

# Regulatory Update

## Land Use Planning Commission

### Presentation to MAWS & MAPPS, March 2024

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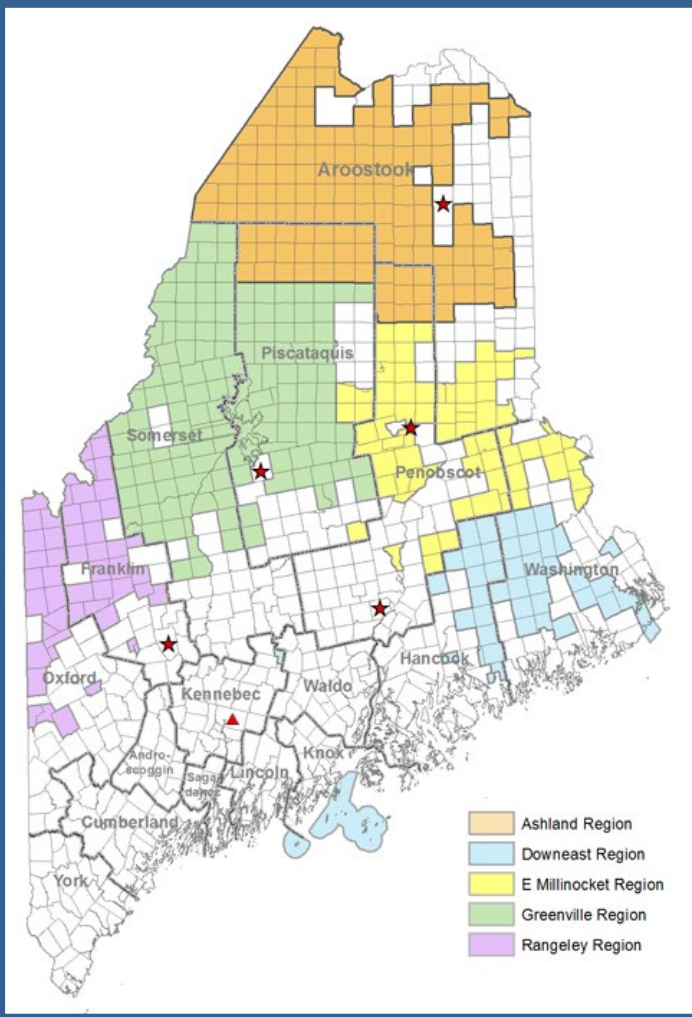
(207) 287-2631  
[www.maine.gov/dacf](http://www.maine.gov/dacf)



# LUPC Roles and Responsibilities

- Charged with planning, zoning, and permitting within:
  - Unorganized and deorganized townships
  - Most plantations
  - Certain small towns
- Service area of 10.4 million acres
- Diverse landscapes and communities

# LUPC Regional Offices



LUPC Offices: Maine DACF

# NRPA Permitting

## *Permit-granting authority delegated to the Maine Land Use Planning Commission*

- The Maine Land Use Planning Commission *“shall issue all permits under this article for activities located wholly within its jurisdiction...”* 38 M.R.S.A. § 480-E-1
- The Maine Land Use Planning Commission *“in consultation with the Department, shall ...review land use standards...to ensure that the standards afford the same level of protection consistent with the goals of this article...”*



# LUPC Rulemaking under NRPA

- Chapter 10 rules serve many purposes
- Our format/ approach does not exactly match DEP's:
  - Primarily zoning-based
  - Adjustments made for established regulatory framework/format & predominantly rural area

## Wetland Standards:

Section 10.25,P, 2

Protected Natural Resources

Water Bodies and Wetlands

# 2023-2024 Regulatory Updates

## *Legislative*

**LD 2034:** An Act to Address Identified Gaps in the Laws Governing Erosion Control and the Natural Resources Protection Act

-Change has made **38 MRSA §420-C. Erosion and sedimentation control** apply to the entire state

-Clarifies that LUPC and Maine Forest Service have enforcement authority under **§480-R. Violations; enforcement**

# *LUPC Rulemaking*

- Accessory Structures
  - Would require self-verification that standards are met
  - Submission of notice form to LUPC
  - Posted for public comment

[https://www.maine.gov/dacf/lupc/laws\\_rules/proposed\\_rules/rules.shtml](https://www.maine.gov/dacf/lupc/laws_rules/proposed_rules/rules.shtml)

- Short-Term Rentals (STR)

- 2022 - 2023 research

- ▲ STR distribution and characteristics in the service area
    - ▲ Regulatory approaches
    - ▲ 4 community meetings for input on STRs

