transaction amount
- For credit card payments: 3% of the transaction amount

These surcharges can be avoided if the application fee is paid by check or money order.

5. Financial Capacity

Applicability: Required for all applications

Rule Sections: 10.24 & 10.25,C

Provide the total estimated development cost of the proposed project and itemize each component of the total cost. For example, your itemization could include:

Legal	Roads & structures
Information about phasing, if applicable	Monitoring, or other routine expenses for project operation
Surveying	Maintenance
Soils & wetlands	Decommissioning
Erosion & drainage	
Sewer & water	

To demonstrate adequate financial resources to undertake the proposal, submit at least one of the following:

- A letter from a financial institution, government agency or other funding source indicating a commitment to provide a specified amount of funds and their specified uses. In cases where approvals must be received before money can be committed, submit a letter of Intent to Fund indicating the amount of funds and their specified uses.
- The most recent corporate annual report indicating availability of sufficient funds to finance the development. Include an explanation of the report.
- If the applicant will personally finance the development, submit copies of bank statements or other similar evidence indicating availability of funds necessary to complete the development, including all proposed improvements, structures, and facilities.
- If the applicant is a governmental agency, indicate the source of funding (for example: town revenue, bond, grant, etc.).

6. Technical Capacity

Applicability: Required for all applications

Rule Sections: 10.24 & 10.25,C

Summarize the qualifications and experience of any individuals involved in the design and construction of the project. Include any consultants, contractors, or staff you hire as well as yourself (if you are involved in design and construction decisions and activities).

Information demonstrating technical capacity may include a statement of the applicant's or contractor's prior experience and appropriate training relating to the proposed development and a description of professional qualifications of personnel who will be employed to design, install, and oversee development, including soil stabilization and erosion control measures.

7. Notice of Filing

Applicability: Required for all applications

Rule Section: 4.04



The Notice of Filing Form that you must use to provide notice is attached near the beginning of this application.

Within seven (7) days prior to filing this application with the LUPC, you must provide by regular mail a completed copy of the attached Notice of Filing Form to the following persons:

- Owners or lessors of property within 1,000 feet of the area in which the proposed change or activity would take place
- Co-owners or co-lessees of the applicable property that are not also co-applicants



Names, addresses, and map and lot numbers of property owners are available from town and plantation officials or, in unorganized townships, from the Maine Revenue Services at (207) 624-5600 or www.maine.gov/revenue/taxes/property-tax/unorganized-territory/valuation-books.

- The landowner(s), if applicant is a lessee
- Plantation board of assessors or town select board, if applicable
- County commissioners if any of the area in which the proposed change or activity would take place is within a township
- Any persons who have made timely requests to be notified of this application or project

Submit a complete list of everyone who was notified, including the name, mailing address, mailing date, and the map and lot numbers for each owner's property near the development area.

8. Land Division History

Applicability: Required if lot is not part of an LUPC approved subdivision.

Rule Sections: 12 M.R.S. §682-B
& 12 M.R.S. §685-B,1,B

Knowledge of the parcel's land division history is needed for the LUPC to issue a permit. Contiguous parcels in the same township under the same legal deed name are considered one parcel when determining land division history.

In general, land divisions occur when:

- a parcel is split into smaller lots
- the landowner leases a portion of a parcel that creates exclusive rights, generally for the purpose of development, or
- a new dwelling is placed on a parcel that already has one or more dwellings on it

Exemptions apply to certain types of land divisions, such as transfer of property to an abutting land owner or to a family member.

Using your deed, lease or sales contract as a starting point, trace the ownership history and configuration changes of the parcel or contiguous parcels back 20 years from today. List all changes in ownership and all divisions of lots from which your lot originated. Describe the transaction (sale, lease, gift, inheritance, court-order, transfers to abutters, transfers for forest management, agriculture management, conservation, etc.), the book and page numbers, the seller's/grantor's and buyer's/grantee's names, the date of the deed or lease, and the size of the lot resulting from the transaction. Be sure to include any land transfers to abutting land owners as well as property gifted to relatives.


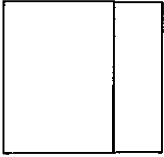
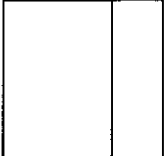
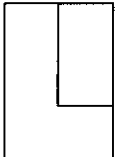

In reporting the land division history, closely follow the example below. Be sure to start the history 20 years ago (rather than in the present) and include a drawing showing all the land divisions (for example, creation of new lots, creation of new leases for development, or the placement of new dwellings on your parcel). Your listings must account for all the acreage within the original parcel as it existed 20 years ago.



A fillable [table for Land Division History](#) that you must use to organize this information is provided near the beginning of this application.

See the Next Page for a Land Division History Example

Land Division History Example

<u>Transaction Details</u>		<u>Seller/Grantor and Buyer/Grantee</u>	<u>Book/Page, and Date of Transaction</u>	<u>Lot Size</u>
	Amy Adams sold a 10 acre lot to her neighbor, Rob Rogers, on November 22, 1990.	Amy Adams → Rob Rogers	Book 1251, Page 125 11/22/1999	10 acres
	Rob Rogers sold a 4-acre portion of his lot to Dan Davis on June 12, 1997.	Rob Rogers → Dan Davis	Book 1254, Page 63 06/12/2006	4 acres
	Rob Rogers gifted the remaining 6 acres to his daughter, Sue Smith, on January 11, 1999.	Rob Rogers → Sue Smith	Book 1254, Page 178 01/11/2008	6 acres
	Sue Smith sold a 2-acre part of her lot to John Jones on May 21, 2005. Sue Smith still owns the remaining 4 acres.	Sue Smith → John Jones	Book 1257, Page 36 05/21/2014	2 acres
	Applicant purchased the 2-acre lot from John Jones on July 15, 2011.	John Jones → Applicant	Book 1260, Page 91 07/15/2019	2 acres

9. Structures, Features, and Uses

Applicability: Required for all applications

Rule Section: 4.05,A

Site Uses

List and describe separately all current uses and all proposed uses. Examples of uses include residential, rental, home-based business, campsite, commercial, industrial, forestry, undeveloped, public, institutional, etc.

