COMMENTS RECEIVED FOR PROPOSED RULE REVISIONS:

PROPOSED REVISION OF

CHAPTER 2 AND CHAPTER 10 – MISCELLANEOUS REVISIONS

The following pages include the written comments submitted between July 2, 2025 and August 4, 2025 regarding the Chapter 2 and Chapter 10 Miscellaneous Revisions rulemaking.

Rebuttal Comments: The deadline for submissions in rebuttal to these comments was August 11, 2025. No rebuttal comments were received on or before the deadline.

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
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JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

Memorandum

To: Maine Land Use Planning Commission

From: LUPC Staff

Date: July 24, 2025

Re: Proposed 2025 Chapters 2 and 10 Miscellaneous Rule Revisions

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On behalf of the Maine Land Use Planning Commission staff, we submit the following comments on the draft rule revisions.

Comment Item A – Transient Occupancy
Public Law 2025 Chapter 11, which revises 12 M.R.S. § 682(15), changes the term campsite to minor campground. The proposed rule revisions, as posted for public comment, include updating Chapter 2 to reflect this change. The following edit was inadvertently not included in the proposed revisions posted for public comment and should be added.

Recommended Edits

- Revise Section 2.02 (additional changes proposed by this staff comment are highlighted):

  "##. ~~Campsite~~Minor campground:
  "A camping location containing tents, registered tent trailers, registered pickup campers, registered recreational vehicles, registered trailers or similar devices used for camping. "~~Campsite~~Minor campground" does not include a camping location that has access to a pressurized water system or permanent structures other than outhouses, fireplaces, picnic tables, picnic tables with shelters or lean-tos. A ~~campsite~~ minor campground may be designed to contain a maximum of 4 camping sites for transient occupancy by 12 or fewer people per site, or numbers of sites and occupancy rates consistent with a landowner's recreational policy filed with the commission. …"

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Comment Item B – Transient Occupancy

Public Law 2025 Chapter 61, which revises 12 M.R.S. § 682(18), changes the limit for transient occupancy from 120 to no more than 150 days. The proposed rule revisions, as posted for public comment, include updating Chapter 10, Section 10.25,T,2,K to reflect this change. The proposed rule revisions should also have updated Chapter 2 and other portions of Chapter 10, but some updates were inadvertently not included. The following five edits were inadvertently not included in the proposed revisions posted for public comment and should be added.

Recommended Edits

- Revise Section 2.02:

  "130. Manufactured Home:
  A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For purposes of regulating development in flood prone areas, the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than ~~120~~ 150 consecutive days."

  "250. Transient Occupancy:
  "Occupancy that does not exceed ~~120~~ 150 days in a calendar year" 12 M.R.S. § 682(18). With respect to campsites and residential campsites occupancy is measured by the length of time the tent, trailer, camper, recreational vehicle, or similar device used for camping is located on the site. There is no limit to the number of days a person may store an unoccupied camping device at a lawfully existing camping location within a lawfully existing campground."

- Revise Section 10.25,T,2,k as follows (additional changes proposed by this staff comment are highlighted):

  "k. Recreational Vehicles. Recreational vehicles must either:

  (1) Be on the site for ~~fewer~~ no more than ~~120~~ 150 consecutive days and be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

  (2) Be permitted in accordance with the elevation and anchoring requirements for manufactured homes in Section 10.25,T,2,j.

  (3) When located within Zone VE, be on the site for ~~fewer~~ no more than ~~120~~ 150 consecutive days and be fully licensed and ready for highway use, or meet the requirements for coastal floodplains in Section 10.25,T,2,r."

- Revise Section 10.27,Q,6 as follows:

  "6. Campgrounds.

  …

  b. In order to comply with transient occupancy standards, a tent, trailer, camper, recreational vehicle, or similar device used for camping may be stored within a campground provided that the device is not occupied for more than ~~120~~ 150 days in a calendar year."

- Revise Section 10.27,S,3,b,(2). as follows:

"(2) Scale.

(a) A business must be mobile, and must not include structures as defined in Chapter 2 of the Commission's rules. The facility and all appurtenant components must not be in the same location for more than ~~120~~ 150 days in a calendar year. Mobile means that a vehicle or trailer must be ready for highway use, and must be fully licensed unless intended to travel exclusively on private roads."

