
PUBLIC COMMENTS RECEIVED FOR ADJACENCY REVIEW PROCESS

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

Adjacency Review Comments, Group #1: *Comments about proposed conceptual changes to application of the adjacency principle*

The Commission appreciates the broad public interest in the Adjacency Review, and will consider comments about the review when submitted. Because the comment period will span almost four months, the Commission will generally make written public comments available on the website after a Commission Meeting where the Adjacency Review is discussed. Groups of comments include those received to date from the last time the Commission published a group.

Note: This document includes written comments about the proposed conceptual changes to application of the adjacency principle. However, proposed rule revisions were available for review by the public on May 18, 2018, and comments after that date may have been influenced by both the proposed conceptual changes, and the specific proposed rule revisions. For comments about proposed rule revisions related to application of the adjacency principle, please see Adjacency Review Comments, Group #2.

Comments submitted between: April 11, 2018 – May 30, 2018

Public Comment Deadline: September 24, 2018

Adjacency Comments
Land Use Planning Commission

PUBLIC COMMENT SIGN-UP SHEET

Please sign up here if you wish to speak.

Please Print Clearly

Date: 4/11/18

NAME	E-MAIL	AFFILIATION	WANT TO SPEAK? CHECK HERE
✓ David Small	smalldw201@gmail.com	landowner	<input checked="" type="checkbox"/>
✓ Claire Polfus	cpolfus@appalachiantrail.org	Appalachian Trail Conservancy	<input checked="" type="checkbox"/>
✓ Nicole Grohoski	grohoski@gmail.com	ME Citizen	<input checked="" type="checkbox"/>
✓ Jonathan Robbins	jrobb@fairpoint.net	citizen	<input checked="" type="checkbox"/>
✓ Jeff Reardon	jreardon@tuc.org	Trust Unlimited	<input checked="" type="checkbox"/>
✓ Kathryn Bernard	kbernard@outdoors.org	AMC	<input checked="" type="checkbox"/>
John Parkhurst	parky.boy@outlook.com	LANDOWNER AMC ELLIOTSVILLE	<input type="checkbox"/>
✓ Eliza Dunoghue	edunoghue@maineaudubon.org eliza.dunoghue@	Maine Audubon	<input checked="" type="checkbox"/>
✓ Carly Peruccio	cperuccio@nrcm.org	NRCM	<input checked="" type="checkbox"/>
✓ Antonio Blasi	antonioblasi1234@gmail.com	Maine Guide County Commissioner	<input checked="" type="checkbox"/> Hancock
✓ JOHN KELLY	johnkelly@rentisabculs.com	PRENTISS & CARLISLE	<input checked="" type="checkbox"/>
✓ Sarah Medina	smedina@sevenislands.com	Seven Islands Land Co.	<input checked="" type="checkbox"/>
✓ Kay Michka	—	Lexington Resident	<input checked="" type="checkbox"/>
✓ Gordon Mott	gordonmott@maine.com	Self.	<input checked="" type="checkbox"/>
✓ Tom Aballo	taballo@tuc.org	TNL	<input checked="" type="checkbox"/>
Did not speak ✓ Karen Cote	km85cote@yahoo.com	Citizen	<input checked="" type="checkbox"/>
✓ Elgin H. Turner		H.C. Haynes, Inc	<input checked="" type="checkbox"/>
✓ Nancy Smith		Grow Smart Maine	<input checked="" type="checkbox"/>
✓ Peter Crockett		Self	<input checked="" type="checkbox"/>
			<input type="checkbox"/>

Godsoe, Benjamin

From: David Small <smalldw201@gmail.com>
Sent: Tuesday, April 03, 2018 10:30 AM
To: Godsoe, Benjamin
Subject: Informational meeting

Good morning sir,

I wanted to follow up on the discussion that we had following the informational meeting in Bingham. As we discussed, I was wondering if putting the area of T2 R3 (Carrying Place Town Township) into the primary development zone, as is indicated on your map, meets the standards of criteria that are used to establish these new development zones. Although the corner of T2 R3 does border on the corner of Carrabassett Valley, there is no public road directly connecting the two. Therefore, I do not believe that the designation meets the adjacency standard of being less than ten miles from the retail hub. Emergency services would be far more than ten miles away from their bases of operation as well. Whereas all direct access to Carrabassett Valley is across private ways that are not normally plowed or maintained during winter months, I believe that this designation does not satisfy that specific criterion established by the Commission for consideration as a primary development zone. I also suspect that the same could be said for the secondary designation of that area, if placed under review.

I am aware that you are under a lot of pressure from many different interest, who have vastly differing opinions on what steps should be taken in determining the future direction of development, or the avoidance thereof, in the area. I commend you for your thoroughness in considering these important factors that will ultimately determine the future of the area, and of the central and northern sections of the State of Maine, in general.

Thank you for your attention to his matter. Please feel free to contact me if you have any questions or comments concerning this.

Sincerely,
David Small

Godsoe, Benjamin

From: M Tupper <catalpa.girl@gmail.com>
Sent: Tuesday, April 03, 2018 3:18 PM
To: Godsoe, Benjamin
Subject: In favor of keeping the "1-mile rule"

Greetings,

I understand you are collecting opinions in anticipation of the April 11 meeting. Here are mine:

The "adjacency principle" is key to development in Maine. I write in support of keeping this important legislation as it is. It is key to well-functioning communities; helps maintain scenic value; and keeps down costs of repairs to storm-wrecked infrastructure. Please convey to the LUPC staff that I strongly support this principle.

Thank you,
Mariana Tupper

Godsoe, Benjamin

From: Shaw, Eben <eben.shaw@msad52.org>
Sent: Friday, April 06, 2018 6:12 PM
To: Godsoe, Benjamin
Subject: Adjacency

Benjamin,

I'm writing regarding the potential changes to the adjacency rules. I'll readily admit that I'm not as informed as I probably should be, but I felt it was important to reach out to you. I travel often to the unorganized territories of northern Maine and maintaining the character of the north woods is something that I believe is very important to all citizens of Maine. I understand that there may be times when flexibility in regard to this rule might seem like a good idea, but if the potential exists to negatively impact the "wilderness" of the north woods, the flexibility wouldn't be worth it. As I mentioned, I travel to the north woods regularly. I have a camp on the north end of Moosehead Lake. I'm not against the idea of there being development in areas that are already developed. My concern is about areas that have traditionally been off limits to new development.

Thank you for your time.

--

Eben Shaw

Godsoe, Benjamin

From: Dewson Jr, Tom <tdewson1@comcast.net>
Sent: Tuesday, April 10, 2018 9:41 AM
To: Godsoe, Benjamin
Cc: Dewson Jr, Tom
Subject: Preserve the Adjacency Principle

Good morning Mr Godsoe,

I am writing to express my strong opposition to the Land Use Planning Commission's proposal to weaken the adjacency principle. This policy has guided responsible development for more than 45 years, and is central to preserving all that makes Maine special.

My family has owned property in Maine for much of the last century, and we spend a good deal of time in Maine each year. Maine is unique among the northeastern states with its unbroken forests, pristine waters and stunning vistas. Economic growth must build on these key strengths, not destroy them. Weakening the adjacency rule will undermine local communities and start Maine on an unending downward spiral toward mass urbanization and sprawl, impairing the very attributes that are central to sound economic growth in the state.

Please reject this ill-considered proposal.

Very truly yours,

Thomas E Dewson Jr

10 Squirrel Run

Wilmington, DE 19807

302-383-4771



Written Comments on Proposed Revisions to Application of the Adjacency Principle

April 11, 2018

The Appalachian Mountain Club is the nation's oldest outdoor recreation and conservation organization. We are dedicated to promoting the protection, enjoyment, and understanding of the mountains, forests, waters, and trails of the Northeast. Here in Maine, we own and manage 75,000 acres of land in Piscataquis County, and focus our efforts on public outdoor recreation, resource protection, sustainable forestry, and community partnerships. This project, called the Maine Woods Initiative (MWI), is the largest land conservation effort in AMC's 140 year history. Our experience provides us with multiple interests in the adjacency review process as a landowner, recreation facility operator, and conservation organization.

The unorganized territories are a unique and invaluable resource to the state. The mostly undeveloped landscape of the jurisdiction provides a wide range of economic, social and ecological benefits to landowners, local communities, residents and visitors, each of whom has their own reasons for valuing it. **As we have reviewed these proposals for refining adjacency, AMC has continued to believe that the current planning and zoning scheme for the UT has worked well and are struggling to find adequate rationale for these major changes.**

In general, we believe there are still too many unknowns to continue pursuing these changes at this pace. After participating in the Bingham community meeting, reviewing both proposals several times, and discussing both internally and with LUPC staff, we still have many unanswered questions and seem to encounter more with each review. We think the current proposal allows too broad an expansion of potential development zones and would allow development in areas where it should be discouraged, not encouraged. We would like to see the LUPC slow down and review some alternatives, talk to more members of the community and stakeholders, and ensure that this is a widely understood and supported move. We do

appreciate the staff's ongoing public outreach efforts but believe that with this concrete proposal in hand they should reengage the public outreach effort.

AMC offers the following general comments on the proposal:

- We remain supportive of any effort to encourage development near the communities in the UT. Any rule changes should meaningfully incentivize all types of development within the service centers to help bolster their vitality and protect them from the increased costs associated with providing services beyond their borders.
- We are struggling to understand the demand or development pressure that seems to be driving the desire for these changes. After reviewing the survey LUPC conducted, it seemed clear that respondents were reluctant for change. It also stands to reason that the lack of action on Plum Creek's proposal is a sign of low demand. They have had final development approval for more than six years and not a single lot has been subdivided or developed as far as we know.
- We heard at the Bingham meeting that different communities have different tolerance levels for development beyond their borders. While this may be true, it seems this proposal goes too far in allowing dispersed development. This cookie cutter solution does not take into account the desires of the other side of the spectrum.
- AMC is also concerned about the loss of pacing inherent in the 1 mile rule of thumb. The proposal memo mentions this as a potential problem but the solution discussed is a bit vague. It appears to rely primarily on local government, municipal leaders, and LUPC staff to determine appropriate levels of development on a case by case basis. Guidelines for these decisions will be important to ensure they are objective and consistent no matter who is in these positions.
- As a recreation business with interest in remote experiences and trail systems, we are still unclear about proposed changes to "small-scale recreation supply" and "recreation day-use facilities". The categories are helpful but we need to see how they would be

integrated into the overall plan and regulated to avoid damaging the character of these experiences.

- It is also important to recognize that large areas are now owned by private commercial investment companies. These owners are relatively recent arrivals and were fully aware of the existing rules when they purchased the land. For this ownership class investment horizons are short and ownership turnover is high. Changes that would adversely impact the core values of the CLUP should not be made because these owners desire a higher short-term return on their investment.

More specific concerns:

- Many of the public roads that would be open to development in the proposal are designated scenic byways. Allowing development to spread along these roads seems to be contrary to the CLUP and would alter the character of the region.
 - o Route 201 – federal and state byway
 - o Route 26 (North of Grafton Notch) – state byway
 - o Route 27 (between Eustis and Chain of Ponds) – state byway
 - o Road between Shin Pond and the east side of Baxter – state byway
- AMC continues to question the category used to determine the communities in this proposal. We think using the smaller category of “service centers” seems to make more sense than using arbitrary tax numbers to broadly define “retail hubs”. It is feasible to imagine a small gas station on the edge of a recreational resource having an outsized amount of business but still being located far from community services. The presence of retail activity should not be enough to allow additional development if we are genuinely trying to support the service centers of the UT.
- Measurements of allowable distance from these “retail hubs” should be conducted from the town center, not from the boundary. Measuring from the boundary does not accomplish the stated goal of keeping development close to service centers and adds several miles to this proposal. Additionally, distances should be measured by road miles

not as the crow flies – it is more important to know how many road miles are between this development and the service center so communities can plan public services.

- It is important to note that while there may be a *desire* for subdivisions along remote lakes, rivers, or trail systems, residential subdivision development is not *dependent* on any of these resources. In fact, we believe these opportunities are already available under existing LUPC rules, including the additional flexibility provided by lake concept plans. Nearly 20% of the shoreline of lakes within LUPC’s jurisdiction are in Management Class 3, 4 and 5. We oppose any change that would allow for additional development in remote or undeveloped areas.

As with any zoning ordinance, periodic reexamination and adjustment in response to changing circumstances and opportunities are warranted. However, these changes should be targeted at promoting smarter development, not more development. The core principles of promoting development in proximity to existing development and infrastructure while protecting the undeveloped and remote nature of the core areas of the jurisdiction must be strengthened, not weakened.

We thank you for the opportunity to comment at the April 11th meeting and to submit written comments on this process. Please do not hesitate to contact me (kbernard@outdoors.org) or Senior Staff Scientist David Publicover (dpublicover@outdoors.org) if you have any additional questions.

Sincerely,

Kaitlyn Bernard

Kaitlyn Bernard
Maine Policy Manager

Godsoe, Benjamin

From: Antonio Blasi <antonioblas1234@gmail.com>
Sent: Wednesday, April 11, 2018 10:30 AM
To: Godsoe, Benjamin
Subject: Comments

Categories: Red Category

Ben,
Good presentation today.
Please accept my comments today, some of which are already on your record from our 2017 focus group meeting at the Penco Courthouse.

1. Keep the current Adjacency Rule.
2. Water Quality Protection should be the top priority of all UT development permitting. Increased development will impact surface and groundwater.
3. I request that all UT property owners be notified by 1st class mail of the Adjacency Rule Revision Timeline, with emphasis on the 6/20 Public Hearing.
4. If the Rules are relaxed, development pressure level will increase.
5. If relaxed density is adopted, development permits must be limited to the designated areas. How were these designated?
6. Are all UT boundaries properly marked now?
7. How would infrastructure be installed?
8. I am concerned about taxpayers being tapped to pay for roads, their maintenance, and utilities.
9. Why does this process need to end this year?
10. I recommend reestablishing the State Planning Office, and a separate department of Ecology.

Godsoe, Benjamin

From: rich=thenaturalhistorycenter.com@mailgun.thenaturalhistorycenter.com on behalf of Rich MacDonald <rich@thenaturalhistorycenter.com>
Sent: Tuesday, April 10, 2018 4:59 PM
To: Godsoe, Benjamin
Cc: nrcm@nrcm.org
Subject: Please do not eliminate adjacency principle

Categories: Red Category

Dear Benjamin,

I am writing to express my opposition to the proposed elimination of the adjacency principle.

Maine's North Woods are an ecologically and culturally rich area that should not be further fragmented. Many of the species living there need intact landscapes. In a world of declining populations of birds, bats, and so many other species of flora and fauna, we need to stop looking at the short-term financial gain and look to the long-term health of the planet.

Equally importantly, there is a rich tradition of outdoor recreation, including hunting, fishing, bird-watching, snowmobiling, cross-country skiing, and more, that will be negatively impacted by elimination of the adjacency principle. As we have seen on the coast, access is lost as the shoreline is bought up. We do not want that to happen in the North Woods.

So please count this email as my opposition to the proposal to eliminate the adjacency rule.

Thank you,

Rich

Richard MacDonald
The Natural History Center
P.O. Box 6
Bar Harbor, Maine 04609
207/266-9461
Rich@TheNaturalHistoryCenter.com
www.TheNaturalHistoryCenter.com
www.facebook.com/TheNaturalHistoryCenter

Godsoe, Benjamin

From: william owens <wowens@maine.rr.com>
Sent: Wednesday, April 11, 2018 9:03 PM
To: Godsoe, Benjamin
Subject: Comment on LUPC and the adjacency rule

Dear Mr. Godsoe;

I write in opposition to the proposal to eliminate the adjacency principle's one-mile rule.

The North Maine Woods are precious to me and now I hope to preserve some of wilderness for my children and grandchildren. I have fished, hunted, hiked, canoed and winter camped over much of the Maine landscape and remain forever thankful to my predecessors for their foresight in preserving those special places. The sprawl permitted in these new proposals would forever change in a negative fashion most of what is special there and forever damage rare and invaluable wildlife habitat.

For over four decades, the one-mile rule has protected Maine's rivers, forests, wildlife, and wildlife habitat from sprawling development. Allowing development to stretch up to 10 miles from service centers and retail hubs could lead to sprawling strip development, and these changes cannot be undone. A visual buffer of vegetation to hide strip development does not negate the possibilities of fragmented wildlife habitat and wildlife corridors. The future and character of the North Woods are at risk under a new proposal so large in scope that makes over two million acres—nearly a quarter of LUPC's total jurisdiction—vulnerable to development.

Beyond the fact that the one-mile rule safeguards the nature that defines our state, it also supports communities in Maine that already exist. The one-mile rule encourages new development to take place in or a mile away from existing service centers; development 10 miles away from service center boundaries, however, could instead place higher tax burdens on residents of those service centers to fund new road construction and expanded service routes. Sprawl is expensive.

The scope of this proposal and the speed of the review process are very concerning. A vote is planned for August even though the general public has only recently been informed of the proposal. I encourage the Land Use Planning Commission to provide more information and more time in order for the public to better assess the impacts of a policy change that could so significantly alter the future of our state.

Tony Owens, MD
19 Seaview Avenue
Cape Elizabeth

Ernest A. Wright, III
10625 March Hare Dr.
Richmond, VA 23235

April 3, 2018

Department of Agriculture, Conservation and Forestry
22 State House Station
Augusta, ME 04333

RECEIVED
APR 09 2018
LUPC - AUGUSTA

Dear Representatives,

First off, thank you for the work you do and the efforts you undertake to protect the natural resources of an absolutely beautiful and special place, the state of Maine. I'm taking the time to write to you today because I am interested in submitting "public" comments to the April 11th Land Use Planning Commission meeting. I understand the LUPC will be discussing current and future development rules for the Unorganized Territories, with the possible easing of the Adjacency Principle, currently in place to minimize remote commercial and residential development in this pristine area. This is why I write today...to offer my humble, but pleading voice, from 800 miles south...please don't allow the North Woods of Maine to be opened to irresponsible commercial or residential development. Allow it to remain natural and responsibly stewarded so that future generations can experience its fresh air, abundant wildlife, and vast stretches of forests and mountains.