If known, describe historic uses of the property.

Site Conditions

Describe in detail the present condition of your property and the site to be developed or rezoned. Include descriptions of the following:


- water features (lakes, ponds, man-made ponds, rivers, streams, drainageways, etc.)
- the nature of any water frontage (muddy, sandy, stones, boulders, wooded, cleared, etc.)
- whether there are wetlands or any portions of the site are subject to flooding, ponding, etc.
- the general slope and topography of the ground (flat, steep, percent slope, etc.)
- the existing vegetation
- any history of vegetation clearing and timber harvesting activities
- any special natural areas
- cultural/historical conditions and features
- any other relevant features, conditions, or details

Structures

- 1) For each structure that currently exists on the property or is proposed to be altered or newly constructed, provide the following information where applicable:
 - type of structure (for example: dwelling, cabin, office, garage, bunkhouse, store, dock, deck, patio, porch, shed, free-standing sign, etc.). Indicate if the structure is temporary. (For occupied campers, tents, etc., 'temporary' means in place 120 days or less during any calendar year. For docks, 'temporary' means in place less than 7 months during any calendar year.) Name structures consistent with the labeling used in the Site Plans exhibit.
 - current use and proposed use (if use is changing or if structure is new). Examples of uses include, but are not limited to: residential, rental, home-based business, recreational, commercial, industrial, forestry, public, institutional, etc.
 - year built (or anticipated duration if structure is temporary)
 - proposed alterations (if applicable), such as new construction, expansion or addition (include increasing height), reconstruction or replacement, adding permanent foundation, relocating, enclosing deck or porch, removal, etc.
 - current (if applicable) and proposed exterior dimensions (Length x Width x Height)
 - type of foundation (full basement, frost wall, slab, posts, techno posts, sono tubes, wheels, skid, etc.)

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- number of bedrooms and plumbing/water fixtures
- setback distances: the distance (in feet) from the traveled portion of all roads; side and rear property lines; and the shoreline of lakes/ponds, rivers/streams, wetlands, and ocean/coastal wetlands

 A fillable [Structures Table](#) that you must use to organize this information is provided near the beginning of this application.

- 2) Indicate whether any of the structures or foundations have been damaged, destroyed, or removed from the property and provide the date of damage, destruction, or removal. Indicate whether any damaged, destroyed, or removed structures you plan to reconstruct were in regular active use within a 2-year period preceding the damage, destruction, or removal.
- 3) If the new accessory structure, reconstructed structure, or permanent foundation will not meet the Commission's minimum setback requirements from property lines, roads, water bodies or wetlands, explain what physical limitations (such as lot size, slope, location of septic system, etc.) prevent the structure or foundation from meeting such setbacks.
- 4) For each sign listed in #1 above (structures table), provide the following information:
 - the sign type (affixed to building, pedestal, etc.), the sign material(s), whether or not the sign is lighted, and the distance of the sign from the structure or feature it is advertising
 - explain why the sign will not be a hazard to traffic
 - explain how the signs' design elements (lighting, color, bulk, materials, height, etc.) will be compatible with the property and will fit harmoniously into the surroundings


Infrastructure

- 1) For infrastructure that is currently existing or is proposed to be altered or newly constructed, provide the following information where applicable:
 - type (for example: well, utility corridor, land management road, driveway, common driveway, recreational trail, level A, B, or C road, subdivision or development access road, parking area, path, walkway, trail, boat launch, rip-rap, dock, well, etc.). Indicate if the infrastructure is temporary. If describing a road or trail, use names/descriptors consistent with those used in the Site Plans exhibit.
 - current use and proposed use (if use is changing or if infrastructure is new). Examples of uses include, but are not limited to: residential, rental, home-based business, recreational, commercial, industrial, forestry, public, institutional, etc.
 - year built (or anticipated duration if structure is temporary)

Bulleted list continued on the next page

- proposed alterations, such as none, newly construct, expand, reconstruct or replace, relocate, removal, etc.
- new dimensions (L x W)
- setback distances: the distance (in feet) from the traveled portion of all roads; side and rear property lines; and the shoreline of lakes/ponds, rivers/streams, wetlands, and ocean/coastal wetlands

i *Septic systems need not be included in this exhibit. They are covered in the Subsurface Wastewater exhibit. However, please indicate the location of any septic system on the Site Plan exhibit.*

 A fillable [Infrastructure Table](#) that you must use to organize this information is provided near the beginning of this application.

- 2) List the type of each water crossing currently existing or proposed (for example: bridge, box culvert, culvert, etc.).

i *Applicants proposing water crossings need to complete the Wetlands Supplement as part of this application. The Wetlands Supplement can be downloaded from the LUPC website, www.maine.gov/dacf/lupc/application_forms/index.shtml.*


Proceed to Next Page for Exhibit 10, Site Plans

10. Site Plans

Applicability: Required for all applications

Rule Section: 4.05,A

Submit site plans showing an overhead view of the project area. One site plan should show the property as it presently exists (the Existing Site Plan). Another site plan should show the proposed changes (the Proposed Site Plan). A single site plan showing both existing features and proposed changes may be submitted if the information requested below fits conveniently on one drawing.

 Applicants for small development projects may draw the plan to scale on an 8½ x 11 inch sheet of paper or on the [grid paper](#) found near the beginning of this application. Larger projects may draw the plan to scale on plan sheets up to 24 x 36 inches in size. An example site plan is shown at the end of this exhibit.

