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**PUBLIC COMMENTS RECEIVED FOR PROPOSED RULE REVISIONS:  
2018 SECOND MISCELLANEOUS RULEMAKING**

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**Maine Land Use Planning Commission  
Maine Department of Agriculture, Conservation, and Forestry**

**Published Date: April 25, 2018**

**Public Comment Deadline: May 29, 2018**

**Rebuttal Comment Deadline: June 5, 2018**



P.O. Box 145, Orrington, Maine 04474 (207) 825-4050

May 29, 2018

Maine Land Use Planning Commission  
Attention: Stacie R. Beyer  
106 Hogan Rd, Suite 8  
Bangor, Maine 04401

Subject: Public Comments  
Draft Rule: Chapter 10, 2018 Second Miscellaneous Rulemaking

Dear Stacie,

This letter is to provide comments to the Maine Land Use Planning Commission (LUPC) regarding the Draft Rule: Chapter 10, 2018 Second Miscellaneous Rulemaking. I am a consulting soil and wetland scientist who assists clients through both the LUPC and the MDEP permitting processes regarding natural resources, and am generally in favor of any rulemaking that provides consistency between the two jurisdictions. I understand that the Draft Rule is divided into three Parts: 1) Statutory Consistency and Clean-up, 2) NRPA-related Changes, and 3) Cleanup of Appendix C – Alphabetical List of Lakes Showing Wildland Lakes Assessment Findings. This letter provides comment on Part 2 NRPA-related Changes only.

Comments regarding the specific rule changes are below:

10.02 Definitions, 194. Shoreline – The proposed definition defines the “shoreline” of coastal wetlands at the “normal high water mark”. However, the LUPC definition of Coastal Wetlands (29. Coastal Wetlands) is the Highest Annual Tide (HAT) line. This is confusing. Are Shoreline and Coastal Wetlands treated differently in the rule? I know that this part isn’t changed, however, it is confusing.

**William H. Burman**  
*Licensed Professional Forester*  
*Master Arborist*  
*Master Pesticide Applicator*

**Aleita M. Burman**  
*Certified Wetland Scientist*  
*Certified Soil Scientist*  
*Licensed Site Evaluator*



May 29, 2018  
Draft Rule: Chapter 10  
2018 Second Miscellaneous Rulemaking

It appears that Dimensional Requirements and Setbacks (at the least) in Chapter 10 reference the “shoreline”. With the proposed change to add “*the upland edge of a freshwater wetland*” to the Shoreline definition, it appears to create a new setback from freshwater wetlands. It is unclear what that setback would now be.

10.25 Development Standards, P. Protected Natural Resources, 2. Water Bodies and Wetlands – This clarification which requires inclusion of alteration of all non-tidal water bodies, freshwater wetlands, and coastal wetlands in the Uses Requiring a Permit and Special Exceptions is very important, and this change is strongly favored.

10.27 Activity-Specific Standards, F. Filling and Grading – The changes in this section appear to lessen setbacks, i.e. the standards no longer apply to all waterbodies and wetlands, but only to P-WL1 subdistricts.

Thank you for the opportunity to make comments on the proposed LUPC Rulemaking. If there will be a stakeholders group set up to discuss these proposed changes, I would like to attend these meetings if possible. Please contact me with any questions you have on my comments.

Respectfully Submitted,

**Burman Land & Tree Company, LLC**

A handwritten signature in cursive script, appearing to read "Aleita M. Burman".

Aleita M. Burman, C.W.S., C.S.S., L.S.E.

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