

SANDY POINT & CONNECTION ROADS OWNERS ASSOCIATION

*c/o Alan D. Mulherin, Director
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State of Maine
Department of Agriculture, Conservation, & Forestry
Land Use Commission
22 State House Station
Augusta, Maine 04333-0022

VIA E-MAIL

Timothy.Beaucage@Maine.gov

In the Matter of
Zoning Petition ZP 768

Allagash Timberlands, LP, Aroostook Timberlands, LLC, and
Maine Woods Realty Company (Irving)

Pursuant to the Commission's Third Procedural Order in the above-cited matter, comes now the Sandy Point and Connection Lane Road Association (SP&CLRA) having been graciously granted Interested Persons Status. We express our sincerest gratitude to the Commission for providing us that recognition and this opportunity. Based thereupon, we respectfully submit the following Issues for the Commission's kind consideration and pray for their indulgence.

1. IMPACT OF POTENTIAL SALE OF CURRENT CAMP OWNER LOTS

Though the SP&CLRA well comprehends it to be beyond the Commission's scope to consider or, in any manner, rule upon the issue of the sale of property owned by Petitioners to camp/home owners affected or otherwise considered in this Zoning Plan, we pray the Commission bear in mind the incredible, and potentially life-altering, impact the sale price set by Petitioners and, more importantly, the ancillary affects, will have on camp/home owners – most particularly those numerous owners who are presently, or will soon be, retired and on fixed incomes. Indeed, failure to take this critical point into account could well result in the loss of camp- and lake-home life for a goodly number of residents here for a season, a year, a decade, or several.

We are concerned that Petitioners' Plan, to date, fails to address what course of action is intended in cases where current camp/home owners are unable to afford to purchase their lots; or, are of a mindset that they will not pay what they deem to be an unjust price set by Petitioners. In many such cases, we can envision camp/home owners simply abandoning their camps, or perhaps undertaking actions to eliminate the camp/home from Petitioners' property. We are left to wonder how Petitioners will address these situations and are grievously concerned that Petitioners have, to date, been particularly evasive and non-committal regarding Lot sale prices. Understandably, this stance by Petitioners has created considerable angst and speculation amongst current camp/home owners, and has severely depressed potential purchases of units offered for sale.

We might first consider the camp that is simply abandoned and left to rot on the lot. The potential for internal contaminants, sewerage system breakdown, and potable water systems to become contaminated or leech contaminants into the nearby lake is considerable – particularly if a number of camps fall into this category. Further, such locations might well become safe harbor for all manner of rodents, raccoons, and other pests that might well present endangerment to local residences, residents, and children.

Secondly, we might consider the potential that Petitioners – or their developers – would demolish these camps in favor of constructing new, more modern residential units that would attract more year-round residents. This activity might well present more contamination into an already stressed Cross Lake watershed in the form of teardown and/or construction runoff, soil disturbance, increased personal and heavy equipment traffic causing roadway erosion, and so forth.

Thirdly, should some ill fate befall one or more of these camps that people can, or wish, to no longer afford or occupy – not at all an unknown fate in these types of situations – what danger is presented to surrounding camps, woodlands, and the watershed? Indeed, unmanaged blazes might easily take with them several camps and render an entire area then available for Petitioners to advantage their position of new development.

It is therefore from these latter perspectives we respectfully request the Commission consider Petitioners' intentions with regard to reasonableness of price setting for these current camp/home lots and the potential adverse impact to the woodlands, camps, and watershed from camps that are abandoned, destroyed, or new development occurs.

Reference 2010 CLUP at I.A. & F.

2. WATER QUALITY – Nuisance Grasses, Algae, and Silt

The SP&CLRA shares DEP's grievous concern for the presently increased, deleterious phosphorous levels in Cross Lake. We are equally concerned that Petitioners' proposed development plans will inordinately, if not exponentially, increase those presently untenable levels to that which are not only unpleasant and destroying the watershed's attractiveness and usefulness, but would almost certainly evidence a death sentence to the beauty, usability, enjoyment, and fishing viability of Cross Lake. Already, those of us resident to Cross Lake on a seasonal or year-round basis, note the increased silt, algae, and nuisance grasses growth.

Whether a kayak, a canoe, a paddleboat, a fishing boat, a “sea-doo”, or a pontoon, all experience decreased boating pleasure as a function of increased nuisance grasses, silt, and algae growth. Further, boaters complain of “film” and “crud” that rapidly adheres to their hulls, motors, and props. This same film necessarily works its way through drive systems and motor pumps and cooling systems – in time damaging and otherwise reducing the usable life of these often expensive units.