Each site plan drawing must show the following, if applicable:

- Property boundary lines and dimensions (including any road and water frontage)
- Indications of topography, such as contour lines, especially ridgelines and areas with steep slopes
- Setbacks of existing and proposed development from roads, property lines, waterbodies, and wetlands (based on the shortest distances)
- A north arrow

Site Plan(s) should show the following project features. In each case, include both temporary and permanent project features.

- Natural and cultural features (for example: wooded areas, open fields, rivers, perennial and intermittent streams, lakes, ponds, wetlands, floodplains, historic landmarks, etc.). Include names for waterbodies and other features that are named.
- Existing or proposed/modified structures (for example: buildings, signs, etc.). For each structure, indicate its dimensions. The Proposed Site Plan should show the new building footprints resulting from changes to existing structures, such as expansion, reconstruction, removal, relocation, or any other alteration.
- Existing or proposed/modified infrastructure (for example: wells, septic systems, roads, walkways, driveways, parking areas, utility corridors, utility infrastructure, trails, boat launches, bridges, culverts, etc.). Indicate all dimensions and include names for any roads or other infrastructure with a name.

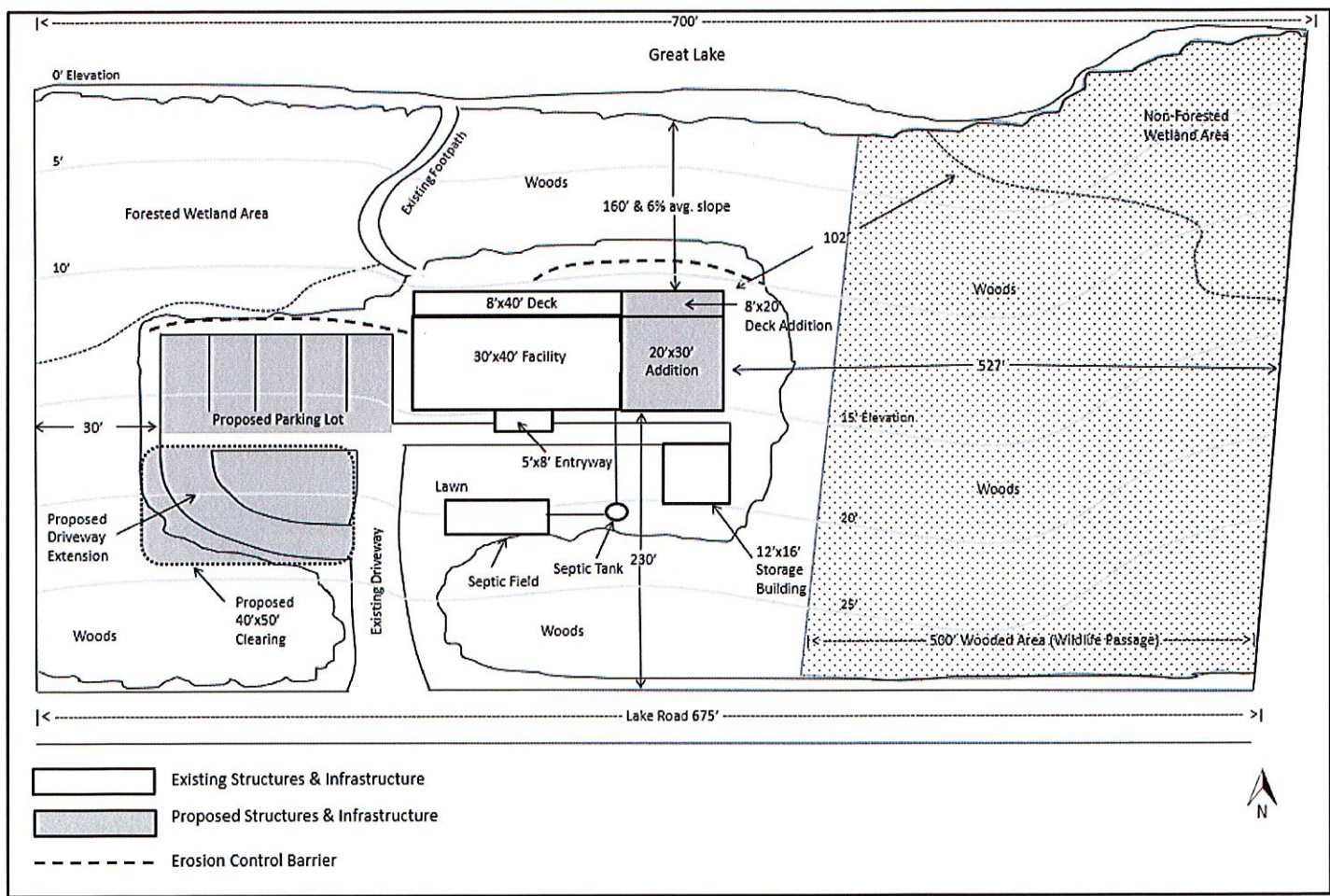
In addition, for each existing and proposed/upgraded road indicate:

- the name
- the center line (list continued on the next page)

- the width of the travel way, shoulders, and rights of way
 - the depth and type of the minimum base
 - the depth and type of the minimum wearing surface
 - the average grade and maximum sustained grade
 - the sizes and locations of turnouts, if present
 - the sizes and locations of turnarounds, if present
- Existing or proposed areas that have been, or will be, stripped, graded, grubbed, filled, or otherwise have exposed soil. Indicate the dimensions of each area.
 - For any areas of soil disturbance occurring within 250 ft of a water body, flowing water, or wetland, provide the average slope of the land between the disturbed soil and the normal high water mark (water body, flowing water) or upland edge (wetland) of the water feature.
 - For any areas of soil disturbance occurring within 250 ft of a property line or road, provide the average slope of the land between the disturbed soil and the property line or edge of the road.
 - Existing or proposed erosion, sedimentation and drainage control measures (hay bales, silt fencing, floating silt booms, level spreaders, culverts, water bars, drainage ditches, etc.)
 - Existing or proposed areas of cleared vegetation. Indicate the dimensions of each area.
 - Existing or proposed development and uses that are potential sources of water pollution (for example: junk yards, auto repair shops, fuel storage tanks, fertilizer or pesticide storage tanks, areas of sprayed fertilizers and pesticides, road salt, road sand, and chemicals used for de-icing or dust control)
 - Be sure to list sources of water pollution that will be present during construction in addition to those that will be present during routine operation.
 - Proposed areas for wildlife passage. Indicate the dimensions of each area.
 - If practical include the soils mapping on the proposed site plan.