- Proposed Rules

- ▲ Occupancy limit, septic, parking, local contact person
    - ▲ Require self-verification that standards are met
    - ▲ Submit notice form to LUPC
    - ▲ Posted for public comment

- Educational component

[https://www.maine.gov/dacf/lupc/laws\\_rules/proposed\\_rules/rules.shtml](https://www.maine.gov/dacf/lupc/laws_rules/proposed_rules/rules.shtml)



- **Lighting Standards, Proposed Update**
  - Current standards from 2004
    - ▲ Dark Sky considerations
    - ▲ New lighting technology and terminology
  - Wattage limits would be replaced
    - ▲ Correlated color temperature
    - ▲ Lumen limits
  - Standards for ski resorts/ outdoor recreation facilities
  - Plan to present to the Commission in April

# *Policy/Rule Review and Potential Rulemaking*

- Floodplain Development
  - Federal consistency
  - Climate resilience
- Solar
  - Decommissioning
  - Design

# *Planning Projects*

## 2023

- Attean Twp./Dennistown Plt. Concept Plan – Replacement Zoning
- White Mountain National Forest Resource Plan
- Brassua Lake Concept Plan – Replacement Zoning

## 2024

- 5-Year Review of 2019 Adjacency and Subdivision Rulemaking
- Begin the Process of Revising the 2010 Comprehensive Land Use Plan

# *Major Development Projects*

- Pickett Mountain Mine
  - Metallic mineral mine in T6 R6 WELS
  - Rezoning to a Planned Development Subdistrict (D-PD)
  - Commission denied application in February
    - ▲ High-value and sensitive water resources
    - ▲ Risk of pollution too great
    - ▲ Socioeconomic benefits do not outweigh risk to resources

# *Permitting and Compliance Division Updates*

- *Revising Building Permit Application*
- *Newly created Enforcement Unit fully staffed*
- *Update to Compliance and Enforcement Policy*

# *Compliance and Enforcement Policy Update*

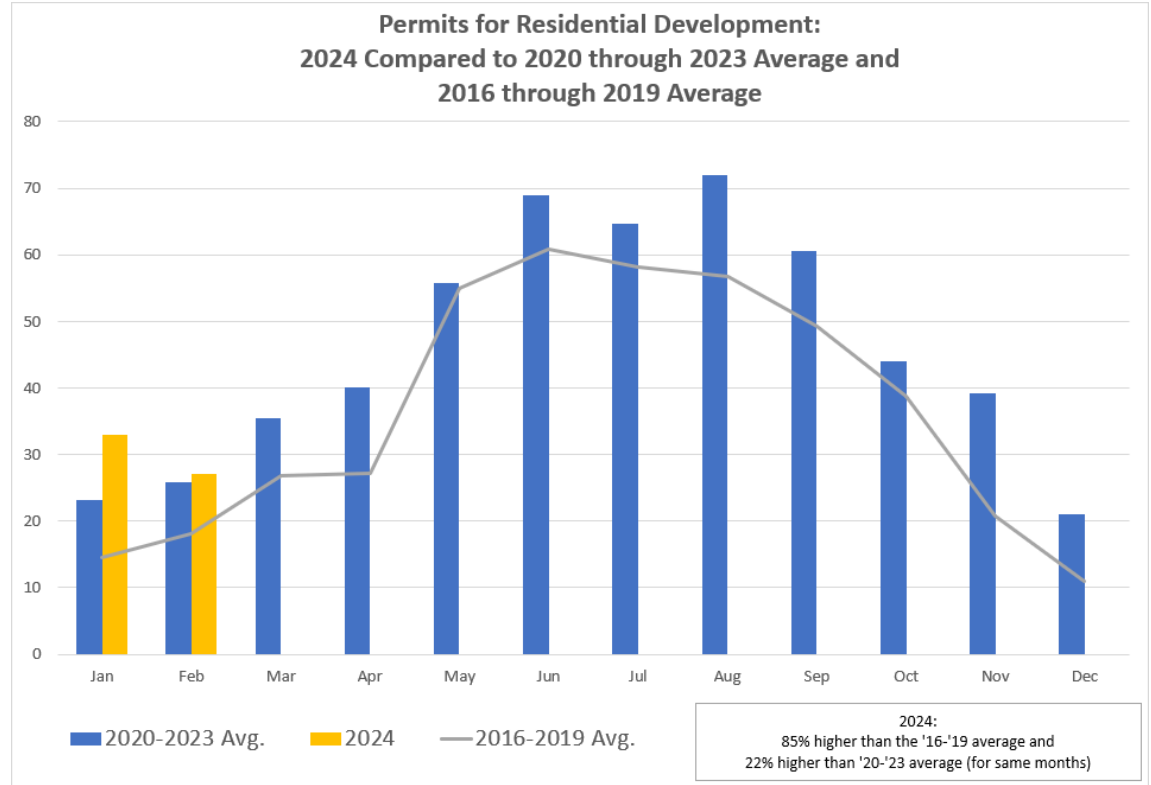
## Notable changes to the penalty matrix