Although I am a life-long resident of Virginia, I am also, a long-time admirer of Maine's North Woods. This love and reverence began 10 years ago with my family's first ever trip to Maine, and the small town of Monson, in the southern Moosehead Lake area. After that visit, we all agreed we'd have to return to explore even more areas of the North Woods. Subsequent years, and several more treks from Virginia, have allowed us to spend time experiencing places like Gulf Hagas, Baxter State Park, Kokadjo, the Golden Road, Millinocket, Sherman, Patten, Katahdin Woods and Waters National Monument and many of the numerous hiking trails and remote ponds dispersed throughout the area. These communities, trails, and waterways are each so unique you can't wait to return, which we have year after year. It is "the way life should be" in the North Woods. In fact, as I type this letter, my wife and I are beginning plans for another trip to Baxter State Park this coming autumn, just to get our fix of the North Woods and "the way *nature* should be". It is absolutely beautiful that time of year in the North Woods.

From these visits, I've come to admire the influence the area has had on artists, writers, and thinkers alike. Notable figures like Marsden Hartley, Henry David Thoreau, and Teddy Roosevelt were each deeply moved by time spent in the North Woods of your great State. This should not be taken for granted, but celebrated, and the region's most influential characteristic -- its remote/wild feel -- should be preserved. The North Woods hold a special and unique appeal across generations for inspiring conservation, restoring balance and offering a profound respite from a constantly expanding "civilization". Because we are losing more and more of our wild places, the North Woods of Maine has in many ways become a *national* resource. We need this area to remain wild now more than ever. So I ask humbly, please do all you can to maintain the current adjacency rules which limit future developments to areas within 1 mile of current developments. While not perfect, "adjacency" promotes the North Woods' remote/wild character by encouraging future development near existing towns, which is a more cost-effective and efficient method for providing resources and services to any new development areas.

Thank you for the opportunity to include my comments in the April 11 public hearing of the Land Use Planning Commission.

Sincerely,

Ernest Wright
cell (804) 658-8308



April 11, 2018

**Appalachian Trail Conservancy Comments to the Land Use Planning Commission
regarding proposed changes to adjacency and subdivision rules**

Good morning Chair Worcester and Commissioners. Thank you for the opportunity to comment. My name is Claire Polfus and I serve as the Maine Program Manager for the Appalachian Trail Conservancy.

The Appalachian Trail Conservancy (ATC) is a forty-three thousand member organization dedicated to the preservation and protection of the Appalachian National Scenic Trail (A.T.) from Maine to Georgia. ATC partners with federal and state agencies as well as thirty-one trail maintaining clubs to maintain the A.T. footpath, manage the impacts of visitor use and protect the natural resources surrounding the Trail. We are based in Harpers Ferry, West Virginia and have an office in Farmington, Maine. We also run a visitor center in Monson, Maine and support the A.T. Communities of Rangeley, Kingfield, Monson and Millinocket.

The A.T. is a premier recreational resource in the unorganized territories of western and north-central Maine. It is categorized under Maine law as a resource of national significance and is under consideration for listing on the National Register of Historic Places. Furthermore, thousands of visitors from long-distance hikers to day-hikers, enjoy the A.T. in Maine every year. They come from local communities, elsewhere in the U.S. and from around the world to enjoy Maine's mountains, rivers and lakes on the world-famous footpath.

According to recent surveys, our visitors enjoy hiking in Maine because it is unique along the whole eastern seaboard for its remoteness, ruggedness and beauty. They also enjoy the unique flavor and goodwill of rural trail towns, like Monson and Rangeley, that are located along the A.T. in Maine. As managers and protectors of the A.T., we strive to provide the wilderness experience our visitors seek along the Maine A.T. while also supporting sustainable and appropriate development in A.T. Communities.

We believe that the rule changes that the Land Use Planning Commission is considering threaten the scenic, habitat and natural resource values of the A.T. in Maine and endanger the vitality of the A.T. Communities we support. We acknowledge the need for flexible zoning to support recreation and resource-based commercial businesses and believe that with proper oversight, the change to allow temporary zoning for these purposes could be integrated into the land use management and zoning of the unorganized territories while still protecting the habitat connectivity, ecosystem function and scenic values of rural Maine. This was clear in the Community Guided Planning and Zoning process, in which we participated in the beginning sessions. However, the proposed rules go far beyond allowing for flexibility for resource and recreational-based commercial uses.

The proposed rules would allow for extensive linear commercial and residential development along public roads as well as sparsely located residential subdivisions on large lots. These two types of development have been shown in research to have greater impacts to habitat



connectivity and species richness than denser development centered around existing towns (Glennon and Kretser 2013, Hansen *et al.* 2005). The LUPC staff acknowledge in their summary of the proposed rule changes that these development types could cause habitat fragmentation and public safety concerns and lay out some strategies for reducing the risk. However, we believe the better strategy for protecting the rural character, habitat connectivity and scenic values of the unorganized territory is to promote smart growth principles that revitalize rural Maine communities like our A.T. Communities by promoting development in and near town. This way, remediation techniques like vegetation strips would not need to be put in place because the flow of plants and animals across the landscape would not be impeded in the first place.

In order to promote tourism and recreation in western and north-central Maine, we need to protect the values that draw visitors to the area. Unfortunately, the proposed rule changes do just the opposite and threaten the character of the rural Maine landscape and the scenic values that attract visitors to the Appalachian Trail. We hope that the commission considers a strategy that promotes development in towns, allows for flexibility for recreation and resource-based businesses and protects the scenic, wildlife and habitat values of the unorganized territories.

Thank you again for the opportunity to comment.

Claire Polfus

Maine Program Manager
Appalachian Trail Conservancy

Citations:

Glennon, M.J. and H.E. Kretser. 2013. "Size of ecological effect zone associated with exurban development in the Adirondack Park, NY." *Landscape and Urban Planning*. 112: 10-17.

Hansen, A.J, R.L. Knight, J.M. Marzluff, S. Powell, K. Brown, P.H. Gude and K. Jones. 2005. "Effects of exurban development on biodiversity: patterns, mechanisms and research needs." *Ecological Applications*. 15: 1893-1905.



Comments to the Land Use Planning Commission

By Thomas Abello, Director of External Affairs for The Nature Conservancy

April 11, 2018

Re: Proposed Changes to the Adjacency Principle

Chairman Worcester, Commissioners of the Land Use Planning Commission my name is Thomas Abello and I am the Director of External Affairs for The Nature Conservancy in Maine. I appreciate this opportunity to provide comments on the proposal for refining the adjacency principle.

The Nature Conservancy is a science-based nonprofit organization dedicated to conserving the lands and waters on which all life depends. The Conservancy has been working in Maine for some 60 years and is the 12th largest landowner in the state, owning and managing some 300,000 acres. We also work across the state to restore rivers and with fishermen in the Gulf of Maine to rebuild groundfish populations. In 2017, the Conservancy paid more than \$450,000 in property taxes.

In the Unorganized Territory, The Nature Conservancy owns and manages some 240,000 acres, including 160,000 acres along the Upper St. John River, 14,000 acres along Spring River, and the 46,000-acre Debsconeag Lakes Wilderness Area just north of Millinocket. All of this land is open to the public for a wide variety of uses, including hiking, hunting, canoeing and fishing.

At just over 10.5 million acres, this region represents the largest block of well connected forestland east of the Mississippi River. It also forms the core of a larger block of 30-million acres running from the Adirondacks in New York to the Gaspé Peninsula. It is the fiber resource for our forest products industry. It contains the highest concentration of remote ponds and high-quality lakes in the Northeast. It is home to a remarkable tradition whereby landowners provide public access on private lands for abundant and diverse recreational pursuits, many of which are not found elsewhere in the Northeast. It is also home to many Maine citizens who have built their lives and raised their families there.

First off, the Conservancy applauds the hard work of LUPC staff on what is clearly a lengthy and involved process. We appreciate the open, honest dialog and willingness to seek feedback from stakeholders and user groups across the region.

The Nature Conservancy supports the Commission's adjacency principle and its role in balancing residential and commercial development with ensuring the region's natural resource values. This policy, which restricts areas to be rezoned for development to one mile of existing, compatible development, encourages lower tax burdens, keeps land available for forestry, agriculture and recreation, and promotes the health of existing communities.

At the same time, the adjacency principle is a blunt tool, and there may be opportunities to provide more flexibility to meet changing needs while maintaining core natural resources and environmental protections. In all cases, development should complement and be compatible with other nearby existing uses. Encouraging compatible development can minimize potential land use conflicts and potentially could enhance economic viability by encouraging a critical mass of similar uses and activities that support each other.

Replacing adjacency's one mile rule of thumb with the proposed four locations (primary locations, secondary locations, three phase power and resource dependent locations) provides more predictability to meet new recreational uses, forestry efforts, development and conservation outcomes. That said, it's important to note that the proposal only addresses the issue of adjacency, which centers on the location of rezoning for development. It does not change the law or rules regarding the development of single dwelling units on single lots. The other rezoning standards in statute will continue to apply, including consistency with law and with other portions of the Commission's Comprehensive Land Use Plan (CLUP).

After a review of the proposal, we offer the following considerations.

1. The proposed changes to provide more opportunity for small-scale recreation supply entities and recreation day-use facilities are reasonable. These new entities (equipment rentals, outfitting, food trucks, trail centers, and others) are generally low-impact and do not qualify under the recreational lodging guidelines
2. These proposed changes should not conflict with the locally-driven Community Guided Planning and Zoning work. Given the strong community interest in regional planning and completed plans for Rangeley, Aroostook County and Washington County, applying new changes to those plans runs counter to the intent and spirit of Commission's reform efforts from 2010.
3. Focus growth opportunities within retail hubs. As the economy continues to evolve in rural Maine, concentrating growth *within* retail hubs (rather than expanding development near retail hubs) supports rural communities, enhances the local tax base, and minimizes impacts to the surrounding landscape. One of Maine's greatest assets is our natural resources. The North Woods is critical resource for wildlife, recreation and our economy.
4. Reduce the 10-mile measurement from the boundary of a retail hub to 7 miles. This would curb strip development, focus growth toward service centers, reduces costs, and limit impacts to natural resources, including wildlife habitat.

5. Similarly, the March 23rd memo highlights potential strip development outside of retail hubs as a potential unintended consequence. To address this challenge, it will be important for LUPC to elaborate on mechanisms to minimize this concern. The Conservancy encourages strong buffers and minimum distance between subdivisions, such as 1,000 feet.
6. Within the secondary zone, certain resource-dependent businesses (e.g. outdoor recreation, some wood processing, agriculture) would seem to merit closer proximity to the forest than others. More specificity on the types of resource-dependent business that would meet this standard would improve clarity.
7. In general, the Conservancy encourages more high density and moderate density subdivisions (and in particular their clustering) to minimize habitat fragmentation. Low density residential subdivisions (11-25 ac per parcel) requiring long driveways and utility lines should be discouraged. These would also increase the burden on service centers and the counties to provide assistance and other services, such as public safety, road maintenance, and sanitation.
8. Within the primary and secondary zones, siting of subdivisions should avoid significant natural habitat features with considerable buffers. These include Beginning with Habitat Focus Areas, Department of Inland Fisheries and Wildlife's significant habitats and riparian areas, and Maine Natural Areas Program's identified natural communities.
9. New, non-forest roads into unfragmented blocks should be discouraged – consider no more than ¼ mile. New roads should also be discouraged immediately adjacent to already conserved lands (vectors for invasive species).
10. Lake classification should drive development density. For example, higher class lakes should be subject to less development and consideration should be given to road type (dirt vs. paved) and drainage around lakeshore developments.
11. The proposal addresses the pacing of development (Feb 8th memo) through consulting with local government, development reviews, and community character. The Conservancy supports these steps, and encourages the Commission to engage in these activities regardless of development pressure. This regular communication activities improves understanding, deepens relationships and leads to better land use planning.

Once again, The Nature Conservancy appreciates the work of LUPC staff and the Commission on this important issue. Thank you for the opportunity to participate and I am happy to answer any questions now or in the future.

Hello Samantha and Ben.

Please accept my comments regarding the upcoming adjacency rule change, as incorporated into the *Land Use Planning Commission Application of the Adjacency Principle Staff Proposal - Parts One and Two Combined* below. I do not expect individual answers to the questions I have written, but I hope that you will consider them while finalizing the language of the rule change document. I have also attached a PDF copy to this email. Please let me know if you have trouble viewing my comments.

The blue lettering represents my comments, some posed as questions, beginning on page 2 of the document copied below.

The red lettering directs you to the area upon which I am commenting.

There are additional comments written in blue at the end of the document.

Thank you for all of your hard work on this intricate issue.

Kay Michka
Lexington TWP

Land Use Planning Commission Application of the Adjacency Principle Staff Proposal – Parts One and Two Combined

I. EXECUTIVE SUMMARY

The Commission is currently reviewing the adjacency principle, which is a policy that guides where new zones for development can be located. The purpose of the review is to find out if there are better ways to account for different situations when deciding where to encourage or allow new development. For example, good locations for a residential subdivision, a manufacturing facility, and a kayak rental business may be very different from one another.

In recent decades, the Commission has interpreted the adjacency principle to mean that areas to be rezoned for development must be within one road mile of existing, compatible development (2010 CLUP, pg. 62). However, the CLUP recognizes that refining the adjacency principle to account for different situations is desirable. The new system should achieve objectives that relate to supporting the economy and natural resources of rural Maine, and benefit rural Maine communities and the people who live, work, own property, and recreate there. In considering how to change the application of the adjacency policy, the Commission has done substantial research and outreach to potentially affected individuals and organizations, including a survey that garnered over 2,000 responses with excellent representation from residents and property owners in the area served by the Commission.

The proposal for refining the adjacency principle presented in this document would replace the one mile rule of thumb for all of the Commission's service area. The proposal addresses the issue of adjacency, which is only about the location of rezoning for development. It does not change the law or rules regarding the development of single dwelling units on single lots. Adjacency has frequently been a major factor in rezoning, however, it is not the only factor. The other rezoning standards in statute will continue to apply, including consistency with law and with other portions of the CLUP. In conjunction with this adjacency proposal, revised subdivision regulations will also be

proposed, as the two components must be used together to arrive at a rational and effective outcome regarding the location of this type of residential development. Because of the extensive and detailed local input in the Rangeley prospectively zoned area that predate this adjacency effort, prospectively zoned areas will not be rezoned except as described in the rules and plans specifically adopted for those areas. Areas that have completed Community Guided Planning and Zoning should be considered when making decisions about this proposal.¹

This proposal consists of (i) a set of general criteria in rule to guide the adjacency policy system and, (ii) more specific policies and regulations for certain types of uses. It emphasizes using proximity to public roads and populated areas that provide services to locate most types of residential subdivision and commercial activities. The goal of locating these uses near towns, townships and plantations with substantial retail activity (called “retail hubs” in this proposal) is to

¹ The Commission intends to discuss with Washington and Aroostook Counties how best to mesh the proposal with the D- RB systems developed in recent Community Guided Planning and Zoning efforts.

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provide services in a cost-effective manner and avoid the negative effects of development in distant areas. The negative effects of distant development include increased costs for services such as fire, ambulance, sheriff, solid waste, education, and roads; disruption in land needed for timber, agriculture and recreation economies; impacts to wildlife habitat; uncertain future private road access; and reduced viability of local communities that need a “critical mass” of people in the area to support hospitals, schools and other community services.

The proposal is to allow most residential and commercial uses in areas that are generally no more than 10 miles from a retail hub and 2 miles from a public road. Some subdivisions could be located up to 5 miles from a public road if a legal right of access and emergency services are available. These are referred to as primary and secondary areas. **Most subdivisions would require rezoning, however, some subdivisions within one half mile of a public road and not on a lake would be allowed by permit. I encourage you to place a development concept/proposal on the “require rezoning” list if there is the slightest doubt about its impacts, if currently considering allowing by permit only.** The proposal also considers rezoning for “low density” subdivisions that have lots in the 12-25 acre range, which is a substantial departure from past policy. This overall approach to development near retail hubs would result in about 2.4 million acres in the primary and secondary areas, however, a substantial portion of those areas would not be developed due to site conditions, conservation easements, or landowner intent.

Some uses would be regulated differently. Large commercial/industrial facilities that rely on three- phase power would be sited on a case-by-case basis using the general criteria that would be incorporated into rule. Home based businesses are also considered in this proposal, and would be regulated like today, but with some additional options to expand in size or to have farm stands in some places where they are not presently allowed.

Not all uses can locate “near town” in one of the areas within 10 miles of a retail hub: some uses are resource dependent. Examples include operations that process forest products to reduce bulk and make it cost-effective to transport, extraction of natural resources such as water and gravel, the rental of gear on-site for recreation in areas that are distant from town, trail centers that need certain kinds of terrain and a lot of open space to operate, and residential subdivisions that are tied to a recreational resource and would not exist but for the presence of that recreational opportunity. These resource dependent uses should be located in a manner that **does not undermine the quality** of the **surrounding** natural resources or **unduly increase** the demand for services. **How will you define and measure “does not undermine the quality”, “surrounding”, and “unduly increase” in the preceding statement?** The proposal identifies types of locations for each use and establish criteria.

In particular, residential subdivisions near lakes and ponds that are distant from retail hubs need careful consideration. Outside of the primary and secondary areas, the proposal would limit adjacency for new subdivisions on waterbodies to only those waterbodies that already have a certain level of development, rather than waterbodies that are undeveloped or lightly developed.

Some problems could arise as a result of the proposal. Strip development, habitat impacts, loss of control over the pace of development in some places, and residential subdivisions in some areas that are distant from retail hubs are all risks that the proposal seeks to avoid through specific mechanisms in the application of the adjacency principle or in the accompanying subdivision rules. The next steps are to hold a public comment opportunity at the April Commission meeting and to move to the formal rulemaking process over the late spring and summer.

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II. BACKGROUND AND GOALS

The Commission is currently reviewing the adjacency principle, which is a policy that guides where new zones for development can be created. The purpose of the review is to find out if there are better ways to account for different situations when deciding where to encourage or allow new development.

The adjacency principle is one of the fundamental elements of the Commission’s planning for development in the unorganized and deorganized areas of Maine (the UT). The Purpose and Scope section of the Commission’s statute states that “it is desirable to extend principles of sound planning, zoning and development to the unorganized and deorganized townships of the State...” and goes on to describe some broad concepts that reflect these sound planning principles. The Comprehensive Land Use Plan (CLUP) describes the adjacency principle and how it should be applied (2010 CLUP, pg. 62). The Commission has used the adjacency principle as a tool to guide new zones for development to locations that satisfy the sound planning and zoning principles articulated in the statute and in the CLUP. These principles can be thought of as objectives that need to be achieved when locating a new zone for development.