See Next Page for a Sample Site Plan

Sample Site Plan:



11. Site Photographs

Applicability: Required for all applications

Rule Section: 4.05,A

Attach a series of photographs taken within the past two years that show the project area as it currently exists. Photographs should include structures, features, and other aspects of the area that are noteworthy and representative. While not required, in some cases, aerial imagery can best illustrate current conditions. Include the date taken and an explanatory caption for each photo.

12. Fire, Police, and Ambulance Protection

Applicability: Required for all applications

Rule Section: 10.24

For each service (for example: fire department or forest service; county sheriff's office or town police department; ambulance service), give the name of the provider and their distance from the proposed development.

Submit letters from local officials, county officials, and/or service providers confirming availability and capacity to provide the necessary services. Letters must indicate that officials and service providers have sufficient knowledge of the proposed development to accurately assess the services needed.

If the development would increase demand for services beyond the existing capacity of the service provider, the letter should explain how the additional needs can be met.

13. Solid Waste Disposal

Applicability: Required for all applications

Rule Section: 10.24,A

Construction Wastes

List the types of wastes to be generated by proposed construction activities (asphalt, pavement, stumps, brush, specific building materials, etc.).

For off-site disposal, submit a letter(s) from the solid waste facility(ies) that states both the availability and capacity of each facility to accept wastes from the proposed construction activities. Each letter must specify the location of the facility, the types of construction wastes the facility will accept from the project, and whether the facility is state approved. Each letter must also indicate that the facility operator has sufficient knowledge of the proposed construction activities to accurately assess the disposal services and capacity

needed. If you have a contract with an individual or firm for the collection or transfer of solid construction wastes from the project area to the approved solid waste facility, provide a signed copy of the contract.

For on-site disposal, show the location and size of the disposal area on the Site Plan AND describe how the construction wastes will be disposed of in compliance with the Maine Solid Waste Management Rules.

Solid Waste from Routine Operation:

Submit a letter from the solid waste facility that states both the availability and capacity of the facility to accept wastes from the proposed project. The letter must specify the location of the facility, the types of solid waste the facility will accept from the project, and whether the facility is state approved. The letter must also indicate that the facility operator has sufficient knowledge of the proposed development to accurately assess the disposal services and capacity needed. If you have a contract with an individual or firm for the regular collection or transfer of solid wastes from the project to the approved solid waste facility, provide a signed copy of the contract.

If the same facility is accepting both construction wastes and waste from routine operations for this project, a single letter is sufficient.

14. Electricity and Telephone Service

Applicability: Required for all applications

Rule Section: 4.05,A

Electricity Service

Describe how electricity will be provided for your project, both during and after construction. In your description, include:

- the source(s) of electricity (for example: generators, utility lines, solar, etc.)
- the existing and proposed infrastructure for bringing electricity to the site and distributing it within the site (for example: poles, underground cables, solar panels, inverters, etc.)
- the approximate distance of the project to the nearest existing utility line (whether or not the project site will be provided with electric power)

If electricity will be provided by a utility company, submit a letter confirming the company's capacity to provide the electricity. The letter must indicate that the company has sufficient knowledge of the proposed development to make an accurate assessment of the project's demand for electricity.

Telephone Service

Describe the telephone service for your project. In your description, include:

- the type(s) of telephone service provided (for example: cellular, landline, etc.)

- the existing and proposed infrastructure necessary for providing telephone service to the site and throughout the site (for example: poles, towers, underground cables, etc.)
- the approximate distance of the project to the nearest existing telephone line (whether or not telephone service will be provided)

If telephone service will be provided by a utility company, provide a letter confirming the company's capacity to provide service. The letter must indicate that the company has sufficient knowledge of the proposed development to make an accurate assessment of the project's demand for telephone service.

15. Water Supply

Applicability: Required for all applications

Rule Section: 10.25,J

To confirm that sufficient and healthful drinking water exists for your project, submit:

- a letter from a geologist, hydrogeologist or well driller knowledgeable with the area, describing the project site and stating that a sufficient and healthful water supply is likely to be available

OR

- a report indicating the volume and potability of water from a test well dug or drilled on site

Explain how surface water and contaminants will be prevented from infiltrating any existing and new wells. (Locations of all wells must be shown in the Site Plans exhibit.)

If you plan to install a central water supply, submit detailed plans for the water supply system in conformance with Maine's drinking water regulations. Such plans must be designed by a Maine Licensed Professional Engineer, and must show all water supply locations, support facilities and structures, and pipelines. Also describe how the system will be maintained.

i For details about Maine's drinking water regulations, call the Division of Environmental Health, Drinking Water Program at (207) 287-2070 or www.maine.gov/dhhs/mecdc/environmental-health/dwp/.

16. Wastewater Disposal

Applicability: Required for all applications.

Rule Sections: 10.25,G & 10.25,I

For Permanent, On-site Wastewater Disposal

All permanent systems including limited or primitive systems: Contact a Licensed Site Evaluator, your Local Plumbing Inspector, or the Subsurface Wastewater Team, Division of Environmental and Community Health to determine what requirements must be met to comply with the Maine State Plumbing Code. You may need to hire a Licensed Site Evaluator to test the soils on your property, design a sewage disposal system, and complete an HHE-200 form ("Subsurface Wastewater Disposal System Application," evaluated by the Subsurface Wastewater Team, Division of Environmental and Community Health). If so, you must submit a signed HHE-200 form with this application.