- 1) Increased penalty matrix range.
- 2) Penalty multiplier for willfulness and/or culpability.
- 3) Penalty increases for less than full compliance.
- 4) Clarification on assessing multiple violation penalties.
- 5) Clearer distinctions among multi-level violations.
- 6) Optional multi-day penalty matrix.

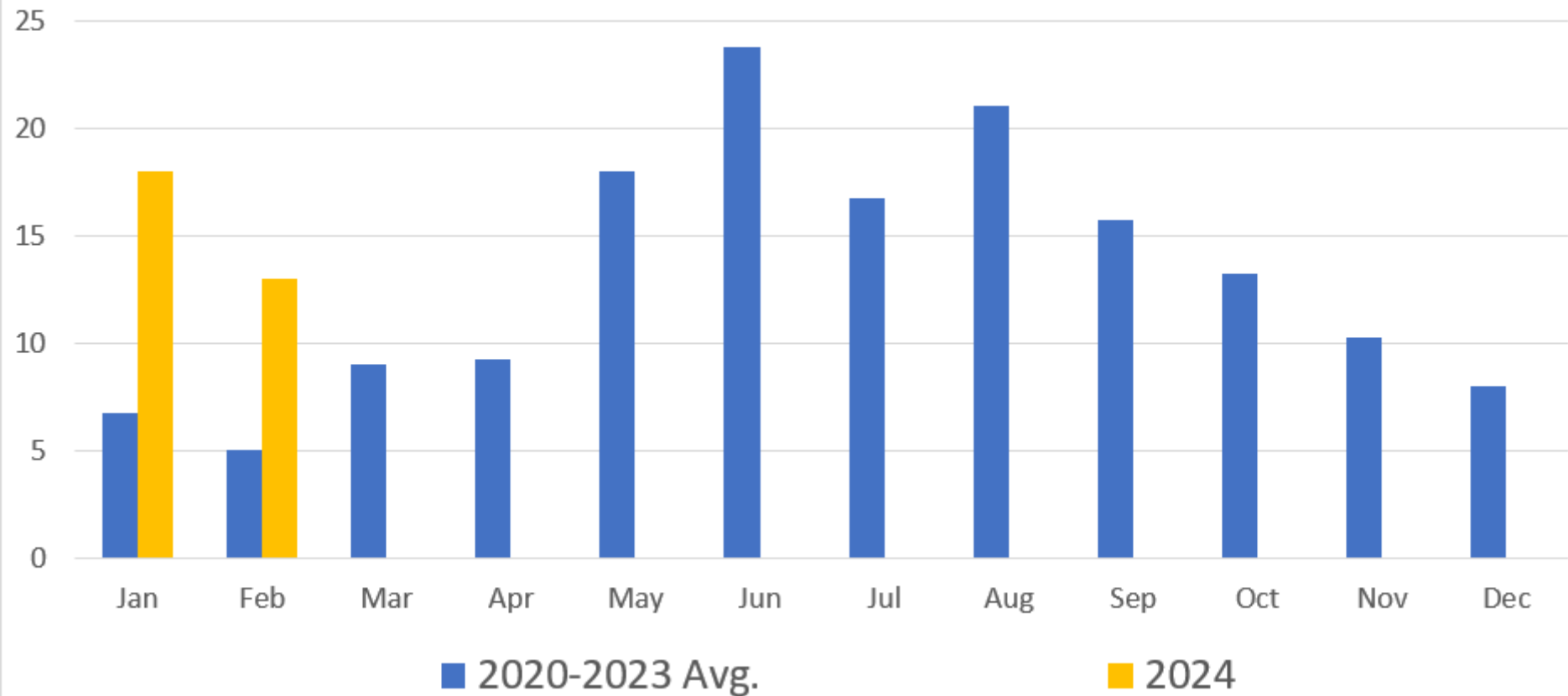


# Permitting Trends

Increase in residential permits from last three years



## Permitted New Dwellings by Month by Year



# Permitting and Compliance

-Regional staff are here to help and work with agents to get the most complete application prior to submittal.

-Pre-application consultations is one of P&C's priorities this year

# Thank You

Questions?

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