Objectives:

As they pertain to the new adjacency principle, how will you define and measure “appropriate”, “well-planned and managed”, “incompatible”, “support”, “facilitate”, “viability”, “matches”, “efficiently”, “economically”, “minimize”, “productive”, “protect”, “values”, “character”, “ensure”, “orderly”, “pacing”, and “incremental”, as used below? These words are freely used throughout this document. Please add language to define their scope.

- Encourage appropriate residential, recreational, commercial and industrial uses
- Encourage well-planned and managed multiple uses, while discouraging intermixing of incompatible uses
- Support and encourage Maine’s natural resource-based economy and strong environmental protections
- Promote economic health of development centers, and encourage and facilitate regional economic viability
- Ensure that the provision of public services matches the new development, or that any needed additional service capacity may be added efficiently and economically over time
- Minimize development near productive natural resource based activities
- Protect resources and values of the jurisdiction
- Ensure that the anticipated future development is in keeping with the character of the area
 - Ensure orderly growth by pacing development
 - Allow for **incremental assessment** of impacts from development (the resources and

values of the jurisdiction may be better supported, and development may be better planned, by providing an opportunity for interim assessments of impacts because future phases of development can then consider those impact assessments) **Does this mean you will assess for impacts of one development and remediate future phases of that particular development? Or does this mean wildlife and people will be affected by impacts from one project for the life of that development, and you will learn from it and possibly adjust your related decision making for future development? Will “incremental” be defined? For the sake of wildlife and people, I would prefer a mechanism that allows remediation of negative impacts discovered during the development phase of a project.**

The Commission has interpreted the adjacency principle to mean that areas to be rezoned for development be within one road mile of existing, compatible development (2010 CLUP, pg. 62). However, the CLUP recognizes that refining the adjacency principle to account for different situations is desirable.

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III. PROPOSAL INPUTS

The Commission has engaged in substantial research and stakeholder consultation, which is appropriate for an issue that is of significant consequence to the residents and landowners of the Commission’s service area, as well as the citizens of Maine, and is tied to the Commission’s core mission. Research has included analysis of the Commission’s permitting data and targeted input from key stakeholders and experts in the region’s economy, natural and cultural resources, and public services. The

Commission also conducted an extensive survey that was advertised to property owners through a postcard mailed to the property tax address, as well as through networks of local officials and involved citizens. The survey garnered over 2,000 responses. The information from people who generously gave their time during the process has been invaluable and has shaped the outcome.

Staff have prepared periodic summaries, analyses and suggestions for overall policy direction for Commission review. As the Commission provided direction, staff continued to refine the ideas that emerged from the research and stakeholder process. In recent months, staff considered how best to operationalize the Commissioners' overall policy direction, and now have a proposal for how to refine the adjacency principle, including mechanisms in rule and guidance to implement the concepts.

IV. PROPOSAL

Background on the Proposal to Refine Adjacency

Applicability: This proposal would replace the one mile rule of thumb for all of the Commission's service area. However, prospectively zoned areas (e.g., the Rangeley area) will not be rezoned except as described in the rules and plans specifically adopted for those areas. It is important to note that in any rezoning, there are many considerations, including consistency with the statute, consistency with the subdistricts in Chapter 10, no undue adverse impact, and consistency with the CLUP overall. This proposal addresses the issue of adjacency, which is only about the location of rezoning for development. It has frequently been a major factor in rezoning, however, it is not the only factor. The other rezoning standards in statute will continue to apply, including consistency with law and with other portions of the CLUP.

Combined proposal: This document describes the entire proposal and is a combination of part one, that was presented at the February Commission meeting and part two, that was to be presented at the March Commission meeting. The March meeting was canceled due to inclement weather, so the part two information will be summarized at the April Commission meeting.

Subdivision rules necessary: This proposal also relies on revised subdivision rules and has been developed with those coming rule changes in mind. Staff are drafting revised subdivision rules and are targeting the June meeting for an initial presentation, once the adjacency proposal has received some preliminary discussion. The goals of the revised rules are to update the subdivision layout and design standards, **account** for lake type and existing development density when siting new subdivisions, address cumulative impacts of multiple small subdivisions and make other changes that were discussed during the stakeholder process. **How will you define "account" and by what method will you apply that accounting?**

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Components of the Proposal to Refine Adjacency

Component 1: General criteria for evaluating adjacency

The Commission could use a set of general criteria, based on the objectives of the adjacency principle (see section I), to guide the Commission's decisions on location of rezoning for development. The current adjacency principle has served the jurisdiction well to prevent sprawl and destruction of treasured natural resources.

The general criteria would serve two purposes. This first purpose is to summarize in rule the locational principles that adjacency is meant to achieve. This can be used as a guide when developing rules and guidance that provide more details about rezoning decisions. The second purpose is to serve as a set of decision-making criteria for the location of rezoning for uses that are infrequent and therefore not described in detail in the rule. An example would be a manufacturing facility that requires three-phase power. The locational component of a proposed rezoning for a manufacturing facility would be reviewed based on the general criteria and the unique circumstances of the proposed facility. This is different than rezoning for residential subdivision, which would have greater specificity in rule. The general criteria would not be necessary in making decisions about individual rezoning petitions for residential subdivisions, as the specific rules will be consistent with the general criteria. Concepts proposed to be incorporated into criteria are:

- a. Proposed commercial or residential development that is dependent on proximity to natural resources to produce, refine, or otherwise process goods or services, or to provide certain recreational experiences for residents or visitors, may locate near natural resources, provided that the location does not result in **undue adverse impacts** on existing uses or resources. **How will you define and measure “undue adverse impacts”?** ²
- b. To minimize potential impacts on the values and resources of the Commission’s service area, and to limit development near productive natural resources, proposed commercial or residential development not dependent on proximity to natural resources shall be located near other existing development and infrastructure.
- c. New development subdistricts shall be located to separate uses that may be in conflict and to co-locate compatible uses.
- d. Establishment of new development subdistricts shall not **unreasonably alter the character** of the area, including but not limited to, negative impacts on traffic levels, scenic resources, or historical patterns of development. **How will you define and measure “unreasonably alter the character”?**
- e. New development subdistricts shall be located where fire and ambulance services can be provided by the County or nearby communities without adding additional capacity, unless a petitioner can demonstrate that additional capacity to provide services to the new development could be added efficiently and economically over time. The Commission may determine that emergency services are not necessary for some resource-dependent uses.

²Many survey respondents drew a clear distinction between certain uses that should be located close to the resource versus much of the residential and commercial activity that they indicated should be close to roads and people

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Component 2: Types of uses addressed in the proposal:

- a. Residential, which is broken out by resource dependency and density.
 - A high density residential use would have small lots, relative to the UT expectations for lot size. They might be 1/2 acre to 2 acres, as an example.
 - Moderate density residential might average around 3-acre lots (with some larger and

some smaller)

- Low density residential might be in the 11 to 25-acre range.
- A resource dependent residential use is a residential use that meets the criteria for resource dependency described in the “resource dependent location” section of this document. This proposal requires resource dependent residential uses to be of moderate density.

b. Commercial/industrial consists of all commercial and industrial uses, and distinguishes between those that rely on three phase power and those that do not. An example of a use that relies on three phase power would be some manufacturing facilities that use energy- intensive equipment. This proposal also distinguishes between commercial and industrial uses that are resource dependent and those that are not.

Commercial and industrial uses that may be considered resource dependent are listed here:

- Small-scale recreation supply: permanent or temporary (and sometimes mobile), businesses that provide support to recreational users on a resource like a water body or permanent trail (e.g., equipment rental, or mobile food service). This includes gear rental, outfitting, and sale of pre-prepared food, but does not include restaurants, lodging, fuel sales, or other intensive activities.
- Recreation day-use facilities: businesses that facilitate recreational activities that are primarily natural-resource based, depend on the presence of terrain features or waterbodies (e.g., trail centers for mountain biking or nordic skiing), and are not related to recreational lodging.
- Natural resource processing or retail on farms: activities associated with changing an agricultural crop from its natural raw state into a product to be marketed either on, or off, site, as well as other commercial activities on farms beyond agricultural production (e.g., retail, agri-tourism, etc.).
- Natural resource processing to reduce bulk of raw materials for transportation: activities associated with reducing forest or other natural resources through chipping or other means to facilitate efficient and cost-effective transportation to manufacturers or other buyers.
- **Resource extraction** includes activities associated with extraction and transportation of raw materials for further processing or manufacturing off-site (e.g., bottled water extraction wellhead, gravel mining). **This is a good place to once again say, solar power can be sourced anywhere the sun shines, so it is not “resource dependent”; therefore, should not be allowed in the resource dependent category.**

c. Home-based business is currently called home occupation, and consists of commercial activity that is **secondary to the use of the premises as a residence**. **Perhaps permitted agribusiness and agri-tourism based development which is adjacent to farm homes is best served in the “home-based business” category.*******

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Component 3: Locational factors used to describe the potential rezoning areas

a. Retail hubs. (magenta outlines on maps or red squares on diagrams) These are towns, townships or plantations that have significant retail activity that serves the types of uses that are commonly found in the UT. The list of retail hubs currently exists in the recreational lodging portion of the Commission's rules. The list was determined based on sales tax data and the Commission's knowledge of the UT. Retail hubs are important because providing public services is more efficient and cost effective for the taxpayer near where the services originate, and keeping development near services helps to keep lands open for the timber, agriculture and recreation economies and for wildlife habitat. The measurements of distance from retail hubs are "as the crow flies" **except that the measurement is not carried over a waterbody or interstate highway unless such areas are contiguous with another primary or secondary area. This methodology needs to include mountains and hills which do not have public roads over them, because, after all, a mountain and a lake are the same thing - displaced earth. One is a dip in the earth; one is a rise in the earth.** This approach is intended to account for situations where development on one side of a waterbody or interstate highway is effectively separated from a town on the other side because it is such a long way around.

b. Public road. This is any road that is owned or operated by a public entity such as towns, plantations, counties or the state. The reasons for keeping development near public roads are similar to the reasons listed under retail hubs, above.

c. Availability of emergency services. In some cases, if development is being proposed at a distance from a public road, it is important to determine if a residential subdivision can be served by fire and ambulance service. If it is unrealistic to expect services in resource-based locations, then existing and **prospective lot owners should be made aware. This is one of the most untenable statements in this entire document. It is unreasonable to expect that type of agreement by a human who may some day be in need of life or property saving services.**

d. **Right of legal access** from a public road. In some cases, if development is being proposed at a distance from a public road, it is important to determine if the future lot owners will have a legal right to access their subdivision lots. This can become important as land changes hands and new owners of the land between the subdivision and the public road may no longer want to allow access; or if expensive road improvements become necessary, for example if a bridge washes out. **This should definitely be expected before development is approved.**

e. Great ponds and flowing waters draining at least 50 square miles. Waterbodies attract the majority of the residential development in the UT. Being careful to make good use of those shorelines and to protect water quality and lake character is important. Some types of development are more appropriate to be situated on a lakeshore than others.

f. Lake management classification. The Commission's rules and the CLUP list a classification for each lake. The lake classification is an indication of the suitability for development of each lake. The classification system promotes the goal of maintaining a diversity of lake experiences – some more developed and some less so.

g. Location of three phase power lines. Some commercial or industrial uses must locate near three phase power. This is an important consideration in thinking about future economic development.

h. Natural or recreational resource. Some types of development depend on proximity to natural resources such as waterbodies, forest or farm resources, or other resources naturally occurring in the Commission's service area. The reason for this can be to reduce the cost of transporting raw materials or agricultural products for manufacturing or further processing at another location, or to provide a recreational experience based on the presence of a waterbody, permanent trail, or certain terrain.

Using the Components to Identify four basic location types

The proposal uses the factors that are listed above to create four types of locations in which rezoning for development could occur that would satisfy the adjacency principle.

The proposal for these four locations would replace the one mile rule of thumb in all rezoning decisions. The four are primary locations, secondary locations, three phase power locations and resource dependent locations. Each type of location could be rezoned for certain types of uses, as indicated below. Home based businesses are treated separately and are not linked to a particular location.

Location type one: Primary Locations (Orange on diagrams and maps)

a. Criteria identifying primary locations:

- Based on retail hubs, towns, and plantations:

- o Up to 10 miles from the boundary of a retail hub or in a town or plantation; and
- o Up to 2 miles from a public road; or **The formula is too broad and generalized.**

This formula replaces the so-called "arbitrary" measurements of the current adjacency rule with another arbitrary set of measurements. Regardless, communities should be granted weighted input and decision-making toward reducing the defined developable footprints of their communities before rule changes are finalized. If the 10 and 2 mile marker system is finally deemed the best tool available, then I currently support reducing those measurements to 5 and 1 mile, respectively.

- Based on management class 3 (MC3) lakes: Within 700' of a MC3 lake, regardless of distance from retail hub or road, if water quality and soils are acceptable. (See CLUP discussion of adjacency for class 3 lakes. The distance is enlarged to 700' to allow for good subdivision design.)

b. Residential uses allowed:

- Moderate or high density residential subdivision with rezoning to D-RS or D-GN.

- General management subdivisions by permit in M-GN up to 14 lots and within 1/2 mile of

public road. These were previously called level 2 subdivisions. The proposed rules will modify the standards to **reduce the clustering requirement** and make other changes.

Does this statement mean that the new subdivision rules will modify the standards to reduce the clustering requirement? Please note, I disagree with allowing sprawling subdivisions, if that is part of the adjacency rule change language.

- Low density residential subdivision with rezoning to new zone if at least 2 miles from retail hub and 1/2 mile from great ponds and certain rivers and not on an island.

c. Commercial/Industrial uses allowed:

- Any commercial or industrial use. Siting within primary locations for commercial and industrial uses is flexible, therefore the general criteria will be used to ensure that specific rezoning proposals are **compatible** with the uses in the area. Usually this will mean rezoning to D-GN, D-CI, or D-RB. **How will “compatible” be defined and measured?**

Prospectively zoned areas and primary locations: This proposal does not change the rezoning requirements in the Rangeley prospective zoning area or D-RB eligibility in Washington or Aroostook Counties. In Washington County, rezoning for “rural business” uses would only be allowed in D-RB areas as established by the recent Community Guided Planning and Zoning (CGPZ) process. Other commercial and industrial uses not eligible within a D-RB would be

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handled on a case-by-case basis under the general criteria. This should be discussed with the Washington County CGPZ group and the County Commissioners. The Aroostook County Commissioners and CGPZ group should be consulted about how to handle their commercial zoning. The current proposal would allow for the D-RB zones, plus other commercial development, in the primary locations in Aroostook County.

Approximate acreage in primary locations: 1.7 million acres gross land area. Not all of the land in the primary locations is available for development. For example, approximately 24% is in conservation as identified in the State’s registry (e.g., conservation easement, public reserved land, national wildlife refuge). Additionally, landowners may choose to manage their property in a way that does not involve development, without the land being in conservation, or there may be site-specific reasons why land is not developable.

Discussion of primary locations: Primary locations are in areas that are closer to services and are less likely to cause problems with disrupting large areas for forestry, agriculture, recreation and habitat. Access from subdivisions and commercial establishments to public roads is likely to be worked out if the maximum distance is 2 miles. The measurement of 10 miles from the boundary of a retail hub was chosen because of feedback from public officials about realistic emergency services distances and cost-effective public service provision. Nearby organized towns with public facilities are likely to see a larger “critical mass” of customers for health care, education, retail and other services from residences in this area. Locating development in the primary areas should be encouraged.

General management subdivisions would be relatively low risk in these areas, given the proximity to roads and assuming good subdivision design standards. The proposal will provide **significant additional area for these subdivisions** without a rezoning and will modify the design standards to make it easier to use this option. **How will you ensure against resource compromising and “character” damaging sprawl, or blocking wildlife corridors?**

Low density subdivisions can use up large amounts of land quickly, and therefore should be excluded from shorefront areas, areas more suitable for dense development near retail hubs, and islands which have very limited area (for example Monhegan or Matinicus). However, low density subdivisions may work well for areas between 2 and

10 miles from retail hubs if the subdivision standards take into account the natural resource and recreation considerations.

Location type two: Secondary locations (orange hash marks on diagram and maps)

a. Criteria identifying secondary locations:

- In a town, township or plantation next to the boundary of a retail hub; and
- Between 2 and 5 miles from a public road

b. Criteria for each rezoning proposal within secondary locations:

- **Location can be served by emergency services; and What is the timeframe? Twenty minutes? Twenty-four hours? In which season? This is too vague.**
 - **Legal right of access from public road This should definitely be required before development is approved.**

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c. Residential uses allowed in secondary locations:

- Moderate or high density residential subdivision with rezoning to D-RS
- Low density residential subdivision with rezoning to new zone if at least 2 miles from retail hub and 1/2 mile of great ponds and certain rivers and not on an island

d. Commercial/Industrial uses allowed in secondary locations:

- Only resource-dependent uses

Prospectively zoned areas and secondary locations: This proposal does not change the rezoning requirements in the Rangeley prospective zoning area, and does not overlap with the D-RB in Washington or Aroostook counties

Approximate acreage in secondary locations: 0.7 million acres gross land area. Not all of the land in the secondary locations is available for development. For example, approximately 33% is in conservation as identified in the State's registry (e.g., conservation easement, public reserved land, national wildlife refuge). Additionally, landowners may choose to manage their property in a way that does not involve development, without the land being in conservation, or there may be site-specific reasons why land is not developable.

Discussion of secondary locations: Secondary locations are in areas that are close, "as the crow flies," to services and are somewhat likely to be located away from large contiguous areas for forestry, agriculture, recreation and habitat. However, the distance of 2-5 miles from public roads could create difficulties with legal road access and emergency service provision. Nearby organized towns with public facilities are likely to see a larger "critical mass" of customers for health care, education, retail and other services from residences in this area. Rezoning for development in the secondary locations areas should be allowed if the issues of road access and emergency services can be worked out for each rezoning proposal.