For limited or primitive systems, submit evidence that there are suitable locations on the lot for grey water disposal or a pit privy (outhouse), and for a backup system reserve area.

For temporary wastewater disposal

Portable Privies: If proposing temporary use of portable privies during construction activities, you must submit a copy of the contract for installation, on-going maintenance, and eventual removal of the privies.

Temporary structures with wastewater disposal: If proposing installation of temporary structures (such as offices or bunk-houses) that will include water or plumbing facilities, you must hire a Licensed Site Evaluator to test your soils and design a sewage disposal system. Submit a signed HHE-200 form ("Subsurface Wastewater Disposal System Application," evaluated by the Subsurface Wastewater Team, Division of Environmental and Community Health) as completed by your Site Evaluator. If you anticipate installation of a sink drain and a pit privy, a minimum of two soils tests must be conducted and reported: one for the sink drain location and one for the privy location.

i *The Subsurface Wastewater Team may be reached at (207) 287-2070, or visit the Team's website at www.maine.gov/dhhs/mecdc/environmental-health/plumb/index.htm.*

17. Vehicle Access, Circulation, and Parking

Applicability: Required for all applications

Rule Section: 10.25,D

Vehicle Access and Circulation

- 1) Describe the type(s) and volume of traffic the proposed project will generate (both during and after construction).
- 2) Describe how safe entering and exiting of vehicles will occur. Include discussion of the following:
 - the number and width of access points
 - how access is designed so that vehicles can exit the site without backing onto roads or shoulders
 - the angle at which each access way intersects the road
 - how sight triangles are designed and maintained on each side of the intersection between the access way and road
 - *(for commercial development only)* whether shared road access is used (if not, describe why shared access is not possible)
 - additional information that may be important in determining safety (for example: gating, seasonal factors, etc.)
- 3) Describe how safe movement of vehicles within the development will occur. Include discussion of the following:
 - the sizes and locations of turnouts and turnarounds, if applicable
 - explanation of design and safety accommodations for emergency response vehicles
 - explanation of design and safety accommodations if roadways will be used for forest management or other purposes involving large vehicles
 - additional information that may help determine if movement of vehicles will be safe (for example: gating, seasonal factors, etc.)

Parking

- 4) If use of a new or existing parking area is proposed, explain:
 - how parking areas are designed and located (on-street parallel, on-street diagonal, off-street at front, etc.)
 - why side parking and rear parking are not possible or are limited (if proposing any off-street parking area at the front of a building)

- safety features of the parking areas (such as striping, directional signs, bollards, designated entrances and exits, etc.)
- how parking areas will be visually buffered from the roadway and adjacent structures or uses

State, County, Town, and Plantation Road Entrance Permits

If a permit is required for new or modified entrances, roads, or driveways off of county, town, or plantation roads in your area, you must obtain this permit and submit it with your application. Contact your County Commissioners' office or Town/Plantation office for further information.

If you are proposing to construct, modify, or change the use of a driveway, road, or entrance off of a state or state-aid road, or if the proposal could potentially increase traffic volume or create a safety or drainage concern, you must obtain a Driveway/Entrance Permit from the Maine Department of Transportation (MDOT) and submit it with this exhibit.

i The MDOT may be reached at (207) 624-3600, or visit the Department's website at www.maine.gov/mdot/.

Traffic Impact Study

You may be required to conduct a traffic impact study of roadways and intersections in the vicinity of your project site. If the proposed development has the potential to generate traffic safety or road capacity concerns, contact LUPC staff.

18. Exterior Lighting

Applicability: Required for all applications

Rule Section: 10.25,F

Provide the following information for each exterior light fixture that will illuminate any part of the project area or surroundings: the location, type of bulb, the bulb wattage, whether it is a cutoff fixture, whether it is a motion activated fixture, and if existing, the date it was installed. Include existing lighting and light fixtures to be installed.

i Bulb types include LED, fluorescent, incandescent, mercury vapor, high-pressure sodium (HPS), and others. A cut-off (or shielded) fixture has a recessed bulb that prevents glare and directs light downward.

See next page for a table suggestion

A table like the following will help to organize the information:

<u>Fixture Location</u>	<u>Type of Bulb</u>	<u>Wattage (W)</u>	<u>Cutoff fixture? (Y/N)</u>	<u>Motion activated? (Y/N)</u>	<u>Date Installed (if existing)</u>
<i>Example: Front Entrance</i>	<i>LED</i>	<i>16 W</i>	<i>Y</i>	<i>N</i>	<i>New</i>

For Commercial Development: Explain why exterior lighting is needed and describe your business’s plan for reducing light pollution. For example, discuss the type of business, the hours of operation, and how non-essential lighting will be turned off after business hours.

19. Noise

Applicability: Required for all applications

Rule Section: 10.25,F

Describe the source and frequency of any continuous, regular, or frequent source of noise that will be generated by the development (except for construction activities occurring between 7 AM and 7 PM).

Explain how you will ensure that such noise will not exceed LUPC’s maximum permissible sound pressure levels.

20. Harmonious Fit and Natural Character

Applicability: Required for all applications

Rule Sections: 10.24 & 10.25,E

Describe the visibility of the proposed development from roadways, scenic byways, major waterbodies, coastal wetlands, permanent trails, or public property within three miles. If the development will not be visible, explain why not.

Describe how the proposed development will affect the character of the area, and describe the plan to fit the development into the existing surroundings. Approaches for fitting development into the surroundings may involve siting, design, size, coloring and construction materials, vegetation and landscaping, driveway and roadway locations, lot sizes, or other factors that lessen the impact of the project on its surroundings.