Finally, though not all-inclusive, swimmers often complain that the sandy or rocky lake bottoms they used to walk on are now slippery and slimy as a function of that previously-enjoyed bottom being covered with silt and various forms of dirt and muck.

We, from admittedly a practical rather than scientific perspective, concur with DEP’s assessment that Cross Lake is already over-populated, suffers high turbidity and contamination, and that any further development in this area will only serve to kill what is already a much-damaged lake that has, for decades, been relied upon as home and recreation area to its numerous seasonal and year-round camp owners. We are greatly concerned that Petitioner has no stated plans to ameliorate current phosphorous levels, let alone the dramatic increase in those levels proposed development plans would impose. Of further concern is Petitioners’ statement that it will not necessarily be the developing entity, and that it will rather “farm out” its lands to outside developers to do with as they wish – none of whom currently stand before the Commission so that it may give due consideration to those entities’ plans. In effect, current Petitioners advocate that we and the Commission should, in this regard, buy a “pig in a poke” and trust Petitioners to do the “right thing”. That is a very slippery slope, at best!

We respectfully request the Commission give great weight to this issue and our presents here in its deliberations and decision-making. In so doing, we believe the outcome must be disapproval absent Petitioners’ ability to amend their Plan to address our concerns.

3. WATER QUALITY – Turbidity

Having spent many hundreds of hours on Cross Lake throughout the year, SP&CLRA residents are personally aware of the rising turbidity levels in our lake. We are aware that our children and grandchildren can no longer swim in clear, clean water and must bathe almost immediately upon retiring from the lake for the day. We are aware that it has become quite nearly impossible to see even a couple feet below the water surface when fishing or ice fishing due to massive quantities of suspended particulates. We understand that Petitioners have not been responsible for this condition; however, it cannot go without consideration that further development of septic systems, leech fields, potable water sources, roadways, lake access points, lake utilization, and increased residential development and presence will dramatically increase suspended particulate levels in the lake.

Current suspended particulate levels are already at untenable levels due to progressive burdening as a function of increased agricultural influences, camp and service road development, and human presence that has occurred at a very gradual rate over several decades. A viable argument already exists to support that the lake is overburdened from the standpoint of existing camp presence, as well as lake usage loading.

Petitioners' plan not only fails to address any amelioration or treatment methods to control or reduce current lake turbidity, it similarly fails to so much as address these future concerns or how it would assure third-party developers will do so. Further, there is no suggestion of how their development plans and/or developers will assure no further increase in turbidity / suspended solids. Such irresponsible approaches will almost certainly result in the rapid deterioration of Cross Lake to an unusable, oxygen-deficient watershed that cannot support a sport fishery or recreation.

We respectfully request the Commission give great consideration to this issue in its deliberations and final decision-making. In so doing, we believe evidence warrants disapproval in the absence of Petitioners' amending their current plan to adequately address this concern.

4. WATER QUALITY – IMPACT OF DEVELOPMENT RUNOFF

We are concerned that Petitioners' plan calls for extensive residential development immediately between current Sandy Point Road and Connection Lane camps/homes and Route 161, as well as between camps on other roads and camps that parallel Route 161. Currently, there are woodlands occupying this area. These woodlands serve to gather and hold water that comes into their area from rainfall, Route 161 runoff, and Route 161 and camp road(s) snow removal.

Prior to residential (or any other) development in these areas, there would necessarily be required removal of a very high percentage of standing woods. Thereafter, there would be ground leveling and development to accept residential construction. Then there would be construction and, ultimately, habitation. As has been the case in any area where such activity has previously occurred, there will no longer be woods to hold back water, snow, and the like. Rather, given the rapidly descending gradient from Route 161 to Cross Lake and the propensity for runoff water to immediately follow Sandy Point Road directly to the lake, this defoliation and development will almost certainly result in more rapid erosion of those areas, Sandy Point Road, and Connection Lane. Necessarily, this will inordinately increase sediment deposits into Cross Lake where Sandy Point Road meets the lake – an already contaminated, silt burdened, and shallow area of the lake that would become, without abatement, a "sandbar" and boating hazard.

The above concern notwithstanding, DEP has already cited the deleterious effects increased development runoff will have. Adding to their cited concerns, we also wish the Commission to consider the increased burden residential developments and increased drainage rates will have on Cross Lake. In winter, it is exceedingly common for residential interests to treat their driveways, walkways, and access areas with salt or sand. Whether self-treating or obtaining such through contracted services, residents will achieve treatments of this nature and, with increased runoff rates brought about by the aforementioned deforestation and defoliation, those treatments will naturally migrate to, and further degrade and damage the lake.