See the discussion of low density subdivisions in the primary location discussion, above. Location type three: Three phase power locations (dashed line on diagram)

a. Criteria:

- Near a point of interconnection with three-phase power

b. Residential uses allowed: • None

c. Commercial/Industrial uses allowed:

- Commercial or industrial uses that are dependent on three phase power and which

meet the general criteria. An example would be a manufacturing facility that uses electricity-intensive equipment. Rezoning would be to D-GN or D-CI.

Prospectively zoned areas and three phase power locations: This proposal does not change the rezoning requirements in the Rangeley prospective zoning area.

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Discussion of three phase power locations: Commercial and industrial uses that rely on three phase power are developed infrequently in the UT. However, they may be an important part of the UT's economic future. Three phase power may not always be available near to a service center, and it may not always be suitable to develop such a facility near a populated area. These uses would be considered on a case-by-case basis using the general criteria.

Location type four: Resource Dependent Locations

a. Criterion for determining resource dependency: the proposed development is dependent on a specific resource for raw materials or recreational experiences. This would be applied to each type of use as follows.

- Resource-dependent residential development is located near, integrated with, and dependent upon certain recreation resources as described below.
- **Resource-dependent extraction**, processing or retail is intended to extract, or physically change, raw materials to reduce the cost of transportation of forest products, agricultural goods, or other natural resources. **This definitely needs to be developable through a rezoning only, not permitting.**
- Resource-dependent recreation development is intended to primarily support day-use recreational experiences dependent on access to water, permanent trails, or certain types of terrain.

b. Different types of resource dependent uses and where they could locate:

1. Resource dependent moderate density residential subdivision with rezoning to D-RS or D-GN must be located near and integrated with permanent trails, existing access points to rivers, or certain lakes as described below. Subdivisions would not be allowed in connection with resources that are presently zoned P-RR. Eligible lakes are as follows:

- Management Class 4, 5 or 7;
- Minimum density of existing development: least one existing dwelling unit per half mile of shoreline, at least one existing dwelling unit per 50 acres of lake surface area, and a minimum of 5 existing dwelling units; and
- Maximum density of existing and proposed development: generally does not exceed one existing or proposed dwelling unit per 400 feet of shoreline, or one existing or proposed dwelling unit per ten acres of lake surface area. If a proposal would exceed the maximum density for a lake, then a cluster or flex design that includes considerations for open space would be required at the permitting stage to ensure water quality and provide adequate space for wildlife movement. Landowner equity in assigning development potential around the lake will be considered.
- Optional: Should all resource-based subdivision rezoning have to demonstrate **legal right of access from a public road and availability of emergency services?** Might such a provision not be practical in some resource-dependent situations? The Commission has

identified access an important topic for discussion. **Resource-based subdivision rezoning should have to demonstrate legal access from a public road and availability of emergency services.**

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2. Resource-dependent commercial recreation. All resource-dependent commercial recreation uses would be located near: water access points on Management Class 4, 5, or 7 lakes; water access points on rivers; or permanent trails. If co-locating with a trailhead or water access point, proposed development must not undermine, or conflict with, recreational use of the resource. In addition, day-use facilities would be allowed in areas when terrain features are necessary to support the day use facility. (e.g., compact patterns of trail construction that require a certain type of hilly terrain). No resource-dependent commercial recreation uses would be allowed in the P-RR subdistrict.

Traffic, lighting, or noise generated by the facility must be appropriate for existing roads, and otherwise not have a negative effect on the character of the area. This should not only include appropriate for existing roads, but also for the general character of the area. Please add "odors" to the list of possible offenses to the senses. Also, my parents' house moved when a gravel pit occasionally blasted nearby. That was unacceptable, and the company had to remediate its practices. Please consider this type of offense to the senses, as well, in the language of this document.

- Small-scale recreation supply would be allowed with a rezoning to a new resource-dependent subdistrict. Small-scale, temporary recreation supply facilities may be located in the M-GN subdistrict with a permit, so long as the site meets current dimensional requirements, and issues surrounding sanitation, parking, and traffic can be addressed.

- Recreation day-use facilities would be allowed with a rezoning to a new resource-dependent subdistrict.

- **Optional for Commission consideration: All rezoned areas must have a legal right of access from a public road (either temporary or permanent depending on the nature of the use), and available emergency services. In some cases, uses allowed by permit in the M-GN would make this demonstration as well. I agree that legal access and available emergency services are a must before rezoning approval.**

3. Natural resource processing, manufacturing, and extraction: All natural resource processing uses must be in locations at least 1/2 mile from dense patterns of residential development (as defined in the D-RS subdistrict description), and at least 1/2 mile from management class 1,2 or 6 lakes. A minimum distance from other classification lakes may be advisable to prevent clearing that facilitates future residential development.

Traffic from the proposed use must be **consistent with existing patterns** in the area when considering the type (e.g., trucks or passenger vehicles), and hours of operation. Any requirements for legal right of access could be satisfied by temporary agreements if the nature of the use is temporary, which may often be the case for this type of use. **An existing pattern is not always a desirable pattern, especially if a current business is perceived as offensive to the region due to a previous lapse in judgment, so I do not think this is a good measurement to use.**

- Processing to reduce bulk of raw materials for transportation would be allowed with rezoning to a new development subdistrict. Some small-scale, or temporary, facilities would be allowed in the M-GN with a permit and in accordance with standards.
- Natural resource extraction would be allowed with a rezoning to a new resource dependent subdistrict.
 - On-farm processing, retail, and manufacturing would be allowed with rezoning to a new resource dependent subdistrict when a facility gets bigger and more intensive than a home-based business. To reduce traffic, more than **50% of raw materials** **Who will monitor and enforce this? LUPC?** for processing, sale on-site, or production of goods for sale, should come from the same farm or the **immediate area**. **How will you define and measure “immediate area”?** Structural development on farms related to processing would be limited in scale, and some of that area

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could also be used for retail. As an example of a **limit on scale**, facilities that process poultry would be limited to 20,000 or fewer birds annually. **How will you define and measure “limit on scale”?** **Livestock production seems very incompatible with resource dependent development.**

Prospectively zoned areas and resource dependent locations: This proposal does not change the rezoning requirements in the Rangeley prospective zoning area or D-RB eligibility in Washington or Aroostook Counties. In Washington County, rezoning for “rural business” uses would only be allowed in D-RB areas as established by the recent Community Guided Planning and Zoning (CGPZ) process. Other commercial and industrial uses not eligible within a D-RB would be handled on a case-by-case basis under the general criteria. This should be discussed with the Washington County CGPZ group and the County Commissioners. Staff are scheduling a time to consult with the Aroostook County Commissioners and CGPZ group about how to handle their commercial zoning. The current proposal would allow for the D-RB zones, plus other commercial development, in the primary locations in Aroostook County.

Discussion of resource dependent locations: Some types of development depend on proximity to natural resources to reduce transportation costs, or to provide a certain recreational experience. However, sometimes being located near a natural resource may result in development that is more distant from public roads and services like fire and ambulance, and that may be close to sensitive habitat, high water quality lakes, or recreational resources. Due to the nature of the uses in the UT, some provision for commercial activity and limited residential subdivision activity outside of the primary and secondary locations (see part one proposal for a description of primary and secondary areas) is appropriate. However, the risks of excessive or poorly planned development in remote areas is significant. Any system for locating development beyond the primary and secondary areas should be carefully considered. This proposal includes concepts to minimize potential impacts to resources from commercial development, and to guide new residential development to suitable locations that are already developed and receive some services.

Residential development along lake shores in the Commission's service area provides a certain type of recreational experience desirable to some property owners, or prospective owners. In the UT, some lakes are distant from public roads and services, but have a certain level of existing residential development, and may not be identified by the lake management classification system as particularly significant in terms of fisheries, scenic character, ecological or other recreational values. The staff proposal would allow for some additional residential subdivision outside of the Primary and Secondary Locations on MC 4, MC 5 or MC 7 lakes that meet minimum and maximum density requirements. These density limits are based on general guidelines in the CLUP and information obtained during the adjacency review process, and are intended to guide residential development to lakes that are already developed, and to reasonably limit the overall level of development for these waterbodies.

Some recreation supply, or recreation day use, businesses rely on a specific natural resource or certain terrain. Recreational supply or **recreation day use facilities that depend on proximity to a specific resource may be located outside of the Primary Locations with a rezoning, or in some cases with a permit**, and would be evaluated based on their potential to affect the expectations of recreational users of the resource.

For example, a busy food truck located in a parking lot

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next to a boat launch may be fine on developed lakes, but the same business would change the character of a lake that has little development. **This is a slippery slope. Err on the side of requiring a rezoning, please.**

Some resource-dependent uses could generate significant traffic impacts, such as trucks used to move raw materials from an extraction site to a manufacturing site. It is important to ensure that this type of traffic is minimized near neighborhoods and recreational resources, and that existing roads and other infrastructure can accommodate potentially heavy loads.

Home-based businesses – not linked to a particular location

Most home-based businesses would be allowed either in accordance with standards, with a permit, or by special exception in most subdistricts. Home based-businesses that exceed the current standards could petition to rezone to a development subdistrict if located within the Primary Locations. If not located in a Primary Location, the business owner could apply for a special exception to expand up to a total of 2,500 square feet of space for a major home occupation, provided: the expansion would **not change the character of the area** (e.g., warehouse building or noisy commercial operation in a neighborhood); the use would not generate traffic more intensive than current patterns in the area; and nuisance impacts could be adequately buffered from nearby existing uses. **Again, these words are too vague. How will you define and measure “not change the character of the area”?**

Farm-stands would be permissible as home occupations in the M-GN so long as they are located at least 30 feet from a public road, primarily sell agricultural produce or products, and do not exceed 200 square feet in size. (Current clearing standards would not be reduced, so farms located on a public road which do not have existing roadside clearings would need to place any structures at least 50' from the road.)

Discussion: Home-based businesses that grow beyond the current limitations in the standards could result in nuisance impacts and generate traffic that creates problems

for residential neighborhoods or near recreational resources. If a home-based business is in a Primary Location, and expansion would not result in undue adverse impacts, the owner could petition to rezone the property to a development subdistrict. If not located in a primary area, staff propose that some expansion should still be possible so long as **noise, odors, Please add the word "lighting"**. and outdoor storage can be adequately buffered from other uses nearby, and if traffic generated is consistent with existing patterns in the area (e.g., type of traffic is the same, and the overall volume is similar). Farm stands would be permissible as home occupations. If a farm-based retail operation grew beyond the limits proposed for farm stands, a facility would have to rezone to a development subdistrict and meet all the locational criteria that apply. Potential Problems and Solutions for all location types in the proposal:

1. Strip development: One risk of the proposal is encouraging development along roads for 10 miles from the boundary of a retail hub. This could cause strip development, which has negative impacts on traffic management (public safety), character of the area and wildlife habitat. The proposed residential subdivision standards will contain provisions that address location of entrances to developments. They will also propose separation between groups

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of structural development and vegetation buffers along roadways to provide wildlife corridors and maintain a rural character. **Similar provisions will be proposed for rezoning for commercial development. Please ensure these provisions are clearly added to the language of this document.**

2. Loss of shoreline character and water quality: In some places, shorelines would become available for rezoning immediately as a result of this proposal. This would be true for lakes that are within the primary and secondary locations and some MC 4, 5 and 7 lakes outside those areas. Subdivisions, in particular, may be proposed along a shoreline that, under the one mile rule of thumb, would have been incrementally developed over time. To avoid overdevelopment of the shoreline, the Commission can take this opportunity to plan for appropriate development of the lake as a whole. The subdivision rules will propose mechanisms to help ensure the overall level of development is suitable in terms of maintaining water quality, shoreline character and appropriate levels of recreation pressure. This would be based, in part, on the management class of the lake and the current level of development. Overall density of existing development, and the target density for that lake classification would be important factors. Layout standards for shorefront subdivisions will also be important in conjunction with density targets. Despite the fact that shorelines within the primary and secondary locations, and some MC 4, 5 and 7 lakes outside those areas may become more heavily developed, there are shorelines in other parts of the UT that are farther from the retail hubs that would receive less development than under the one mile rule of thumb approach to adjacency, as a result of this proposal. Providing suitable regulations and encouraging subdivision close to retail hubs is preferable to more scattered subdivision development elsewhere.

3. Habitat impacts: Habitat impacts largely stem from scattered development, strip development, and inappropriate shoreline development. **By dealing with these issues,**

as described above, the refined approach to adjacency and revised subdivision rules will also protect habitat. This was an issue that was of high importance to survey respondents and deserves attention. **Please go above and beyond the subdivision rules to ensure the wildlife and their habitat are protected.** When the subdivision rules are proposed, they will contain standards that are specific to development along roadways and shorelines and density of development around lakes. The issue of scattered development is being addressed by the overall proposal of encouraging development close to retail hubs. Rezoning and permits for resource-dependent uses will still be reviewed for “no undue adverse impact” to existing resources, including habitat.

4. Loss of control over pace: One of the objectives of the adjacency principle is to pace development so that services, land use regulations and future development plans have time to adjust as each pulse of development takes place. The proposal removes much of the pacing mechanism inherent in the one mile rule of thumb. **Because the proposal explicitly directs development to areas that are close to services, the risk of this effect is reduced; What evidence do you have of this? If anything, I would think the pace would be dramatically increased, also causing a demand on your department that I wonder if you are staffed, funded, or prepared otherwise to handle.** however, some amount of pacing is still desirable. This will be handled in three ways: 1) **consulting closely with local government and service providers about the effects of proposed rezoning and denying any proposals that unreasonably overburden local capacity; To whom, exactly, is “local” referring? Isn’t that a lot of pressure for local governments and services to not deny a request, if they feel pressured to create jobs, even if the proposal will create undue adverse impact on resources and the character of an area?** 2) if large amounts of development are proposed in a short time frame, considering the likely effect on community character and approving **only as much additional development**

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as the community can handle How will you define and measure “only as much additional development”? within the proposed timeline; and 3) conducting regular reviews of the quantity of development rezoning and making regulatory adjustments as needed.

5. Residential subdivision in resource-based locations: This proposal would result in residential subdivision on certain waterbodies in locations distant from a public road or retail hub, and which are accessed by traveling long distances on private roads that may be built and maintained for other purposes (e.g., commercial forestry). This could make it difficult for lot owners to maintain permanent, reliable, access to their property. For the same reasons, it may be difficult for fire trucks or ambulances to reach residential development in these types of locations. Development in resource-based locations may also undermine certain recreational experiences dependent on remoteness. To address these issues, the proposal could require: 1) that **resource-based residential subdivision include a legal right of access from a public road for each lot owner; Require legal right of access from a public road from each lot owner.** 2) **a disclaimer notifying potential buyers that their property does not come with a**

guarantee of emergency services; **Again, this is untenable.** and 3) by guiding residential subdivision to certain lakes that are already developed.

V. NEXT STEPS

A. Discussion with property owners, public and stakeholders: The Commission will take comments at the April meeting and staff will hold informal work sessions with property owners, stakeholders and the public to answer more detailed questions and work through any issues that arise.

B. Rule draft to post in May: The Commission anticipates having a draft rule in May to post to formal public comment. The Commission will hold a brief business meeting for this purpose during a break from the Fish River Chain of Lakes concept plan hearing sometime on May 23, time TBD.

C. Subdivision regulations: Staff anticipate that a draft of the subdivision regulations will be available prior to the June meeting so that the adjacency rules and the subdivisions rules can be viewed side-by-side since they are integrally related.

D. Schedule: A more detailed schedule is attached at the end of the packet.

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And the following are some final thoughts I have on the matter:

If I understood Samantha correctly at the Bingham meeting on April 2, I am glad you are creating a representational permitting list and a rezoning requirement list of conceivable developments for public consideration before rule change is final.

I am happy to read on page 1 that the other rezoning standards in statute will continue to apply, including consistency with law and with other portions of the CLUP.

From page 4, I am relieved that LUPC recognizes that this rule change is of significant consequence to the residents and landowners of the Commission's service area, as well as the citizens of Maine, and is tied to the Commission's core mission, and I encourage you to act reservedly in accordance with those principles.

Also from page 4, I reiterate that it "is important to note that in any rezoning, there are many considerations, including consistency with the statute, consistency with the subdistricts in Chapter 10, no undue adverse impact, and consistency with the CLUP overall", and that "the other rezoning standards in statute will continue to apply, including consistency with law and with other portions of the CLUP".

I am concerned about that risks of strip development, habitat impacts, loss of control over the pace of development in some places that are mentioned on page 2. I hope the rule change will specifically address those concerns.

I will expand upon a sentiment expressed in this document. The risks of excessive or poorly planned development in any area of the UT- not just the remote areas - is significant. Any system for locating development - including the primary and secondary areas - and beyond the primary and secondary areas should be carefully considered.



**Comments of the Natural Resources Council of Maine
Regarding the Adjacency Principle
April 11, 2018**

Thank you for the opportunity to comment on the proposed changes to the Land Use Planning Commission's most important principle – the adjacency principle.

The adjacency principle is the single most important tool that the LURC/LUPC has had to guide development in the jurisdiction over its 45 year history.

While LUPC has other tools (for example, the regulations requiring development to be set back from lakes or roads, or addressing erosion, soils suitability, solid waste disposal, noise and lighting—tools that are extremely important for addressing issues raised at a particular house or business development site), it is the adjacency principle that guides proposed development to the sites least likely to harm the character and sense of place that define Maine's North Woods. The adjacency principle protects Maine's forests, lakes, rivers, clean water, wildlife, and habitat.

For that reason, we urge you not to abandon the adjacency principle's one-mile rule.

The UT is a significant economic asset for local communities and the state as a whole.

The forests have been the asset upon which the forest products industry has depended for generations. While the forest products industry is undergoing major changes, we assume and expect that it will continue to include businesses based on the harvest of a variety of forest products including wood, pulp, chips, and maple sap among others. Having residential subdivisions, like low-density residential subdivisions, scattered among active harvesting operations and located along private logging roads is a recipe for problems.

In addition, in recent years, we are seeing the forest asset support not only the forest products industry, but, increasingly, the outdoor recreation tourism industry. Visitors come to Maine's North Woods for recreation to find the broad expanse of undeveloped forests, lakes, mountains, rivers and scenic views they cannot find in southern Maine and the rest of New England (and the world.) People come to the UT because it isn't just like other places. If the asset—the forests, lakes and rivers—is degraded through scattered development, those visitors won't come and those businesses will suffer.