Exhibit continued on the next page

For development on hillsides:

If the development site is located on a hillside and you are proposing to construct any new buildings or to expand any existing buildings, submit the following information:

- a plan showing how the peak of the roof will be oriented for each building
- drawings showing the facade each building as they would appear to someone viewing the development, and
- a vegetation management plan that shows the location of trees, vegetation, or other screening features on the property. The plan should establish long-term maintenance of clearing limits that will minimize potential impacts to views of the development.

i *Hillside has a specific definition in LUPC regulations. To determine if your development site is located on a hillside, [contact](#) staff in the regional office that serves the area.*

21. Archaeological and Historical Resources

Applicability: Required for all applications

Rule Section: 10.25,E

Submit a current letter from the Maine Historic Preservation Commission stating the location proposed for development and indicating whether or not further action (such as a site survey) is required to determine the potential effect of the proposed development on archaeologically or historically significant resources.

i *The Maine Historic Preservation Commission (MHPC) can be reached at (207) 287-2132. Information on MHPC project review, including contact and submission information, may be found at www.maine.gov/mhpc/programs/project-review.*

If the Maine Historic Preservation Commission decides that further action is necessary, submit evidence that the specified action has been completed. For example, submit the results of a site survey by a qualified archaeologist.

Using information provided by the Maine Historic Preservation Committee, or collected as a result of further actions, explain how or why the project will result in no undue adverse impact to archaeological or historical resources. Be sure to explain how the values that qualify the site for special archaeological or historical designation will be maintained.

22. Rare or Special Plant Communities and Wildlife Habitat

Applicability: Required for all applications

Rule Section: 10.25,P

- Submit letters from the Maine Natural Areas Program (“MNAP”) and the Maine Department of Inland Fisheries and Wildlife (“MDIFW”) confirming the presence or absence of rare or special plant communities or significant wildlife habitat in the area proposed for development and its surroundings. If MNAP or the MDIFW recommends a more detailed inventory of the area by a qualified professional, submit the results of an on-site survey for these natural resources.
- If MNAP indicates that *critically imperiled (S1) or imperiled (S2) natural communities or plant species* are present, describe the resource and the designation. Explain why the proposed development will result in no undue adverse impact to the community or species.
- If MDIFW indicates that essential wildlife habitat, significant wildlife habitat, or other important wildlife habitat designated by U.S. Fish and Wildlife or by MDIFW is present, explain why the proposed development will result in no undue adverse impact on the habitat AND how the values that qualify the site for such designation will be maintained.

i For information about natural communities and plant species, contact the Maine Natural Areas Program at (207) 287-8044 or maine.nap@maine.gov or go to the Program’s website at www.maine.gov/dacf/mnap/.

For information about wildlife habitat, contact the Maine Department of Inland Fisheries and Wildlife at (207) 287-8000 or IFWEnvironmentalreview@maine.gov or go to the department’s website at www.maine.gov/ifw/.

23. Soil Suitability and Mapping

Applicability: Required for all applications. Certain onsite soil survey requirements may be waived where there is existing information sufficient to complete the Commission’s review.

Rule Section: 10.25,G

Soil Surveying and Mapping

Submit a completed on-site soil survey conducted by a Maine Licensed Soil Scientist or Natural Resources Conservation Service (NRCS) Soil Scientist according to the “Guidelines for Maine Certified Soil Scientists for Soil Identification and Mapping” (Maine Association of Professional Soil Scientists, 2009) and Chapter 10, Section 10.25,G.

The soil survey must include a soil map based on the on-site survey (may be included on the Site Plan), a soil narrative report, and a soil profile log description.

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 clearly identified as such on the soil survey map.

Use the following guidelines to determine the type of soil survey required in different areas of the proposed project:

Class A High Intensity Soil Survey (for Nonresidential Development only) – use 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.

Class B High Intensity Soil Survey (for Residential/Subdivision Development only) – use to identify soils within all subdivision lot building envelopes and other disturbed areas on your project site (except for proposed access roads, driveway locations, utility lines, and other linear development components which require a Class L Soil Survey; see below). 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.

Class B soil surveys for subdivisions must be completed with a minimum delineation of one acre for similar soils and ¼ acre for dissimilar soils.

Class L Soil Survey: Use to identify soils for any linear components of the project that involve soil disturbance and have little, or no, adjacent development. Linear components that may qualify for a Class L soil survey include roads, driveways, utility lines, trails, and fairways.

Class C Soil Survey: Use to identify soils elsewhere within the project area. In lieu of a Class C Survey, the Commission may allow applicants to use USDA Natural Resources Conservation Service Soil Survey published maps in certain conditions:

- when the published mapping indicates the project area is rated with a medium or high potential for low density development
- in areas that will be preserved as open space
- in unusual instances in which the Commission finds that published mapping provides the necessary information.

Soil Suitability

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 (NRCS) soils potential ratings for low density development.

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.

24. Water and Air Quality

Applicability: Required for all applications

Rule Sections: 10.24 & 10.25, K, N, & O

Water Quality

Explain the measures ensuring that each source of water pollution (shown in the Site Plans exhibit) will not contaminate:

- the project site and other properties
- adjacent lakes, ponds, rivers, streams, and ocean
- adjacent wetlands
- groundwater aquifers

In your explanation, discuss the best management practices that will be used, including those for spill prevention, control, and cleanup.

Air Quality

If your development will potentially generate air pollution or odors, describe the type, timing, amount of emissions, and plans for prevention and reduction.

Activities that generate airborne particulates (for example: dust, smoke), gases, or odors are potential sources of air pollution. Examples include solid waste disposal, wood products manufacturing, pulp and paper milling, rock crushing, asphalt batch plants, running diesel or non-diesel engines, marijuana facilities, and composting facilities.

