

LUPC REFERENCE SHEET IN THE MATTER OF ZONING PETITION ZP 768

IRVING PROPOSED FISH RIVER CHAIN OF LAKES CONCEPT PLAN

May 16, 2018

This reference sheet has been prepared by Commission staff to provide assistance to Commission members as they review and consider the record in this matter. The sheet is not intended to contain an exhaustive list of the potential issues associated with a particular topic or to reference all the applicable testimony or regulatory criteria. Further, this reference sheet does not represent staff or Commission conclusions on any issue of law or fact, and should not be relied upon as a substitute for a careful review of the petition, testimony, and applicable regulatory criteria.

TOPIC 1. ACCESS TO DEVELOPMENT AREAS AND POTENTIAL IMPACTS TO EXISTING CAMP OWNERS

A. TOPIC DESCRIPTION

Access to Development Areas and Potential Impacts to Existing Camp Owners

By way of example, this topic includes the following subjects:

- Means of access to proposed and existing development
- Road ownership, associations, and maintenance for private and public roads
- Impacts on existing camp owners (e.g., traffic, common water access for subdivisions, proximity of proposed development areas to existing camp/dwellings)

The issues in Topic 1 are specific to each proposed development area, and revolve around the future circumstances on the ground if the Plan is approved and development is pursued. The details of how the road system will be owned and maintained are particularly important to people living in the immediate vicinity. The Commission will need to consider which of these details are best addressed at the zoning stage versus the permitting stage.

The Commission also must consider questions of appropriate means of access to proposed subdivisions from the vantage point of service provision and location of subdivision development. Pre-filed testimony was not required for Topic 1 because the issues are easily understood without extensive technical testimony, and the issues can be adequately described at the hearing by the persons most affected.

B. EXAMPLES OF ISSUES TO CONSIDER

Means of access to proposed and existing development

- Does the Plan provide sufficient means of access to proposed and existing development? This may include considerations for legal right of access; emergency service provision; ability to upgrade access roads as may be required in subsequent development permitting proceedings; and considerations about appropriate travel distances for emergency services and water-access-only options for subdivision development.

Road ownership, associations, and maintenance

- Does the Plan specify in enough detail how road ownership, road associations, and road maintenance will be handled at the time of sale of currently leased lots or new development lots? It is important that 1) the procedures are clear and predictable and 2) the procedures lead to sensible outcomes for the lot owners as well as for other users of the roads, such as forest products traffic and public traffic for recreation access.
- Does the Plan create road-related impacts within organized municipalities or for County government that should be addressed in the Plan?

Impacts on existing camp owners (e.g., traffic, common water access for subdivisions, proximity of proposed development areas to existing camps/dwellings)

- How will the owners of existing camps (including lease holders) in the area be impacted by the Plan? This might include changes in vehicle or pedestrian traffic patterns or volume, or public or private use of common areas near existing residences.
- Of these impacts, what is appropriate to address at the zoning stage versus at the subdivision or water access site permitting stage?

C. CITATIONS TO RELEVANT MATERIALS WITHIN THE RECORD

NOTE: Prior party comments and prior governmental agency comments were provided in response to the 2017 Petition; Pre-filed testimony and pre-filed governmental agency comments were provided in response to the April 2018 amendment.

Means of access to proposed and existing development

Petition

- [Volume 3, Map 36](#)
- Amendment: [Item 20; Map 36](#)

Pre-filed Testimony

- *Pre-filed testimony was not required for Topic One*

Pre-Filed Governmental Agency Comments

- [Town of Van Buren](#)
- [DEP – Site Law](#)

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Prior Party Comments

- [Natural Resources Council of Maine, 12/11/2017: Item 2](#)

Prior Governmental Agency Comments

- [North Lakes Fire & Rescue, 10/16/2017, Item 1](#)

Road ownership, associations, and maintenance

Petition

- [Volume 2:](#)
 - [Section 1E,1 \[digital pages 6 through 23\];](#)
 - [Section 1G \[digital page 24\];](#)
 - [Section 2E, Subsection 10.29 \[digital page 210\]](#)
- Amendment: [Item 20; Map 36](#)

Pre-filed Testimony

- *Pre-filed testimony was not required for Topic One*

Pre-Filed Governmental Agency Comments

- [Town of Van Buren](#)
- [DEP – Site Law](#)

Prior Party Comments

- [Fish River Lakes Leaseholders Association, 12/11/2017: Item 3](#)

Prior Interested Persons Comments

- [Sandy Point & Connection Lane Road Association, 12/28/2017: Item 6](#)

Prior Governmental Agency Comments

- [North Lakes Fire & Rescue, 10/16/2017, Item 1](#)
- [Town of Van Buren, 12/04/2017](#)
- [Maine Department of Inland Fisheries and Wildlife, 12/06/2017, page 8](#)

Prior Public Comments

- [J. Hadley, 11/18/2017: Item 3](#)

Impacts on existing camp owners (e.g., traffic, common water access for subdivisions, proximity of proposed development areas to existing camp/dwellings)

Petition

- [Volume 1:](#)
 - [Question 16 \[digital page 95\]](#)

Pre-filed Testimony

- *Pre-filed testimony was not required for Topic One*

Prior Party Comments

- [Fish River Lakes Leaseholders Association, 12/11/2017: Items 2b and 3](#)
- [Natural Resources Council of Maine, 12/11/2017: Item 2](#)

Prior Interested Persons Comments

- [C. Pierson, 12/29/2017: Item 2](#)
- [Sandy Point & Connection Lane Road Association, 12/28/2017: Item 6](#)

Prior Public Comments

- [J. Hadley, 11/18/2017: Item 3](#)

D. REGULATORY CRITERIA THAT MAY BE IMPLICATED BY THIS TOPIC

- Whether “the proposed land use district has no undue adverse impact on existing uses or resources or a new district designation is more appropriate for the protection and management of existing uses and resources within the affected area.” ([12 M.R.S. §685-A\(8-A\)](#))
- Whether “the proposed land use standards would serve the purpose, intent and provisions of this chapter and would be consistent with the comprehensive land use plan.” ([12 M.R.S. §685-A\(8-B\)](#))
 - Whether the plan conforms with the Commission’s lake policies and lake program guidelines, is feasible, and is compatible with other public and private interests. ([Comprehensive Land Use Plan](#), page C-8)
- Whether “the plan is at least as protective of the natural environment as the development, management, and protection subdistricts which it affects.” (Section 10.23,H,1 and 6,d of the Commission’s [Land Use Districts and Standards](#); [Comprehensive Land Use Plan](#), page C-8)
- Whether the Plan “establishes procedures that reduce the need to repetitious permit applications to the Commission;” (Section 10.23,H,2,b of the Commission’s [Land Use Districts and Standards](#))