LUPC's 2016-2017 Location of Development Survey survey found that the significant majority of all demographic groups do not want to see additional commercial or residential development in the region.

It is not just visitors who want to see the UT remain largely as it is. The survey indicated that 57% of those who live or work in the region and 72% of those who own or manage property (but do not live or work there) do not want to see more residential development. A similar and even stronger opposition was expressed regarding commercial development: 65% of those who live or work in the region and 83% of those who own or manage property in the region (but do not live or work there) do not want to see more commercial development.

Therefore, the LUPC should think very carefully about how best to guide any new development to appropriate places.

To avoid harm to existing communities, development should be guided *into* the existing service centers and adjacent towns with town centers.

Locating development in existing service centers, like Bethel, Rangeley, Greenville, or Millinocket will minimize the costs of that development for public services such as school bus routes, ambulances or other emergency aid, fire protection, solid waste removal, snow removal, etc. These are costs that are born by everyone in the community. Minimizing these costs helps everyone, not just those who eventually own the new houses or businesses.

But communities are far more than places for providing public services. They are also the location of civic institutions like hospitals, schools, libraries, churches and fraternal organizations that are the heart and soul of a community. These organizations cannot survive without enough people living close enough to participate, attend, and support these entities.

One characteristic that is common in all of the communities in or adjacent to the UT is that they have lost population in recent decades. Virtually all neighboring communities have places that formerly housed commercial or industrial facilities but are now vacant. The best thing that LUPC could do for these communities would be to guide future growth, both commercial and residential, into the existing communities so there would be enough businesses to provide jobs, enough children to keep the schools open, enough patients to keep the hospitals open, enough readers to keep the libraries open, and volunteers and participants in all the many civic and volunteer organizations found in thriving communities.

Abandoning the adjacency principle and allowing scattered residential and commercial development will harm those communities that are already struggling. As Commissioner Bill Gilmore said at the Aug. 9, 2017 LUPC meeting, "I wouldn't want to see you [LUPC staff] spend a lot of time trying to create what we perceive as being a good justification in developing guidelines for more growth in and around the UT and take away from those existing small towns." The LUPC's focus should be on guiding development into adjacent small towns, not away from them.

The Natural Resources Council of Maine has significant concerns about the proposal to abandon the "one-mile-by-road" adjacency requirement that has served the jurisdiction well for over 40 years.

The proposals currently before the Commission include a variety of changes, at least one of which has been proven to be harmful to the jurisdiction in the past and some of which simply lack enough information to evaluate the likely impact of the proposed change.

NRCM supports Community Guided Planning and Zoning which has supplemented the "one-mile-by-road" requirement and that has resulted in regionally appropriate plans for two areas of the jurisdiction in recent years.

The elimination of the adjacency principle would undercut and bypass locally driven Community Guided Planning and Zoning efforts.

To our knowledge, none of the three CGPZ processes have suggested eliminating the adjacency principle or have called for allowing scattered low or moderate density

subdivisions. Rather, these processes have focused on providing reasonable opportunities for additional commercial development in areas where public services are available. They have proposed reasonable changes to existing zoning that are tailored to their regions. We do not believe that these locally driven efforts should be undercut and pushed aside.

These successful community guided planning and zoning processes appear to have addressed issues relating to the location of development in these regions. In both cases, locations for small rural based businesses were the primary issue identified and resolved. In neither case were large areas for residential subdivisions (as suggested by the primary and secondary areas in this proposal) identified as needs.

Abandoning these proven successful processes and tools for very complicated new policies for which there is insufficient information to evaluate their likely effectiveness and that have never been tried at this scale for the entire 10.4 million acres is unnecessary and risks substantial (and irreversible) adverse impacts on the jurisdiction.

Turning to the specific proposals:

We support the goal of directing development into or near service centers. However, we have significant concerns about the proposed “primary” and “secondary” development areas.

- Nothing in the proposal actually directs or encourages development in service centers, so those towns will end up having to provide fire, police, emergency and other public services without receiving the property taxes associated with that development that could help pay for these services;
- Allowing development 10 miles from service centers is a recipe for strip development. If there are two service centers within 20 miles, the entire road could get developed. In addition, depending on the location within the service center town of the actual retail/town center, that distance could easily stretch to 20 – 30 miles of sprawling development outside the town or village centers—raising the cost of providing public services, changing the character of the community, fragmenting wildlife habitat and travel corridors, and degrading the character of trails (such as snowmobile trails or the Appalachian Trail) that cross the roads in undeveloped areas and which may be important for the economic health of the nearby community. Specific examples of areas where the map suggests that this could be a major problem include Rt. 11 between Medway and Patten, and Rt. 201 between Bingham and Jackman;
- We question whether “retail hubs” (that do not qualify as “service centers”) should be the focus for “primary and secondary” development areas and therefore be saddled with the responsibility of providing additional public services to developments that could be many miles away;
- Changing the law to allow low-density subdivisions (also called large-lot subdivisions) in areas between 2 and 5 miles from service centers would be a dramatic about face in law. Until the late 1980s, low-density/large-lot subdivisions were permitted

without limitation in the jurisdiction. The result was thousands of acres of forestland divided up into large residential lots that led to their no longer being available for forestry; wildlife habitat being broken up and degraded by scattered development; and recreational opportunities including hunting, fishing, hiking and other activities on undeveloped lands being limited. Between 1989 and 2001, the Legislature passed multiple bills to limit this type of wasteful development. The bills adopted included increasingly strong provisions to limit this type of development without eliminating the opportunity altogether. However, after multiple attempts, the Legislature and the Land Use Regulation Commission ultimately concluded that the only way to solve this significant problem was to completely eliminate this type of large-lot/low-density subdivision development. The Legislature in effect concluded that this type of development is inconsistent with the statutory goals for the jurisdiction. It was found to be inconsistent then and remains inconsistent today. Adopting this proposal to again allow harmful low-density/large-lot subdivisions would be a giant step backwards for Maine's North Woods.

We also have significant concerns for development outside the primary and secondary development areas (the white areas) for "resource dependent" development:

- The proposal to allow moderate density subdivisions in the white areas if they are "resource dependent" completely alters the concept of "resource dependency." Businesses involved in harvesting timber or other resources, or recreational based businesses such as sporting camps located in areas where their clients hunt, fish, hike or participate in other outdoor activities are "resource dependent." Houses, on the other hand, can be built anywhere and are not resource dependent. Subdivision developers may want to build on the shores of lakes and rivers, but no residential development has to be built there – it is simply a matter of desire, not dependency.
- The proposal to allow residential subdivisions in the white areas is also of great concern because we have no idea what areas this would open up for development. We urge the Commission not to go forward with this proposal until it has good information about which areas that are not currently open for residential subdivisions would become available for subdivisions under this new proposal. This proposal would apply to class 7 lakes that meet several criteria. Class 7 is the lakes category that includes the largest number of lakes of all of LUPC's classifications. According to the map, class 7 lakes are located throughout the jurisdiction, including in very remote areas, and include huge lakes like Moosehead and the Richardson Lakes as well as very small lakes.

Our recommendations at this point, given what we do and do not know about the potential impacts of these proposed changes are:

1. Complete a land use inventory of the jurisdiction so that LUPC knows the location of existing structures in the jurisdiction. This would enable the Commission 1) to evaluate how the roughly 1.7 million acres of proposed primary and secondary development zones compares with the amount of land available for subdivision

development under the current-one-mile-by-road policy and 2) would identify which class 7 lakes would meet the proposed criteria allowing subdivision development in the "white areas."

2. Having completed the land use and structure inventory, consider alternative formulations of the "primary development area" concept.
3. Continue to explore ways to direct development into service center towns so that those communities will reap the property tax benefits to off-set the additional public service costs of new development.
4. Begin a Community Guided Planning and Zoning process in the Katahdin region (or begin participating in ongoing land use and visioning discussions that are taking place in the Katahdin region), focusing particularly on UT areas along the Katahdin Woods and Water Scenic Byway.
5. Eliminate those areas that have undergone CGPZ from any proposed changes in the definition of adjacency.
6. Abandon any efforts to re-authorize the opportunity to establish low-density/large-lot residential subdivisions.
7. Retain the existing "one-mile-by-road" adjacency principle that has functioned well for over 40 years until better information is available about the likely impact of proposed changes.

We recognize that conducting a land use inventory of structures in the jurisdiction may be a costly undertaking, but as the agency approaches 50 years old and is considering dramatic changes to policies that have been in place for decades, we believe it is imperative that the agency have the best information available on which to base its decisions. NRCM would be happy to work with LUPC to identify funding sources for such an inventory.

Thank you for your consideration of these comments.

Respectfully submitted,



Catherine B. Johnson, Esq.
Forests and Wildlife Project Director

**Comments of Nicole Grohoski of Ellsworth Regarding the Adjacency Principle
April 10, 2018**

Thank you for the opportunity to comment on the proposed changes to the Land Use Planning Commission's "adjacency principle." I am here to ask you to maintain the adjacency principle, which is a practical limit on development that has helped guide land use in the unincorporated territories for decades.

My name is Nicole Grohoski and I am a homeowner in Ellsworth. I am here as a citizen of this state, an outdoors-person, and a naturalist.

Instead of talking about the nitty-gritty details of the proposed rule change, I want to tell you a story. After finishing college, I moved back here to my home state to work for a small company making maps of Maine and beyond. Mapping Maine's rural regions -- from the High Peaks, to the North Woods, to the Bold Coast -- inspired me to go out and explore new places. One day I was asked to include the Northern Forest Canoe Trail on a map. I had never heard of it and was intrigued. It was 2006 and the year the NFCT was slated to officially open. After a few emails with paddling friends, I quit my job and headed to the Adirondacks of NY to start a 740-mile thru-paddle, which would end in Fort Kent.

The trail traverses 4 states, travels along 22 rivers and streams, crosses 56 lakes and ponds, and passes through 45 communities. Along the way, I observed many land use patterns -- crowded shoreline development in NY, farm fields with grazing cows stretching straight into the river in VT, and abandoned mills in NH, to name a few. In Maine, the trail is 347 miles long, and I enjoyed paddling some of the finest waterways that this state has to offer. There was no question for me that the beauty of Maine, its undeveloped character, and its remoteness far surpassed its neighbors. I have heard this sentiment echoed again and again by other people who have paddled the trail or explored the unincorporated townships in Maine. There is no place like it.

I am the first female thru-paddler of the NFCT and one of two first official thru-paddlers. It happened by accident (right time, right place) but the "fame" has helped me share my adventure with folks all across the region. I have presented stories and photos from the trail in towns across Maine and the room is always crowded. Why is that?

It's because Mainers value and adore our special, wild, protected places. Some live there, some have visited, some never will. But all imagine the vast views across lakes, the call of loons, the trickle of water dripping from a feeding moose's antlers, the thrill of whitewater. And all of this is ours to dream of or even experience, in part because of the adjacency rule.

Sure, I can understand that some large landowners may want to increase their development potential and thus property values through the proposed changes to the rule. Who doesn't want their investment to grow? But I would argue that significantly changing the rules will only favor

these landowners. Not the struggling rural communities nearby, not the emergency service providers who will have to expand their reach, not the animals who rely on contiguous habitat for survival, not the guides and outfitters who rely on these regions for their business.

Furthermore, most of these landowners fully knew the restrictions on their land when they purchased it. To me, this is like buying my house in Ellsworth in a residential zone, and then asking the town to change the zoning to industrial so that I can create a factory to make more money. Much like a factory, subdivisions, developments, and roads leave a mark on the land that is hard to erase.

I am not wholly opposed to making changes to regulations as they stand. Some refinements may be called for over time. I think the adjacency principle is a solid position to work from, and I hope you will choose to maintain it, in its essence. Many of those who have commented before me in support of the adjacency principle have presented solid suggestions for what changes might be reasonable or should be avoided. I defer to their expertise and comments.

Thank you for your time and close consideration of this issue.

Sincerely,

Nicole Grohoski
Ellsworth, Maine
grohoski@gmail.com

Comments Concerning the Draft of the Proposed LUPC Revised Adjacency Principle

April 11, 2018

D. Gordon Mott

I am a landowner of a modest acreage in a town in LUPC territory in Penobscot County. I am a forester in private practice in Southern Aroostook, Northern Washington, Penobscot, Coastal Hancock and Oxford Counties. I am a user and supporter of the standards and important work of LUPC and formerly of LURC for three decades. I have some understanding of the challenges for the Commission and for the Staff to balance development and to maintain working forest and to sustain the natural values within LUPC Territory. I have the perspectives of living in an Organized Town in LUPC and knowing the North Woods.

As I begin to understand the revised proposal, I wish to extend compliments to staff and the commissioners. This revision has many aspects that are appealing and I agree something is needed. Please take the comments to be offered are intended to contribute to improving a good thing. I speak with illustrations from one particular Town where I have some detailed knowledge.

1. The definition of the 4-mile wide orange zone where subdivisions and commercial development can go forward without zone changes is, understandably at this stage, placed with a broad brush. If I understand correctly, it is intended that the ultimate Rule or Standard will of course have many exclusions such as wetlands and other protectively zoned areas. I believe there are a number of other things that could and should be recognized up front. And I recommend that staff, cartographic capability and time commitments be made to place the new developable zones on the maps just like all the other zones are placed on the individual LUPC zone maps, in advance for local review before the rule is adopted, especially in areas where there already is considerable development and where local land use planning will likely be desired by the local inhabitants and landowners.

2. For example, under the broad orange area defined for Lakeville there are the following elements that should probably be excluded from maps:

- There are three subdivisions established about 1989 comprising about 40% of the Orange Area where the deeded restrictions prevent any commercial development, minimum lot size is 10 acres and only one division can be made on the original shore. No small lot subdivisions could be constructed within the pink area in the orange zone and there can be no commercial development. Should it be excluded from the local developable or commercial area and not shown on the zone map?

- There is an undevelopable 1800 acre Public Lot that is being managed by Bureau of Parks and Lands mainly for forest production, recreation and wildlife.

- There are 270 acres in Town-owned land being managed for forest production, recreation and wildlife. The local voters will likely want to discuss and come to a conclusion whether they will want to designate their ownership to become common ground green space for the future of the community to produce forest revenue and opportunities for multiple-use, or whether they will want to designate the area to be developable requiring taxation to pay for increased education costs, waste services and road maintenance for an expanded population. Should the option be extended to the Town for a local decision to be made in that area?

-There are about 700 acres out of 12,500 owned acres of Penobscot Nation Tribal Trust Land along the partial shores of two lakes and a stream. Should the development standards of their lands be established

by the Penobscots and not LUPC? There are also two small bits of Penobscot Nation land elsewhere in the orange area.

- There are about 2500 acres in another subdivision within the Orange Area where there's a minimum lot size of 10 acres on all lots that do not have shore frontage. The shores there are almost all divided in 200-foot non-spaghetti lots.

Outside of the Town of Lakeville, there are similar considerations in towns nearby.

- Carroll Plantation has a large orange area designated developable where there is an extensive area of large lots that are deed restricted not to be divided. This area must come out of the small lot developable area and again some detailed local definition is warranted.

- It is noted that the Town of Prentiss does not have a designated orange area even though it has two State highways running through it and development has already gone forward there for a century. Other towns in the region are also not designated with an orange area and the information is that is because there is no area that qualifies as a Retail Hub. Admittedly, there are long stretches where there are scant commercial establishments but there are some – the Town of Danforth, e.g. where there are Service Stations, small stores, even an undertaker and a school. Perhaps it would be useful to conclude that regions where there are operating schools could qualify for some orange area.

I would note that UPS and Fedex get along these roads every day. With Amazon, Walmart, Staples and all the other on-line capabilities that let us avoid leaving the woods to go to Town because services come to us, perhaps some weight can be given to this as a factor in defining where development can occur.

Finally I would importantly note that I believe some other factors could well be included when defining areas that should be excluded from areas where development can proceed without pause. We know our Farmlands with Soils of Statewide significance are the first to go when push comes to shove for the struggling farmers. The lands go readily for houses. Given that LUPC's role includes efforts to bring about rational development and care for our natural resources, I would urge that care be given to excluding this precious resource from the easy development area. These soils are already mapped and locations are readily available on line. We have some in LUPC territory. I know it's a bigger problem for agriculture than will yield to zoning, but please consider giving whatever thought and care you can to find fair ways to avoid encouraging development in these special agricultural areas. Our future people will want us to have been careful on your watch so that our future communities can produce food.

And there's more candidates for exclusion, including areas that are on the Natural Areas list in the 4-mile zone. But enough for now. Thank you for attention and the time you give to this public service.