Be sure to include potential sources of air pollution that will be present during construction in addition to those that will be present during normal operation.

25. Erosion, Sedimentation, and Drainage Control Measures

Applicability: Required for all applications

Rule Sections: 10.25,M & D;
10.27,D & H

Minor Soil Disturbance - less than one acre and ground not frozen or saturated

If the total area of soil disturbance will be less than one acre (43,560 sq. ft.) AND if soil disturbance will not occur when the ground is frozen or saturated, provide the following information:

- Provide a general timeline of construction activities at the development site, including clearing, grading, construction, maintenance of erosion control measures, and final landscaping.
- Describe how you will minimize and control soil disturbance, erosion, and sedimentation. The description should cover each phase of the project, including site preparation, construction, cleanup, and post-construction. Refer to your timeline of construction activities (#1 above) and your Site Plans exhibit in your description.

Include the following elements in your description:

- how you will minimize soil disturbance and the duration of soil exposure during each phase of construction
- how you will stabilize areas of disturbed soil and soil stockpiles and prevent sediment from entering water, wetlands, natural drainage systems, catch basins, culverts, or adjacent properties during each phase of construction

Pay special attention to:

- soil disturbance that will occur in, or adjacent to, water bodies, wetlands, natural drainage systems, or water crossings
 - soil disturbance that will occur on slopes exceeding 15%
 - distances of soil stockpiles from water bodies, flowing waters, wetlands, drainage systems, water crossings, property lines, etc.
 - scheduling and inspection of erosion/sedimentation control measures (for example: daily)
 - sources of fill and how you will ensure that fill is free of hazardous or toxic materials, debris, trash and rubbish
 - how and when disturbed areas will be seeded or stabilized at the end of the construction season and at the completion of the project
 - provisions you will make for the continued maintenance of all proposed erosion and sedimentation control measures during and after construction operations
- Describe all temporary and permanent provisions for drainage including culverts, water bars, drainage ditches, settling basins, etc., and your plan for the continued maintenance of these structures. Emphasize best management practices. Discuss how any roadways proposed are designed to minimize

the use of ditching, cuts, and fills. Refer to your timeline of construction activities and your Site Plans exhibit in your description.

Calculations, formulas and factors used to determine the sizing of drainage structures may be requested.

Significant Soil Disturbance: Erosion Control Plan – 1 acre or more or ground frozen or saturated

If the total area of soil disturbance shown in the Site Plans exhibit will be one acre (43,560 sq. ft.) or more OR if soil disturbance activities will occur when the ground is frozen or saturated, submit an erosion and sedimentation control plan that includes the information listed below. Emphasize best management practices, and refer to the Site Plans exhibit in your plan.

- A timeline identifying the sequence of construction events at the development site from site preparation to completion of the project. The timeline should include:
 - stripping and clearing
 - rough grading
 - construction of utilities, infrastructure and buildings
 - final grading and landscaping
 - the expected date on which clearing will begin
 - the estimated duration of exposure of cleared and disturbed areas
 - the sequence of installation of temporary erosion and sedimentation control measures, and
 - the planned date of establishment of permanent vegetation
- A detailed description of all temporary and permanent erosion and sedimentation control measures, including:
 - seeding mixtures and rates
 - types of sod
 - method of seedbed preparation
 - expected seeding dates
 - type and rate of lime and fertilizer application, and
 - kind and quality of mulching for both temporary and permanent vegetative stabilization measures
- Describe in detail all plans for temporary and permanent drainage including culverts, water bars, drainage ditches, settling basins, etc., including plans for their continued maintenance. Discuss how any roadways proposed are designed to minimize the use of ditching, cuts, and fills.

Calculations, formulas and factors used to determine the sizing of drainage structures may be requested.

- If any proposed road or trail is anticipated to be closed out or put to bed at a later date, explain when and how it will be closed out.

Exhibits Required for Certain Applications

26. Wildlife Passage

Applicability: Required for commercial businesses located in development subdistricts established in primary locations after June 17, 2019

Rule Section: 10.27,S

Describe where wildlife passage will be established (for example: along streams or wetlands, adjacent to conserved areas) and the reasons for choosing those areas. Include the width of the proposed wildlife passage and a description of the habitats connected by the proposed passage. Be sure that wildlife passage is shown on the Proposed Site Plan (Exhibit 9).

Include a plan for preventing the material alteration of wildlife passage due to future uses on the property.

27. Site Access

Applicability: Required when site access is off a private road or over water

Rule Sections: 10.24 & 10.25,Q

Site Access

Roadway Access – Private Roads

- Provide the following information about each existing road used to access the project site from the nearest public road: name, the name of the owner or land manager, the length, the width of the travel surface, the right-of-way width, and the type of road surface.

A table like the one below may be helpful.

<u>Road Name</u>	<u>Owner or Land Manager Name</u>	<u>Road Length</u>	<u>Travel Surface Width</u>	<u>Right-of- Way Width</u>	<u>Road Surface</u>
Example Road	Mr. Smith	1.35 miles	16 ft.	33 ft.	Gravel

Describe any limitations on access/egress for the roads you listed (for example: seasonal road closures, granted temporary access only, etc.).

Exhibit continued on the next page

Access Over Water

If the development site can only be accessed by water during any part of the year, identify and describe the boat launch and parking facilities near the site and on the mainland. Also include, in response to the three bulleted requests above, information on how these facilities are accessed from a public road.

When addressing this question be sure to:

- provide a map or clear description of the locations of the launching and parking facilities
- identify their owner(s)
- describe the capacity and any use restrictions of the facilities
- describe how construction equipment and materials will access the site (for example: will barges be used; if so, provide information on the proposed loading and offloading areas)

28. Roadway Construction and Upgrades

Applicability: Required if upgrading existing roads or building new roads

Rule Sections: 10.25,D; 10.27,D & H

- Provide the following information about each road you propose to build or upgrade: length; width of the travel surface; type and depth of base; type and depth of wearing surface; average and maximum sustained grade; and number of culverts and/or water crossings.