It is irrefutable that salt entering a watershed will have an adverse impact on it. Resultant salinization of the lake will further deplete already critically low oxygen levels and promote nuisance growth throughout the lake. Sand entering the watershed at the Sandy Point Road terminus will, as previously mentioned, reduce lake depth in that area, in time establish a sand bar that is dangerous to boaters and the like. Those two

substances notwithstanding, it is equally irrefutable that undesirable compounds, weeds, and “silt generators” will be carried to the lake in copious quantities.

We respectfully request the Commission give great consideration to this issue and, in so doing, finds Petitioners’ plan to be deficient until amended to address these concerns.

5. GROUND WATER CONTAMINATION

Many residents in this area obtain their potable water through dug wells fed by natural, underground springs – the same springs that feed into and are found under Cross Lake. Previous installations of leech fields on back lots resulted in unintended damage to some of these dug wells and spring water. Some were, for the first time in decades of having tested pristine, found to contain fecal matter, coliform bacteria, and other contaminants that rendered the water source totally unfit for human use, in any form. Residents affected by these unintended contaminations incurred considerable personal cost in the form of having to immediately halt utilization of these well-established sources, and in the immediate, having to contract for new, deep wells to be drilled. Thereafter, they were required to secure the services of plumbing contractors to install pumps and piping, captive air tanks and associated appurtenances, and the cost of further water testing to be accomplished. These were very expensive impacts to affected camp/home owners.

Petitioners seek to promote considerable residential development between the camps/homes on Sandy Point Road and Connection Lane and Route 161. We are grievously concerned that similar unintended consequences might equally as similarly and costly impact our dug, spring fed wells, and perhaps even drilled, deep wells that are lower on the gradient and directly in the runoff flow path between these developments and the lake. We find no mention of Petitioners contemplating such contingencies, assuming liability for such occurrences, or how it would timely engage and assume the cost of providing adversely affected camp/home owners alternative, reliable, and safe potable water.

Another genuine consideration not previously addressed when spring-fed, dug wells became contaminated is just how much of that fecal, coliform matter found its way into the lake. Without question, if springs under the new leech field or downward on the gradient became so contaminated, it follows that certain quantities of that contamination made – and almost certainly continue to make their way – into the lake, proper.

We respectfully request the Commission grant great consideration to this issue and, in so doing, finds Petitioners’ plan to be deficient until amended to address this concern.

6. WATER ACCESS POINTS

Petitioners’ plan suggests the construction of several public access points. One such proposal of particular interest to SP&CLRA Members appears to extend from the May Road to lakeside. This would necessarily require alteration to a current flowage in that area, and would also result in a roadway being constructed between the final camp on Sandy Point Road and the first camp on May Road.

- A. We are initially concerned that such a construct might result in the joining of Sandy Point Road and May Road. Both roads are currently managed by acknowledged Road Associations. It is entirely probable that construction of this access point could result in the two roads being joined. The increase in vehicular and foot traffic on these roads would necessarily raise their operations and maintenance costs. Currently, each Association's members pay these operations and maintenance costs based on their usage of these roads – which are, by definition, Private Ways – and not that of the general public or residents from other Road Associations or future developed residential units.

We are concerned that Petitioner has expressed no provisions to reimburse or otherwise assist current Road Associations for the increased traffic burden and associated operation and maintenance costs they will incur as a function of the greater use by persons not members of these Associations.

Realizing, of course, address of the above may fall outside the Commission's scope, we express the adjoining concern that road construction of this type will further compromise privacy, access, and serenity levels of current residents along these Private Roadways.

- B. Secondly, we are concerned for the owners of the camp at the end of Sandy Point Road whose property is currently separated from the May Road and the first camp there by a "dead space" or "trench" that serves to drain a spring and run-off water to the lake. That functional purpose notwithstanding, this area also provides a serene barrier between our member's camp and the May Road. With the proposed construction of a public access point that will immediately adjoin our members' camp, there can be little doubt that pretty much all serenity, quiet, and privacy to date enjoyed by those owners will be irreparably and forever vanished.