D. Gordon Mott
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Lakeville ME 04487
207-738-2180
Forester@AlmanacMtn.US

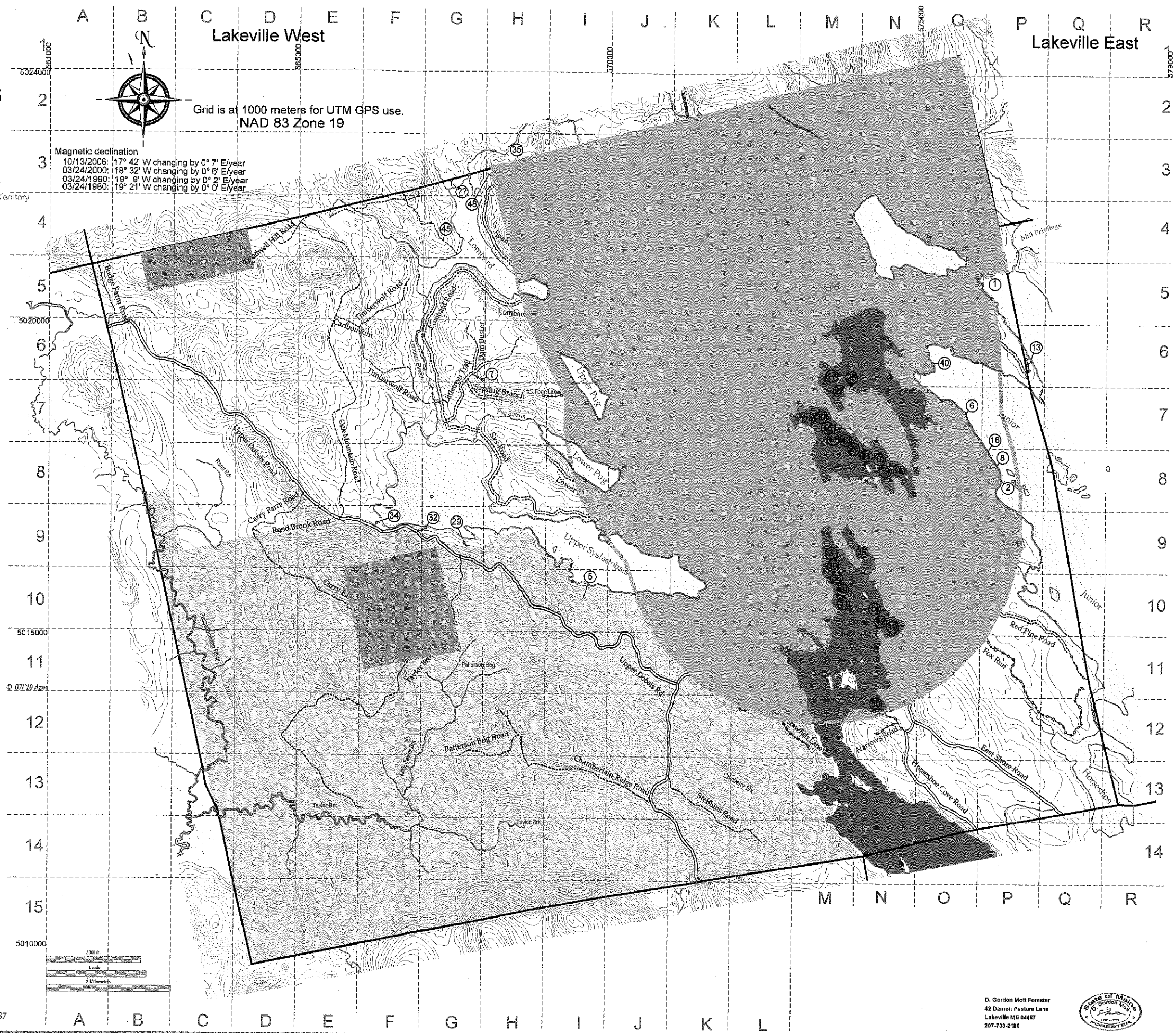
Lakeville

Penobscot County, Maine, October 2006

- Town paved
- Town All-season gravel
- Town Seasonal gravel
- Private gravel
- Restricted Association Roads
- Minor Private Roads
- Private primitive ROW's

- Barrier
- Public Lots
- Town Lands
- Penobscot Territory

Grid #	Grid #
Bailey Ln P-5 1	Lynx Ln G-9 29
Bama Rd P-5 2	Mallard Dr N-9 9
Bayview Rd M-9 3	Memory Ln K-6 6
Bear Mountain Rd L-8 8	Middle Rd O-10 10
Bearce Rd J-3 3	Mill Privilege Rd O-3 3
Birch Hill Rd O-3 3	Moose Run Rd M-9 30
Blake Chase N-4 4	Mossy Rock Ln N-8 31
Bobcat Wy I-10 5	Muskrat Ln F-9 32
Bottle Lake Rd L-6 6	Narrows Rd N-12 12
Boyce Cove Rd O-8 8	Oak Mountain Rd E-7 7
Brady Ln O-7 6	Old Tower Rd K-7 7
Bruin Path G-8 7	Partridge Run O-8 33
Budge Farm Rd A-5 5	Patterson Bog Rd G-12 12
Camelot Ln P-8 8	Peaceful Ln F-9 34
Caribou Run E-5 5	Pickering Point Rd I-7 7
Cary Farm Rd D-9 9	Pine Cone Tr O-8 8
Chamberlain Ridge Rd L-13 13	Porcupine Run H-3 35
Chance Ln O-5 9	Possum Wy K-11 11
Chantrelle Ln N-8 10	Private Property Ln O-8 8
Cody Wy O-7 7	Pug Lakes Rd I-7 7
Coyote Trl L-11 11	Quail Ln N-9 36
Crawfish Ln L-12 12	Rabbit Run N-3 3
Dam Buster Br G-6 6	Rand Brook Rd D-9 9
Damon Pasture Ln K-4 12	Rapala Rd ?? 77
Deer Run P-5 5	Red Pine Rd N-9 9
DeLaitte Dr P-6 13	Ricker Rd L-2 2
Depot Rd L-7 7	Ridley Dr M-7 37
Dill Valley Rd I-5 5	Rocky Rd N-4 4
Dove Dr N-10 14	Salmon Rd L-10 10
Duck Lake Rd K-2 2	Sapling Br G-7 7
Eagle Ridge Rd I-4 4	Serenity Ln L-10 38
East Shore Rd N-9 9	Sheila Dr N-11 11
Ed Hoey Dr M-7 15	Shoobox Ln N-8 39
Enchanted Ln P-8 16	Someday Ln N-6 40
Firefly Ln M-7 17	Spaulding Pond Rd H-3 3
Fishermans Crsg N-8 18	Stebbins Rd K-13 13
Forest Hbr N-11 19	Stream Rd P-10 10
Four Lakes Ln I-7 7	Sun Valley Dr M-7 41
Fox Run P-11 11	Sys Rd H-7 7
Gap Rd J-3 20	Taylor Brook Rd F-11 11
Getchell Mountain Rd N-2 2	Teachers Turn N-10 42
Gowell Rd N-3 21	Timberwolf RD F-7 7
Half Pint Ln M-7 22	TLC Ln M-7 43
Hamilton Rd M-8 8	Tolerance Alley I-3 44
Harvey Rd O-6 6	Town Hall Rd K-4 4
Hemlock Ln N-7 23	Tozier Ln G-4 45
Hilltop Rd J-6 6	Trafton Ln N-3 46
Hobbs Rd M-3 3	Trappers Point Rd O-8 47
Horseshoe Cove Rd O-13 13	Treadwell Hill Rd D-4 4
Hummingbird Crsg M-7 24	Trout Rd L-10 10
Keg Ln M-7 25	Turtle Point Ln H-3 48
Lakeville Shrs N-7 7	Upper Dobsis Rd D-7 7
Lightning Ln M-7 26	Upper Pug Rd I-8 8
Littletrees Trl G-7 7	Vistaview Rd J-8 8
Lombard Rd G-6 6	Wilderness Wy M-10 49
Long Point Rd N-5 5	Wilson Dr N-12 50
Loon Ln O-5 27	Windy Shores Rd M-8 8
Lowell Brook Rd L-3 28	Witch Hobble Rd M-10 51
Lower Rd I-8 8	



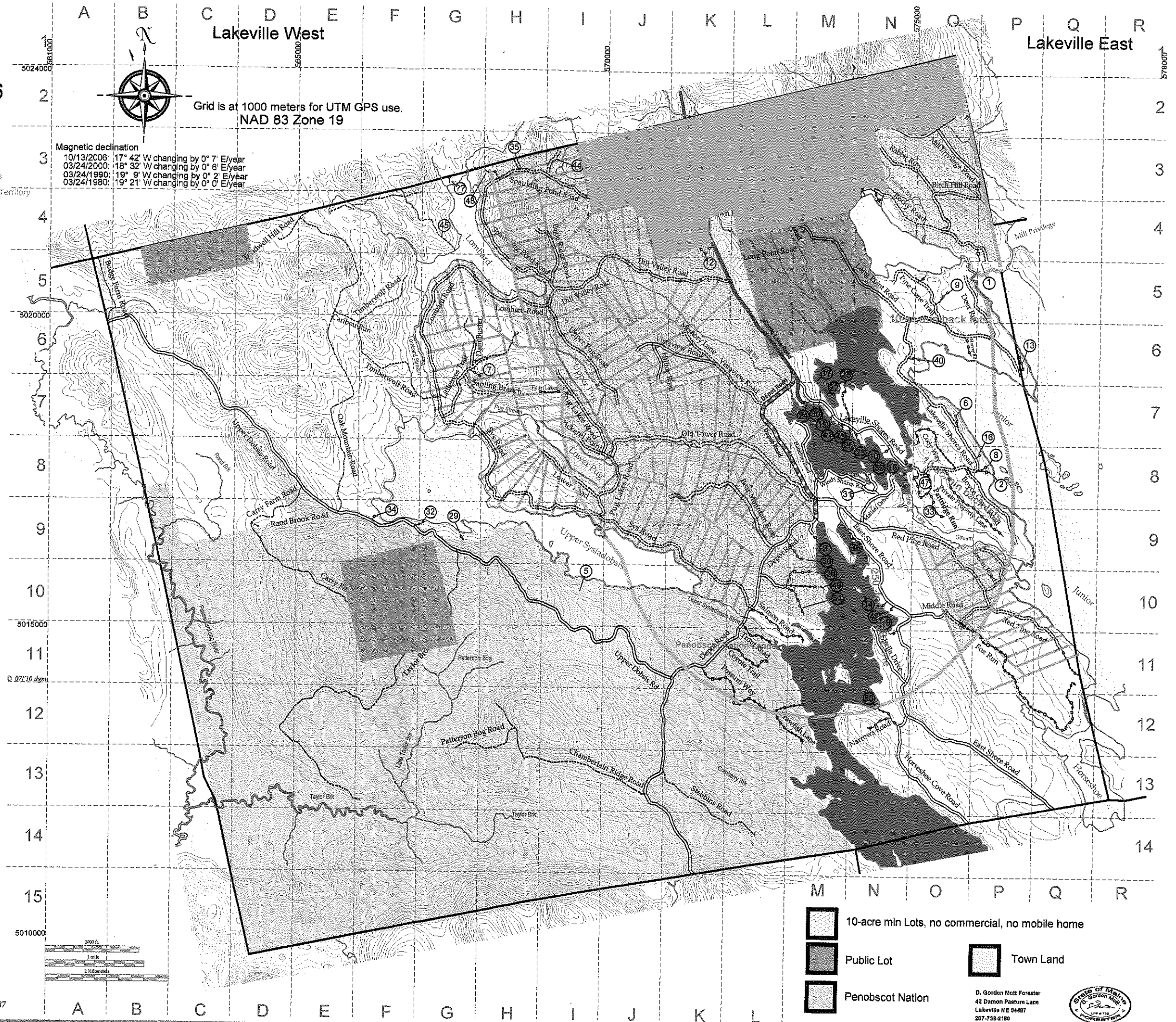
Lakeville

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Godsoe, Benjamin

From: twohuffs@tds.net
Sent: Thursday, April 12, 2018 11:16 AM
To: Godsoe, Benjamin
Subject: yesterdays meeting in Bangor:

Dear Mr Godsoe,

I attended the meeting yesterday pertaining to Unorganized Territory and development. There was a man who spoke and said if it isn't broken why fix it and I agree!!

I came to Lexington twp, for the peace and quiet, I like hearing the frogs early morning in the spring and I like watching the wild life. Where will the animals go when manufacturing or other subdivision comes in? Please think about this and make my voice count.

Paula Huff

Lexington Twp, Maine

April 9, 2018

Maine Land Use Planning Commission
Board of Commissioners
Everett Worcester, Chair

Re: Adjacency Review
Comments of Alan Michka

Attached are my comments with regard to the LUPC staff's March 23, 2018 proposal for replacing the adjacency principle with a new approach to be used in guiding "*where new zones of development can be located.*"

I truly appreciate the dedication and effort the staff has put into this pursuit, though admittedly, I'm still not convinced that such a drastic change is warranted. Nevertheless, it's a Herculean task that I'm sure sometimes feels like an attempt to thread a needle.

The following comments are made strictly in reference to the proposal document dated March 23, 2018. I realize there are a great many more details yet to be determined. If I have misunderstood anything in the document, I apologize. If I don't yet have enough information to form an accurate picture of what is taking place, I hope I can get the needed information in the near future.

Thank you for the opportunity to share my thoughts on this important matter.

Alan Michka
Lexington Twp.

Comments

1. While it's probably reasonable to review the adjacency principle, I believe the current proposal to replace it goes both too far, and not far enough. Too much land is included in the primary and secondary locations, and too few provisions have been made to assure that the absence of the adjacency principle won't lead to less protection from incompatible or inappropriate uses.

The distances used to identify which locations will be targeted for new development don't come with a strong explanation to support their use. While the proposal alludes to the importance of guiding development to the most appropriate places, I didn't see much evidence that would help me understand why these metrics are a good way to do this.

Is it possible that five miles makes more sense than ten miles? How would we know, one way or the other? Is it possible that public road distance is more supportable than "as the crow flies"? Without a clear understanding of what makes these distances valid, I'm left wondering whether the distances used were influenced by a perceived need to include a minimum threshold of acreage in the primary and secondary locations.

2. The adjacency principle has been characterized fairly as a "blunt tool" and in need of refinement. However, I believe it's possible to make similar criticisms about the current proposal. For instance, the criteria for identifying "primary locations" seems to be based in large part on the following concept:

It emphasizes using proximity to public roads and populated areas that provide services to locate most types of residential subdivision and commercial activities. The goal of locating these uses near towns, townships and plantations with substantial retail activity (called "retail hubs" in this proposal) is to provide services in a cost-effective manner and avoid the negative effects of development in distant areas. (p. 1.)

Generally, that seems like a sound and reasonable idea. But then, the proposal uses a 10-mile "as the crow flies" metric to tie the primary locations to previously identified retail hubs. In actuality, some of these primary locations will be 30-40 miles away from the respective hubs by way of maintained public roads, e.g. Carrabassett Valley or The Forks Plt. to Pierce Pond Township. This seems to be a contradiction of the ideals embodied in the above statement.

Also, the proposal imagines a separation of locations that can be posed by water or I-95, but curiously, doesn't imagine a separation posed by other significant landscape features, like mountains.

The measurements of distance from retail hubs are “as the crow flies” except that the measurement is not carried over a waterbody or interstate highway unless such areas are contiguous with another primary or secondary area. This approach is intended to account for situations where development on one side of a waterbody or interstate highway is effectively separated from a town on the other side because it is such a long way around. (p. 7.)

It’s not clear to me why this distinction is made along these lines.

3. Statements within the proposal seem to highlight the outside role the adjacency principle has played in past Commission rezoning decisions.

Adjacency has frequently been a major factor in rezoning, however, it is not the only factor. (p. 1.)

The Commission has used the adjacency principle as a tool to guide new zones for development to locations that satisfy the sound planning and zoning principles articulated in the statute and in the CLUP. These principles can be thought of as objectives that need to be achieved when locating a new zone for development. (p. 3.)

With regard to the ten objectives that follow the above statement, is it realistic to believe that these objectives can be – or *will* be - sufficiently honored by the “general criteria” discussed in the proposal, or whatever remains once the adjacency principle has been discarded?

It’s my sense that the adjacency principle, overall, has likely done more good than bad in satisfying these objectives. Barriers to incompatible development were baked into the formula with the one-mile rule of thumb. Without it, what safeguards will take its place, if any? It’s not clear to me that the proposal can, in application, adequately fill the void that will be left by abandoning it.

Yes, there are other factors considered in rezoning petitions, as the proposal points out. But, will those other factors, and the way they’re applied, be sufficient to fulfill the listed objectives in the absence of the adjacency principle? Will these factors take on new or added rigor to assure that new uses or rezonings are compatible, appropriate, and unlikely to alter the character of an area?

The proposal envisions the development of general criteria to evaluate compliance with the objectives that were the focus of the adjacency principle. These criteria could be the key to making this proposal work and would need to be clear, unambiguous and truly reflect the objectives listed on page 3 of the proposal. Would the criteria exhibit awareness of the negative impacts that new forms of development can have on UT communities and the people who are invested in them? Can the criteria be formulated to be robust enough to fill the vacuum left by the elimination of the adjacency principle?

I think these are fair questions since the proposal doesn't attempt to make any determinations about what kinds of uses are appropriate or compatible in the primary locations, *and* there will no longer be a simple, effective tool to screen out incompatible development.

I apologize for repeating myself here, but this is a significant concern of mine.

4. The proposal uses contradictory language in describing what it aims to do in primary locations. One statement reads:

The proposal is to allow most residential and commercial uses in areas that are generally no more than 10 miles from a retail hub and 2 miles from a public road. (p. 2.)

Further on, the proposal states:

Siting within primary locations for commercial and industrial uses is flexible, therefore the general criteria will be used to ensure that specific rezoning proposals are compatible with the uses in the area. Usually this will mean rezoning to D-GN, D-CI, or D-RB. (p. 8.)

The first statement seems to imply that "most residential and commercial uses" will become allowed uses in primary locations. It's my understanding that *allowed use* implies that appropriate zoning is already in place. Yet, the second statement seems to say that rezoning must take place first.

Does the first statement express a philosophy or intent by the Commission that most anything will be allowed in those areas identified as primary locations? If so, this would be very troubling.

5. The following statement seems more hopeful than likely.

If it is unrealistic to expect services in resource-based locations, then existing and prospective lot owners should be made aware. (p. 7.)

How realistic is it that new buyers would be made aware of the lack of services at a given location? Does the LUPC have the authority to enforce such a notification? Even if notified, what prevents future lot owners in remote areas from demanding services? They *would* be taxpayers, after all.

6. The following statement appears under the heading of "Resource-dependent commercial recreation".

Traffic, lighting, or noise generated by the facility must be appropriate for existing roads, and otherwise not have a negative effect on the character of the area. (p.

12.)

How would this be determined? Shouldn't this apply to *any* rezonings at *any* location?

It also brings up another question. The existing LUPC standards for lighting, noise, signs and traffic have historically been applied in a regulatory framework that greatly limited incompatible development, in no small part, through the application of the adjacency principle. So, problems with these things have been somewhat self-limiting.

But, without adjacency, and in a new environment in which the Commission says it will *encourage* new development, will the existing standards – noise, light, traffic, signs, etc. - be adequate to maintain the character of the region? Would this proposal mean more commercial development under site law, in which standards are different and might be more permissive than the LUPC's?

This deserves some thought, given the historic enforcement difficulties with some of these issues. In all honesty, and with no disrespect intended, I don't have a great deal of faith that issues like noise and lighting can, or will, be enforced effectively by State agencies once a permit has been issued, especially in the case of commercial/industrial uses.