Use road names/descriptors consistent with those used in the Site Plans and Structures, Uses, Features exhibits. For roads that will not have a consistent wearing surface or base, provide information separately for each road section.

A table like the one below may be helpful:

<u>Road Description/ Name</u>	<u>Length (ft)</u>	<u>Travel Surface Width (ft)</u>	<u>Base Depth (in) and Type</u>	<u>Wearing Surface Depth (in) and Type</u>	<u>Avg. Grade and Max. Sustained Grade (%)</u>	<u>Number of Culverts and/or Water Crossings</u>
Camp Road – Section 1	2,000 ft	14 ft	12 in, Gravel	3 in, Fine Gravel	5% and 12%	2
Camp Road – Section 2	230 ft	14 ft	20 in, Gravel, Geotextile	3 in, Fine Gravel	0% and 0%	0

- In addition to the information about roads shown on your Proposed Site Plan, submit plans (to scale) showing:

- A typical road cross-section including the travel surface, location and materials of original ground surface, depth and type of fill to be used, slopes, drainage ditches and other water control devices, and boundaries of the travel surface, shoulders, and rights of way
- A typical road profile showing elevations of the roadway and the original ground surface, and the percent slope of the entire length of the roadway from the center line
- Describe the best management practices that will be used to ensure that construction does not create safety problems.
- Describe the best management practices that will be used to ensure existing and proposed roadways do not create problems for wells, sewage disposal systems, structures, and other features in the vicinity.
- If the proposed road or trail is anticipated to be closed out or put to bed at a later date, explain when and how it will be closed out.

Blasting Plan

If explosive devices will be used as part of the road construction project, you must submit a blasting plan that meets the requirements of 38 M.R.S.A. Subsection 490-Z. This may include a pre-blast survey and will require that certain data be recorded for each blast.

Roads or Trails Dedicated to a Government Entity

If any road or trail will be dedicated to a town, plantation, county, or other government entity, you must submit a letter from that entity confirming that the proposed road or trail is designed in compliance with their applicable standards.

i *This letter may also confirm the entity's willingness and capacity to maintain the dedicated road(s); see Road Maintenance (Exhibit 28).*

29. Roadway Maintenance

Applicability: Required when project is accessed by private road

Rule Sections: 4.05,A & 10.24

Roadways

Describe who will be responsible, and what provisions will be made, for continued maintenance of any private roadways. Include a list of road maintenance tasks.

If the maintenance of the road will be assumed by a government entity, submit a letter from that entity confirming its capacity to provide the maintenance. The letter must indicate that the public entity has

sufficient knowledge of the proposed development to make an accurate assessment of maintenance needs. If additional maintenance requirements would exceed current capacity, the letter should explain how additional needs will be met.

If the applicant will be responsible for maintenance of any private road(s) owned by another entity, provide evidence that the applicant has a legal right to conduct any future maintenance activities.

In responding to this question, be sure to describe the maintenance provisions that will protect wells, sewage disposal systems, structures, and other features in the vicinity of the road.

Water Crossings and Drainage Control

Describe who will be responsible, and what provisions will be made, for continued maintenance of any water crossings and drainage control structures. Include a list of water crossing and drainage control structure maintenance tasks.

30. Phosphorus Control

Applicability: Required if development is within the direct watershed of a lake or pond that is 10 acres or larger in size

Rule Section: 10.25,L

If your development (including current development on the site) creates disturbed and/or impervious area of one acre or more within the direct watershed of a lake or pond that is 10 acres or larger in size, you must submit a phosphorus control plan and, in most cases, a phosphorus impact analysis (see next page). The plan must use the methods and procedures described in the "Maine Stormwater Best Management Practices Manual, Volume II, Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development" Maine Department of Environmental Protection, 2016.

i *Impervious areas are buildings and associated structures, as well as areas covered by pavement or concrete, or which will be compacted due to use. (Examples: rooftops, walkways, decks, porches, patios, driveways, parking lots or storage areas, concrete or asphalt paving, or packed earthen materials).*

i *The Technical Guide is available on the Department of Environmental Protection's website at: www.maine.gov/dep/land/stormwater/stormwaterbmpps/. For assistance with the Technical Guide or with specific technical, engineering, or design questions related to phosphorus control, call the Department at (207) 287-7688 and ask for the Stormwater Program.*

This exhibit must include plans for protection and long term maintenance of any proposed phosphorus control measures, including vegetative buffers.

i Before you conduct a phosphorus impact analysis, [contact](#) the LUPC office that serves your area for guidance on how to proceed.

For specific technical, engineering, or design questions related to phosphorus control, call the Department of Environmental Protection at (207) 287-7688 and ask to speak with an environmental engineer from your region.

Projects with Less Than 3 Acres of Impervious Area and Less Than 5 Acres of Developed Area

Projects with less than 3 acres of impervious area and less than 5 acres of developed area that are designed to meet specific performance standards in the Department of Environmental Protection's Technical Guide, or the LUPC's alternative buffer standard (Chapter 10, Section 10.25,L), may not require a phosphorus impact analysis.

If your project qualifies for the alternative buffer standard, this exhibit must include the following information showing that the performance standards will be met:

- the location and size of the vegetated buffers on the Site Plan
- a description of the type of buffer(s) used
- an explanation of how the vegetated buffers were sized to treat the right amount of impervious and/or developed area (the explanation may reference technical guidance on phosphorus control)
- a description of how the buffers will be used and maintained
- evidence of deed restrictions protecting the buffers from alteration if they are not otherwise protected as open space

31. Additional Information

Applicability: As needed

Rule Section: 4.05,A

Provide any other information that further explains your proposal or may help in the review of your application.