Comment Item C – Documents incorporated by reference or otherwise referenced
Part of the Commission's purposes in initiating the changes to Chapters 2 and 10 is to update mentions of documents incorporated by reference or otherwise referenced to more recent versions. In some cases, references to older versions of documents were inadvertently not included in the draft rule revisions posted for public comment.

C-1. The proposed revisions include editing Chapter 10 Section 10.25,L,2,a to refer to a newer edition of Chapter II the Maine Stormwater Management Design Manual. However, Section 10.23,F,3,g,3 also refers to the now outdated version of that manual. The citation in Section 10.23,F was missed but should also be updated.

Recommended Edits

- Revise Section 10.23,F,3,g,3 as follows:

"(3) Phosphorous control. All development must be designed in accordance with Maine Stormwater Management Design Manual, Volume II, Phosphorus Control Manual" Maine Department of Environmental Protection. (March 2016)~~the Maine Department of Environmental Protection's "Maine Stormwater Best Management Practices Manual, Volume II, Phosphorous Control in Lake Watersheds: A Technical Guide to Evaluating New Development."~~ Development density must conform to the requirements of this manual."

C-2. The proposed revisions include editing Chapter 10 Section 10.25,L,3,b to refer to a newer edition of Chapter III the Maine Stormwater Management Design Manual. However, Section 10.5,L,4,a also refers to the now outdated version of that manual.

Recommended Edits

- Revise Section 10.25,L,4,a as follows:

"**a.** Phosphorus control measures and their maintenance shall meet the design criteria contained in the "Maine Stormwater Management Design Manual, Volume III, Technical Design Manual" Maine Department of Environmental Protection. (May 2016),~~"Maine Stormwater Best Practices Manual, Volume III. BMP Technical Design Manual, Chapter 11. Designing for Operation and Maintenance" Maine Department of Environmental Protection, 2008~~, and hereafter cited as the Technical Design Manual."

C-3. The proposed revisions as posted for public comment include editing Chapter 10 Section 10.27,D,2,a,8 to reflect more recent versions of tools for calculating storm events. After posting the proposed rule revisions for public comment, staff noticed that a previously functioning link providing access to one of the tools was no longer working. Upon conducting a more thorough review, staff noted that the April 2021edition of the TR-20 – Computer Program for Project Formulation – Hydrology, as proposed in the draft rule text, is no longer the most current version of that tool. Staff then requested information from the Natural Resources Conservation Service (NRCS), which maintains some of the tools referenced. It became clear that these tools are updated periodically to maintain compatibility with newer operating systems, and that attempting to continuously incorporate one specific version by reference could become impractical and overly restrictive, requiring continuous rule revisions to stay current. Therefore, staff propose providing a more general list of examples of tools which could satisfy regulatory requirements, while allowing applicants flexibility to use more recent versions or tools that are similarly effective.

Recommended Edits

- Revise Section 10.27,D,2,a as follows (instead of the revisions proposed in the draft rule text posted for public comment):

"(8) Provided they are properly applied and used for circumstances for which they are designed, methods including but not limited to the following are acceptable to the Commission as means of calculating 25-year and 100-year frequency storm events and thereby determining crossing sizes as required in Section 10.27,D,2:

(a) ~~The~~A currently supported version of a tool or methodology published by the USDA Natural Resources Conservation Service (NRCS) for calculating watershed runoff based on precipitation; or ~~Method: "Urban Hydrology for Small Watersheds." (Technical Release #55). USDA Soil Conservation Service (June 1986).~~

~~(b) The USDA NRCS Method: "TR-20 – Computer Program for Project Formulation – Hydrology," Second Edition, U.S. Department of Agriculture, Soil Conservation Service (March 1986).~~

(b~~e~~) Provided that the only ~~design~~ storm severity estimate used for sizing the crossing is a 100-year frequency storm event, the Commission may also allow use of ~~the~~ a United States Geological Survey (USGS) ~~method:~~ tool such as StreamStats~~,~~ (a Web-based Geographic Information Systems application) or similar replacement tool provided by the USGS~~(Geological Survey, U. S. (2019, April 19). USGS. Retrieved from StreamStats: https://streamstats.usgs.gov/ss/)~~."