Speaking to the impact of this increased usage burden on the lake, itself, the potential increase in recreational units being introduced into and taken from the water at this access point will certainly result in more beach erosion and external material being introduced into the lake at this point. Adjacent camp owners and those along the shoreline proximal to this access point will likewise have their areas encroached upon and potentially damaged by this increased traffic and usage. Beyond that, peace and tranquility levels will, irrefutably, be severely compromised by all of this additional traffic – particularly given its very close proximity to, and easily achieved, convenient access from Route 161.

We respectfully request the Commission give great consideration to this issue and, in so doing, finds Petitioners' plan to be deficient until amended to address these concerns.

7. ROADWAY DEGRADATION

Currently, Petitioner accepts no responsibility for Private Roadways that are constructed, managed, and maintained by Road Associations such as SP&CLRA. In Licenses (Leases) issued by Petitioners to current Lot Holders, Petitioner specifically exempts itself from all such concerns and places responsibility for construction, maintenance, repair, and snow removal squarely upon camp/home owners abutting the roadway serving their property interest.

It is irrefutable that development of residential and recreational areas contemplated within Petitioners' Plan will exact an adverse impact on these established Private Roadways. Construction equipment, increased private and public vehicle traffic, potential buyers, and all manner of associated persons will require at least some, if not considerable, access to these areas utilizing roadways constructed, maintained, and paid for by Road Association members.

We find no mention in Petitioners' Plan as to how – or even, whether – it will assume liability for repair, and the cost thereof, of any damage so done to these Private Roadways. We are concerned that Petitioners – having the actual development of these areas accomplished by third-party developers and contractors – fails to address and accept this liability.

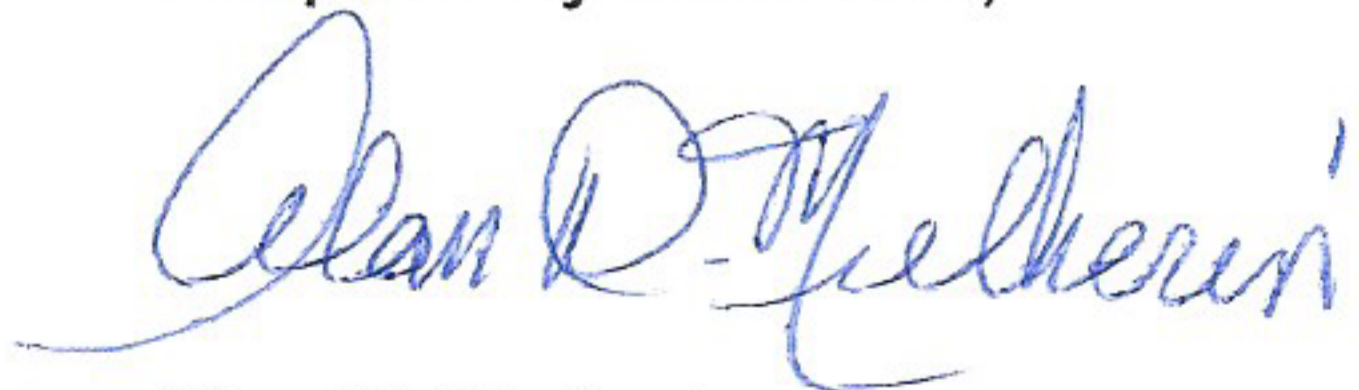
In addition, we are concerned at the length of time that may pass between that which damage begins to be wrought upon these Private Roadways and that at which total repair will be effected. During the construction period, rutting, the effects of increased exhaust gasses from fossil fuel-based vehicles, runoff of springs or other water sources that may be breached, natural runoff that might well carry construction waste and uprooted debris into the lake, and the disruption to normal life, serenity, and tranquility currently enjoyed by SP&CLRA camp/home owners and the lake, itself, are of great concern. Their adverse impact to an already burdened lake is concerning, at best.

We respectfully request the Commission give great consideration to this issue and, in so doing, finds Petitioners' plan to be deficient until amended to address these concerns.

In closing, on behalf of all members of the SP&CLRA, I wish to again express our sincerest appreciation to the Commission for granting us Interested Persons Status and affording us this opportunity to have our issues heard. Though these are but a few applicable under Chapter 10 and various other citable documents, rather than consume more of the Commission's valuable time, we will simply endorse and respectfully request the Commission to give great weight to our presents here and relevant submissions by the 5 government agencies and three Intervenors as being equally, substantially reflective of our concerns, as well.

The SP&CLRA makes no request for consideration of witnesses to appear. However, I offer myself to any questions the Commission may have of the SP&CLRA or our submission here presented.

Respectfully submitted,



Alan D. Mulherin
Director
Sandy Point and Connection Lane Road Association