7. The proposal includes the statement:

All natural resource processing uses must be in locations at least ½ mile from dense patterns of residential development (as defined in the D-RS subdistrict description), and at least ½ mile from management class 1,2 or 6 lakes. (p. 12.)

How far would these processing uses have to be from *other* features or uses, such as the Appalachian Trail?

8. Fortunately, the real potential for problems with the pacing of development is given attention in the proposal, but I'm a little puzzled by the following statement regarding how problems that arise might be handled:

...if large amounts of development are proposed in a short time frame, considering the likely effect on community character and approving only as much additional development as the community can handle within the proposed timeline; (p. 15.)

What exactly does this mean? It doesn't give any insight into how this could possibly be measured or accomplished. Is it realistic, or just hopeful?

9. The proposal expresses concern about risks in remote areas, presumably those areas labeled as resource-dependent locations.

However, the risks of excessive or poorly planned development in remote areas is significant. (p. 13.)

Pending more information and further clarification on how the proposal would be applied, I would suggest that the risks of “excessive or poorly planned development” could also be significant in those areas identified as primary and secondary locations.

10. There were over 2000 responses to the LUPC’s survey, the majority of which were from residents and property owners. In all probability, most of these people are likely to live or own property in those areas the proposal identifies as “primary locations”. The survey also revealed that the majority of respondents don’t look favorably on the prospect of more development in their communities or areas of interest.

“In all survey data regions, and in all groups of survey respondents (such as those who live in an area, or those who just recreate or visit there), respondents generally did not want to see more commercial business development in the community or area they identified.” (Source: LUPC survey, p. 9.)

“fewer than half of the respondents indicated a desire for more residential development.” (Source: LUPC survey, p. 15.)

If the survey results - the voice of the stakeholders - is an important factor in this process, then it seems reasonable to question whether or not this proposal is truly reflective of those results. It seems that the proposal aims to encourage development in the very areas where the majority of stakeholders live or own property and have advised the Commission through its own survey that they don’t favor more development.

The proposal points out that:

The Purpose and Scope section of the Commission’s statute states that “it is desirable to extend principles of sound planning, zoning and development to the unorganized and deorganized townships of the State ...” (p. 3.)

But, additionally, the Purpose and Scope section goes on to direct the Commission to “*honor the rights and participation of residents and property owners*” in its jurisdiction. I’m aware that residents and small property owners aren’t the only voice in the jurisdiction, but the significant statement they made in the LUPC survey should be apparent in the details of any rule that might come out of this proposal.

11. The proposal sets the following as objectives that should be achieved with the new proposal.

The new system should achieve objectives that relate to supporting the economy and natural resources of rural Maine, and benefit rural Maine communities and the people who live, work, own property, and recreate there. (p. 1.)

These are worthy objectives, no doubt. But, it's not clear to me that these objectives are the focus of the proposal. I do believe the proposal makes a genuine effort to limit development in most of the more remote areas, but the degree to which benefits will accrue to the surrounding communities, and the people who live, work, recreate and/or own property in the jurisdiction, is not nearly so apparent.

What does seem obvious in this proposal, are the potential benefits for large, commercial landowners. I say this without the slightest bit of cynicism or accusation. It's just an observation that seems obvious.

However, I'll temper my opinions on this until more details become available on how this new process would be implemented.

To: Land Use Planning Commission

From: Roger Merchant, Forester and Photographer

RE: Comments on Adjacency Refinements

Date: April 12, 2018

The following comments about the LUPC Adjacency Proposal come from attending the April 4th informational meeting in Millinocket. Additionally, my points are informed by a 30-year career with UMaine Extension in Piscataquis County, focused on forestry, tourism and rural economic development. I've had a lifetime of personal and professional engagement in Maine's unorganized territories, between the Boundary Mtns. on the west, to Vanceboro on the east, since 1965.

Agreement-Questions-Disagreement:

The idea of anticipating, planning and managing for future rural economic development activity, the types, patterns, locations of specific developable possibilities, and the related physical and social infrastructure needed by those possibilities; at the outset seems to be a positive, wise approach to managing where development will and/or won't occur in the unorganized territories (UOT). And, you are to be applauded for locating this anticipated future in "orange zones" along main travel corridors connected to Maine's small towns.

However, the expanded size-scope of this new future is truly mind-boggling to me. It leaves me with unanswered questions and very conditional support for what is being proposed. Given the size and scope, here is my evolving premise and questions.

- Somebody or some institution or state government must have some inkling of an idea or information, suggesting and documenting that rural Maine needs to prepare for what's coming, a huge shift and growth in rural economic development activity that will be occurring adjacent to the retail centers of small Maine towns, associated with the UOT's. As I read and hear what's up, one thing is undeniable, and that is the fact that the Adjacency Proposal jettisons the prior "one mile zone", replacing it with a "highly variable zone" some 2 to 5 miles wide. What's informing and driving this huge change?
- Questions: Nuance this however you wish, but going from one mile, to a two to five mile wide development zone is a significant and huge expansion of zoned possibilities, and for what? Anything and everything? Industrial development? Sawmills? Wood chemical extraction? Specialty wood products? Small business development? Resort development? Subdivisions for first and/or second homes? Please tell me and the public, who is knocking on our UOT doors, wanting an expanded, future base of developable lands in the UOT's for industry, business and subdivision?

- And More Questions: What are some of the specific anticipated changes in prospects for rural economic development? What does the research say about this? What are the actual real and/or imagined developable possibilities for rural economic development around these small, remote towns and that will require a much-expanded zoning-zone as demonstrated by the Adjacency Proposal? What is driving this, and who is driving this?

Looking at the maps and details, the Adjacency scheme looks like someone's version of creating "business park and subdivision development" across Maine's UOT's.

Having worked extensively in natural resources, tourism and rural development with UMaine Cooperative Extension, I'm surprised that LUPC is not taking a more active role in assessing tourism related assets within the UOT's, evaluating their worth and value to visitors, as well as their vulnerability to degradation due to "adjacent over-development".

Example: Expand the orange zone west of Rt. 301 north and south of Jackman, into the remote, protected Attean-Wood Pond landscape and you will destroy the rare, naturally occurring remote recreation and solitude that is currently found there.

I also bring this tourism asset point to LUPC attention from a conversation between the Piscataquis County Economic Development Council and then Governor Angus King who showed up every spring for a work session with PCEDC. In talking over the rural issues we acknowledged tough economic conditions across rural Maine. However, King noted that our rural region had something unique, that no one else in Maine or New England possesses. He said, "you have this incredible abundance of natural resources that is the very reason for why people come to your region. The lakes, the rivers, the forests, the mountains, these are your natural assets."

However, the Governor cautioned us about how we manage and develop these assets. Granted, King was pro-wind power, yet he suggested that if we give away these natural assets, willy-nilly, then we might well lose the very things in our backyard, the natural, cultural and scenic assets, that brings folks to rural Maine in the first place.

This was true then for an economic development council launching tourism initiatives, and its just as true now for a region faced with more wind and power line proposals, as well as expanding business and subdivision zones in the UOT's. This will likely alter and adversely degrade the scenic and natural resource values inherent in our natural assets, assets that draw people to our region, supporting small businesses rural economy in and around Maine's UOT's.

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**Comments from Maine Audubon in Response to
LUPC Staff Proposal re: Application of the Adjacency Principle**

April 11, 2018

Good morning Chair Worcester and members of the Land Use Planning Commission. My name is Eliza Donoghue and I represent Maine Audubon and our 30,000 members and supporters. Thank you for the opportunity to address the Commission about the staff proposal regarding future application of the adjacency principle ("proposal"). Thank you also to the Land Use Planning Commission (LUPC) staff for their commitment to public outreach during this process and for the time and creative thinking they have devoted to the question of how to address future development in the unorganized territories.

The challenge before the Commission is how to strike a balance between providing opportunities for development in the jurisdiction and honoring the core values and overall planning goals and objectives of the Commission, including protecting natural resources and fostering smart planning, especially in the face of changing land ownership and forestry and outdoor recreation market forces. We recognize that finding the right balance is not an easy task and our initial reaction is that this is not the right balance. The staff proposal would, at once, open up nearly 2.5 million acres to development. We acknowledge that the actual acreage available for development would be less than this, once conservation and undevelopable lands are removed, but that does not diminish the significance of the shift.

Broadly, we are very concerned that the proposal does not meet basic Comprehensive Land Use Plan (CLUP) objectives, including:

- Protecting natural resources;
- Ensuring orderly growth and pace of development; and especially
- Allowing for the assessment of incremental impacts before adding new development.

We are also concerned that the proposal, which involves a lot of uncertainty and subjective interpretation, will be difficult to implement by present and especially future staff and Commissions, and consequently will be much more difficult to legally defend due to inconsistent application of the rules.

Below are specific concerns regarding the staff proposal, along with recommendations for how the Commission might further explore those concerns as you consider the staff proposal. This is not an exhaustive list. We would like to provide additional thoughts and comments as this conversation evolves, and would appreciate the opportunity to do so.

- (1) Scale of the proposed development areas and the pace with which the areas could be developed.**

Under the current approach, areas available for rezoning become available over time as individual subdivisions and businesses are proposed to be developed. Under the staff proposal, development could occur in nearly 1.85 million acres overnight. This figure removes conservation areas from the proposed developable area, but does not take into consideration areas that have site-specific restrictions or may not be developed due to landowner intent. This is not consistent with the CLUP principle of “orderly growth and pace of development” and could potentially stress adjacent municipal services and infrastructure and deprive the Commission of the ability to carefully plan, reduce, and assess incremental impacts to natural and community resources and values across the jurisdiction.

Furthermore, we do not think that landowner intent should be considered a “sideboard” against expansive development. Landowner desires and market conditions change over time. It is our strongly held view, a view that we believe is consistent with the CLUP, that the Commission take the long view on directing and permitting future development and not make guesses based on current conditions regarding future development pressure. Changes to the adjacency principle will be perceived as a “sign off” (additional rezoning standards aside) on the location of future development. As such, the Commission should only make available for rezoning areas that are consistent with the CLUP and not rely on a “feeling” that landowners will only develop a portion of the available area.

We have given our concerns regarding the scale and pace of development careful thought and urge you to consider modifying the staff proposal in ways that are consistent with the overall goals of the Commission and input from respondents to the staff survey conducted in 2017. We encourage the Commission to explore alternative approaches through additional GIS analysis and mapping and conversations with stakeholders, including the following:

- a.) **Measure the distance from a retail hub from the center of the actual hub, instead of from the edge of the township.** We understand that the 10-mile distance presented by staff is a reasonable distance for emergency services to travel, per conversations with those that provide such services. However, townships are six miles across, meaning that depending on where in the township the actual hub is located, under the staff proposal emergency services may have to travel as many as 16 miles to reach their destination. By measuring the breadth of the primary and secondary areas from the actual retail hub rather than the edge of the township, there is a greater likelihood that emergency services would travel a reasonable distance.
- b.) **Narrow the development area to areas proximate to service centers, not retail hubs.** We applaud the proposal’s emphasis on locating development proximate to existing communities. However, we are concerned that retail hubs, which have been included in addition to service centers as areas from which to measure new development areas, do not meet this goal. Economic activity alone does not necessarily indicate community.

- c.) **Measure the distance from service centers by road mile, not as the crow flies.** We appreciate the simplicity of measuring “as the crow flies”, but people do not travel by crow in the jurisdiction—they travel by car.
- d.) **Reduce the distances for determining primary and secondary areas in order to achieve a better balance between development and the core CLUP principles discussed above.**
- e.) **Expansion of “Level 2” (i.e. General Management) subdivisions.** Level 2 subdivisions, called General Management subdivisions in the staff proposal, are subdivisions that are allowed without a rezoning. Currently, such subdivisions are allowed in the General Management (M-GN) subdistrict within 1,000 feet of a public road in certain townships. Under this proposal, these new General Management subdivisions would be allowed in the M-GN subdistrict within primary areas, as long as they are within a ½ mile of a public road. Once the proposed subdivision demonstrates that the design meets some basic standards (yet to be developed), the proposed subdivision only requires a permit. This represents a *significant* expansion of potential development area all at once, without rigorous oversight or ability to assess incremental impacts. A rezoning petition typically provides the opportunity for the Commission to assess incremental impacts. Level 2/General Management subdivisions do not require a rezoning.
- f.) **Include additional criteria beyond mileage to help determine where development is appropriate.** For example, much more acreage is included as primary and secondary development areas in western Maine than in northern Maine, in large part because there are more retail hubs in western Maine. It is essential that staff carefully consider how locational concepts are born out on a map. The more than Maine Audubon studies the proposal maps, the more we question whether these “one size fits all” concepts (such as measuring a certain distance from retail hubs) meets the needs of and addresses the concerns expressed by survey respondents, in particular natural resource conservation and supporting existing community development.

(2) Siting and permitting residential subdivisions.

- a.) **Resource dependent subdivisions.** We are very skeptical about this aspect of the proposal, which says that residential subdivisions are allowed if they are dependent on a specific recreational experience, such as a lake or a trail. This standard is highly subjective, will likely be interpreted differently by future staff and petitioners, and as such, would be difficult to defend legally should a Commission decision be appealed. Nearly all, if not all, second home owners in the jurisdiction make their purchase because of the surrounding resource—they desire to be in Maine’s beautiful North Woods. This does not amount to a dependency and could result in sprawling, fast-paced development.

b.) Development on lakes. Under this proposal, all Management Class 3 lakes, lakes that intersect with primary and secondary locations (if the lake classification allows for development), and other Management Class 4, 5, and 7 lakes (for resource dependent subdivisions only) would be open for development. We are incredibly concerned about this aspect of the proposal, as increased development could negatively impact water quality, riparian habitat, stream habitat, and both aquatic and terrestrial connectivity, and homeowner and recreationist experiences.

While the management classification system will help to balance the amount of development on these lakes, it cannot adequately address the pace of development, as all listed lakes will immediately become available for development if the rules are promulgated. Management Class 7 lakes are particularly vulnerable. Enough about these lakes is known to not classify them as high value (Management Class 1 or 2), but often not enough about these lakes is known to afford them protections more stringent than those assessed on more developed, lower quality lakes.

c.) Low density subdivisions. Allowing for low density (i.e. “kingdom lot”) subdivisions is an inefficient use of land and would represent a dramatic departure from current Commission policy. Between 1989 and 2001, the Legislature passed multiple bills to limit this type of development, which it deemed inconsistent with the CLUP. “Large lot” subdivisions result in house lots that are no longer available for forestry and that fragment wildlife habitat—uses that should be supported by the Commission under the CLUP.

d.) Proposed residential subdivision rules must be considered in tandem. It is nearly impossible to assess the proposed changes for siting development with little knowledge of the proposed changes to the subdivision rules. It may be that the proposed subdivision rules alleviate some, though probably not all, of our concerns. For instance, smart subdivision layout and design may protect lake quality. This “location of development” proposal and the proposed subdivision rules are so intertwined that they must be considered and approved together.

(3) More information, feedback, and time will lead to a better result.

a.) The Commission should complete a land use inventory. Much of this proposal is difficult to assess because no one knows precisely what is currently “on the ground” in the jurisdiction. While the Commission has a record of permits, it does not have a record of which of those permits have been built out, begging the question of how many buildable lots are located in the jurisdiction, and what types of lots are/are not marketable, etc. A land use inventory would go a long way toward determining the desires of the marketplace.

b.) The Commission should direct the staff to complete a series of alternative approaches to the revised adjacency proposal, based on our recommendations. Several alternative approaches and analyses, such as those outlined above, should be mapped and shared with stakeholders and the public.

c.) Continue public outreach and feedback before drafting proposed rules. We also urge the Commission to continue their public outreach and seek feedback from multiple stakeholders and communities, specifically with nearby municipalities and service centers. Much of the success of this proposal relies on support from local communities and is premised on the ability of those entities to provide public services effectively and economically. Also, until now, there has not been an opportunity to respond to specific proposals. We believe that the Commission would benefit from additional opportunities for the public to respond to this proposal and alternative analyses, which are likely more accessible to the average jurisdiction landowner, resident, or recreational user than the previous, very broad ideas shared by staff. Continued conversation in advance of rulemaking will lead to a better result.

(4) Other concerns, questions, and suggestions.

a.) Small-scale recreation supply. It is not clear when this use would require a rezoning or would simply require a permit. It is also unclear whether existing Commission rules, the adjacency principle aside, already allow for the type of use contemplated by this aspect of the proposal.

b.) Farm stands. We recommend locating farm stands closer to the road.

c.) State Heritage Fish Waters. These are waters that have been designated by the Maine Department of Inland Fisheries and Wildlife for additional protections due to their populations of Brook Trout and Arctic Char. We believe that these waterbodies should receive additional protections under any new rule, as this is a valuable resource both ecologically and economically.

d.) Community Guided Planning and Zoning. It remains unclear why Community Guided Planning and Zoning efforts cannot be replicated in different regions in the jurisdiction instead of moving forward with this wholesale new approach. These efforts have been very successful and would serve to avoid a “one size fits all” approach.

Thank you once again for the opportunity to review and comment on the staff proposal before you. We urge you to carefully consider our comments and to move forward cautiously before making any final decisions about this new approach.



April 19, 2018

Mr. Nicholas Livesay
Executive Director
Land Use Planning Commission
18 Elkins Lane
22 State House Station
Augusta, ME 04330

RE: LUPC Adjacency Rule Review

Dear Director Livesay:

Thank you for the opportunity to participate in revising the LUPC adjacency rule. Prentiss & Carlisle manages over one million acres of timberland in Maine, with the majority being in the jurisdiction of the LUPC. While we don't frequently pursue development, preserving most of our client's land for forestry, we do have over 300 leased lots in Maine and have recently attempted some small developments in the UT that were unsuccessful due to the existing adjacency rule. I hope my perspective is helpful to you as you continue the rule making process.

I am encouraged by the efforts of the Commission and the LUPC staff in expanding opportunities for thoughtful development, particularly after reviewing both parts of the draft proposal recently released by the staff. While I think we're on the right track, I do have some suggestions for the proposal:

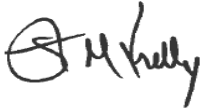
1. The current one-mile rule of thumb to site new development is too inflexible and broad to appropriately site development in the *entire* UT. There are certainly areas where the current rule is appropriate, and it should be preserved as one option for landowners to utilize when pursuing a rezoning. Areas that are adjacent or around a mile from existing development are likely good areas for development, and the existing rule appropriately includes those areas. However, areas that are simply slightly greater than one mile, but otherwise are appropriate for development, are excluded with the current rule. The best way to address this is to leave the current rule in place while simultaneously offering some expanded opportunities in line with the proposal.
2. The proposal places an emphasis on legal road access for subdivision development, and I heard many of the Commissioners state during the February meeting and the recent April meeting that legal road access is important to them when considering appropriate development. It is important to note that some development has no road access, particularly leased lots, and that many lots enjoy legal access via the waterbody they abut. I would urge the Commission to make the distinction between legal access and road access, particularly for recreational lots. Our lease agreements specifically state that road access is not guaranteed, as in many situations providing legal access via road is not possible due to crossing multiple landowners. By not guaranteeing road access, landowners also preserve the ability to close roads during spring runoff season to prevent damage, or to rebuild or move road sections.
3. The minimum density requirements for a resource-dependent subdivision in the proposal is one existing dwelling unit per half mile of shoreline, at least one dwelling unit per 50 acres of lake surface area, and a minimum of 5 existing dwelling units. I would propose loosening the density to one existing dwelling unit per mile of shoreline to be consistent with the density cap on a Class 2 Lake, and I would propose moving away from measuring surface area in determining density. The normal high-water line of a lake is typically easy to determine for the

minimum density, but lake surface area changes due to flowage, bog areas, etc. I think including lake surface area complicates the goal of minimum density.

- a. Landowner equity should be optionally included in the minimum density requirement for a resource-dependent subdivision. This will mitigate cases where one landowner selling a conservation easement, or declining to develop, would control all of the other owners on the lake. There are many instances of multiple landowners on one body of water. Some landowners might choose to pursue development, while others might choose to sell a conservation easement preventing development of their shoreline, or simply choose not to develop. Without landowner equity being considered, one landowner could prevent all others from developing by ensuring all development on one water body does not meet the minimum density requirement. Further, the land values of the other landowners would likely be affected, as the sale of a conservation easement by one landowner could preclude an easement sale by the other owners if there are no development rights to sell.
 - b. Conserved or protected areas, either by easement or zoning (such as Inland Waterfowl and Wading Bird Habitat), should not be included in minimum density measurements for resource-dependent subdivisions.
4. The maximum density requirements for a resource-dependent subdivision should also exclude lake surface area.

I appreciate the opportunity to participate in the rule revision process, and I look forward to discussing this issue with you further. As always, I can be reached at our Bangor office at (207) 942-8295, or by email at jmkelly@prentissandcarlisle.com.

Sincerely,
Prentiss & Carlisle Management Company, Inc.



John M. Kelly
Director of Real Estate Services

Godsoe, Benjamin

From: Beyer, Stacie R
Sent: Monday, April 23, 2018 7:52 AM
To: Godsoe, Benjamin
Subject: FW: Testimony for Revisions to LUPC planning

Ben,

I am forwarding these comments to you as they appear to relate to the review of the adjacency principle.

Stacie

-----Original Message-----

From: kilgarvan@pwless.net [mailto:kilgarvan@pwless.net]
Sent: Saturday, April 21, 2018 10:18 AM
To: Beyer, Stacie R <Stacie.R.Beyer@maine.gov>
Subject: Testimony for Revisions to LUPC planning

Dear LUPC Board members,

I was recently made aware you are accepting public comments regarding changes to your current restrictions regarding development projects in the Unorganized areas of Maine. SPecifically to increase the distance from current retail centers where such development might be allowed.

I have been a resident and property owner here in Aroostook County for some 45 years and live in Perham, which is quite close to unorganized areas and the North Maine Woods. I have been here long enough to see major changes in the local economy both good and bad. Most recently I have seen a positive effort that is getting results based on marketing our area as a wild and unspoiled destination for tourism, clean fisheries, and just a place to find the nature, peace, and quiet that has become so rare and desirable in today's over-developed, crowded and polluted world. A great deal of effort and expense has gone into marketing our region in that light.

The changes proposed would be a terrible idea and threaten that effort.

It is easy to imagine a sort of checkerboard development that would benefit a few big developers that would cut into the visual appeal that draws visitors, or creates both noise and light pollution where there was none before. Also, should any such developments be based close to our water resources also destroying the reputation of our fisheries. In that regard, metal mining comes quickly to mind, and you should take this opportunity to tighten, not loosen, restrictions on that type of polluting development. YOU could show courage where our Legislature did not by banning such mining outright, as there is too much at stake for our future to risk such destruction.

In any case, I am strongly opposed to the changes I have seen offered to increase distances from commercial hubs where new development would be allowed. It goes against the very character of our region, a character of undeveloped open vistas which now happens to be not only part of the quality of life for residents but we are finding is also a marketable feature as states south of us get overrun with developers making a quick buck. Also, which put a burden on sparse infrastructure resources up here. With development in new areas will come demands for more services and new roads. Does LC plan to pay for that road building and paving? We doubt it. In our small town we have struggled as it is just keep our few roads maintained.

In summary, the proposed changes that might seem to help the local economies here will have the opposite effect, hurting our present tourism, and adding a burden onto local communities as well as sucking potential new residences further away from small towns that already are losing taxpayers that surround unorganized areas. And potentially

creating new pollution sources in former pristine areas that end up in waters. That waste has to go somewhere. What police force will you fund at LUPC to see that such eyesores as trash or septic systems do not get out of control once they are out there? We have very thin law enforcement in the woods as it is and they have their hands full dealing with violations along ATV or Snowmobile trails. Don't create what amount to new mini communities far away from existing towns unless you are willing to fund infrastructure..

Please, leave your policy unchanged, if anything, add further tight protections, especially on any pollution sources like mining or other polluting type businesses that can harm our waters, our vistas, or tourism.

Sincerely,

Jeremiah Leary, Perham resident for over 40 years. 455-4450

Godsoe, Benjamin

From: kmichka@aol.com
Sent: Friday, May 11, 2018 1:13 PM
To: Godsoe, Benjamin
Subject: Lexington's Primary Location Designation, re: Adjacency Rule Change

Hello, Ben and Samantha.

Please consider the following information regarding content of the adjacency rule change proposal. At the April 2018 Bingham meeting, you mentioned the value of giving the Commissioners the best possible proposal draft on May 23, so I am hoping you will consider my information accordingly.

I have spoken with the UT Administrator for Somerset County. He confirmed that, indeed, Lexington Township's ambulance service originates in Carrabassett Valley.

I drove to the ambulance service business located at the Carrabassett Fire Station and Town Office complex. Again, I confirmed their contract and coverage for Lexington Township. I then drove the distance from that ambulance/emergency service complex to the southern Lexington Township boundary line marked by public markers on Long Falls Dam Road. My car odometer registered that distance as 19.5 miles. The route I drove is the only public road access to that boundary line. It is an additional 6.4 miles to the northern boundary of Lexington Township, bringing the total public road distance to 25.9 miles.

Of note, it is 7 miles between that same ambulance/emergency service complex and the rural northern town sign boundary between Carrabassett Valley and Kingfield, alone.

Just because a township is geographically located, in a straight line, less than or equal to 10 miles from a retail center, it does not make access between the two readily accessible. Lexington Township may share the corner tip of a boundary with Carrabassett Valley, but providing public ambulance service between the two is limited by the one public road that connects them. These mileage numbers make that point clear. Lexington Township also shares a boundary with Kingfield, but Kingfield does not even have ambulance service of its own, and there are vast open spaces, mountains, wetlands, and ponds forming natural barriers between the residentially populated area of Lexington TWP and Kingfield, which is Lexington Township's most obviously bordering, defined retail center.

If Primary Location map designations are partly predicated on the idea that emergency services are reasonably available based on a 10 mile measurement, then Lexington Township does not really fit that mold, based on the distances I am bringing to your attention. I am requesting that you designate Lexington Township something other than a Primary Location.

At the April Bingham meeting, we were told that the maps may need tweaking to reflect certain circumstances or conditions in certain places. This is a perfect example of one of those circumstances. Realistically available and cost-effective emergency services cannot be assured for Lexington Township if it is designated on the Primary Location map.

This concern is not just my own. Public services, such as fire and ambulance have been a constant thread of discussion throughout this process. The September 2016 Public Survey indicated a high ranking preference for development locations to be near public services and have access to

emergency services. The Stakeholder Focus Group Notes from August 2017 include many supporting references on the topic. Under "Discussion of primary locations:" on page 9 of the LUPC Commission Application of the Adjacency Principle Staff Proposal - Parts One and Two Combined, it states "The measurement of 10 miles from the boundary of a retail hub was chosen because of feedback from public officials about realistic emergency services distances and cost-effective public service provision." Many oral comments during public LUPC opportunities have focused on the availability and cost-effectiveness of emergency services aspect of this proposal, as well. These examples all demonstrate the need to ensure these services are reasonably available to Lexington Township as part of the adjacency rule change. Adding the township to the Primary Location map challenges the realistic availability of those services.

Just as you are working to refine the current adjacency principle, I am asking you to refine the currently proposed map to reflect my request.

As always, please phone me if you have questions.

Thank you,

Kay Michka
Lexington TWP

Godsoe, Benjamin

From: Alan Michka <alan.michka@gmail.com>
Sent: Monday, May 14, 2018 10:46 PM
To: Godsoe, Benjamin
Subject: A few thoughts

Ben, regarding the general criteria being addressed in the new rule....

Since your first draft is due out this week, it would probably be more efficient for me to stick to general comments until more specifics are available.

First - and I know you already know this - it's important that these criteria be written in a way such that their application could be expected to produce the same results in the hands of different people with different personal - and political - views.

The less open to interpretation the criteria are, the better. For example, instead of "*Establishment of new development subdistricts shall not unreasonably alter the character of the area....*" how about "*New development subdistricts shall be consistent with the existing character of the area....*" It seems to me that the latter phrasing allows far less interpretation than the former. Words like "unreasonable" invites a wide range of opinions. What's unreasonable to me in Lexington might seem very reasonable to someone living elsewhere.

Specificity about what kinds of attributes most determine character should be incorporated into the criteria. The word, by itself, is open to interpretation, and better definition of what's under consideration would be helpful and might yield more consistent results.

Finally, I previously commented that the way the proposal was framed, it seemed to suggest a presumption that virtually any rezoning petition should be approved in primary locations since the Commission was predetermining that these were the best places for new development. Of course, I understand the counterargument to this notion - compliance with CLUP, statute, general criteria, etc. But, two people I spoke with a week or so ago expressed this same concern, independent of any conversations I'd had with them. So, I don't think I'm too terribly radical in my thinking on that.

Is it possible for the rule to make clear that a rezoning petition won't be spotted a few points on appropriateness simply because it involves a primary or secondary location? It seems to me that a petition should be judged *only* on how it measures up, relative to the applicable standards, and not on any implied appropriateness simply because of the designation of the affected area.

In the interest of time, I'll leave it at that for now, and look forward to the release of your first draft.

Best,

Alan Michka
Lexington Twp, Maine
(207) 628-2014

Godsoe, Benjamin

From: A J Barrett <barretttony@mac.com>
Sent: Monday, May 14, 2018 9:53 AM
To: Godsoe, Benjamin
Subject: Adjacency Cooments

Mr. Godsue—

Comments on the proposed zoning and subdivision changes.

1.) Can you list or summarize for the public the reasons for the Adjacency and subdivision changes now? Is it that the character of large landowners has changed from forestry products to land development companies? I understand that some landowners have requested changes for decades — less restrictive zoning — so why now?

2.) On the one hand the changes concentrate development (vs. the more dispersed development under current rules), but when I look at the statewide map of the primary and secondary development locations, it appears that development is being directed to areas along the Appalachian Trail corridor where there isn't much development currently. In particular:

- Newry/Grafton Notch
-
- High Peaks — Madrid, Redington and Mt. Abrams townships. Limited road network and no power grid.
-
- Long Falls Dam Rd.— This road was only built for the Flagstaff dam and the power grid does not extend beyond Highland Plantation. Why focus development in the Dead River, Carry Ponds and Pierce Pond townships?
-
- The Forks — is the Forks truly a 'service center'? It's designation results in the Moxie pond area and Bald Mt. Township being designated where there is no power grid or major roads to be designated.
-
- Kingsbury/Mayfield — holds portions of the largest wind power development in New England. Yet along this section of Rt. 16 (the road anchoring the development areas) there is no extension of the power grid (Bingham to Abbott).
-
- Elliottsville Plantation — yes, geographically it is adjacent to the Greenville service center but the road access is much less direct. Just seems anomalous given the scenic and natural resources in this plantation.

Are these highlighted development areas in the above townships artifacts of the algorithm used for extending out the zoning? Just doesn't make sense.

3.) Can the subdivision changes include some standards on Mountain View homes to fit more harmoniously in the landscape? They are built to capitalize on the mountain view but what about the view from the mountain of the residential development? Perhaps these conspicuity standards could apply just to scenic resources of state and national significance like the ANST within some buffer distance — clearing size, house color, roof color so that they fit into the landscape. The Epstein house vs. the Griscom camps in Madrid township are in stark contrast, for example.

Thanks for your consideration.

—Tony Barrett

Godsoe, Benjamin

From: Samantha Le <samantha2020le@gmail.com>
Sent: Tuesday, May 15, 2018 11:19 AM
To: Godsoe, Benjamin
Subject: adjacency principle

Mr. Godsoe:

Thank you for the opportunity to submit my comment on the Proposed Changes to Application of the Adjacency Principle. My comment is simple and direct: we need as much green space as we can get. In many parts of Maine, we have over-developed. If you drive through Bangor, you will see many empty lots: former site of Circuit City, K-Mart plaza is no longer, Toys R Us is no longer, Macy's has moved out of town, and there are many empty storefronts in downtown Bangor.

Maine is and should remain a forest, woods, fishing playground for the young and the young at heart. This is especially important when the head of the Environmental Protection Agency is doing everything but protect the environment. This is especially important when the Clean Air Act and the Clean Water Act are being gutted. This is especially important when the Endangered Species Act is being attacked.

Thanks for your time.

Sincerely,
Samantha Le
resident of Bangor, Maine

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Anna Marie Thron, Emeritus

Below is testimony delivered to the Land Use Planning Commission meeting in Brewer on April 11, 2018 regarding proposed changes to the Adjacency Rule.

My name is Nancy Smith and I am Executive Director of GrowSmart Maine, a statewide non-profit whose mission is to build lasting prosperity without sacrificing the quality of place that defines Maine. We work with people in rural communities as they seek to achieve that goal for their hometown.

I also bring to this discussion my prior professional experience as a forest technician and then licensed professional forester for International Paper for thirteen years, much of that based in Lincoln where I worked in forest management and oversaw harvest operations in organized and unorganized towns. For several years I managed the recreation program on 600,000 acres in Maine and NH with annual revenue of \$250,000. In addition, I was co-owner of a family farm in central Maine for nearly twenty years.

Here are my concerns with the current proposed changes to adjacency rules:

1. These proposed changes are significant. When coupled with pending subdivision rules there will be significant changes in growth patterns in the Unorganized Territory (UT). Coordination of the timing of these two components of land use will be very helpful to all concerned.
2. The greatest potential for harm to the UT is in the residential development. Changes proposed for commercial and business uses appear to be appropriate. I offer caution regarding residential development because of its potential detrimental impact on the regional economy and communities.
3. To demonstrate this, I will point to work being done by the Maine Woods Consortium, of which GrowSmart Maine is a member. Much work is underway to acknowledge and strengthen destination tourism as an economic driver that is quite compatible with the forest products sector. The Maine Woods Rally will be held May 16-17 as a part of this effort. Proximity of residential development to unique natural resources is as much a threat to destination tourism as it is to timber harvesting.
4. I continue to have concerns related to the proximity of homeowners to timber management, specifically, to timber harvesting. As Mainers work with millions of federal dollars invested in the Forest Economy Growth Initiative led by Maine Forest Products Council and Maine Development Foundation, let's not undermine their work by allowing the establishment of homes which by their very nature give new owners the assumption that in purchasing a home they also have an expectation of undisturbed natural surroundings.
5. I also continue to share concerns about expectations for emergency services by those who purchase homes in remote areas. Agreements signed by original purchasers will not defer requests for assistance by these initial and future occupants. Those volunteers and professionals who provide emergency services from nearby organized communities will respond to the call; and their dedication to service is commendable. But we must acknowledge the strain this will put on these communities that receive no property tax revenue from homes located in the UT.

6. I want to thank staff of the LUPC for their outreach and openness. I appreciate the chance to meet with them on all issues and to offer my insights on farm stand location, having been a part of farmers' markets and a home-based farm stand for over a decade.
7. In closing, I thank the Commissioners for this opportunity to engage and am happy to continue to assist in this process.

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SPORTSMAN'S ALLIANCE of MAINE

205 Church Hill Road, Suite 1, Augusta, Maine 04330-8210

Telephone: (207)623-4589

e-mail: david.trahan@sportsmansallianceofmaine.org

www.sportsmansallianceofmaine.org

May 15, 2018

Benjamin Godsoe, Senior Planner
Maine Land Use Planning Commission
18 Elkins Lake
22 State House Station
Augusta, ME 04330

RE: Comments on the Adjacency Principal

Dear Mr. Godsoe;

The following constitute the formal comments on the proposed changes to the Adjacency Principal from the Sportsman's Alliance of Maine (SAM). SAM is Maine's largest sportsman's organization, representing over 10,000 members. We are an organized 501 (c) 3 organization headquartered in Augusta, ME. SAM's full time staff works to represent its members in the legislature, at state agencies, and other forums critical to Maine's sporting tradition to promote conservation of Maine's fish and wildlife resources and to be an advocate for hunters, anglers and trappers throughout the State of Maine.

The lands administered by the Maine's Land Use Planning Commission (LUPC) are critical to SAM's members, who fish, hunt, and trap throughout the undeveloped portion of Maine's Unorganized Territories (UT). For many years the adjacency principal has helped protect the lands and waters used by SAM's members. We are very concerned that abandonment of this practice will forever change the critical areas that provide habitat for hunting, fishing and trapping.

Maine's resource based economy relies on the unfragmented blocks of habitat that support both fisheries and wildlife resources critical to SAM's members. We are most concerned with the potential for "wildland sprawl" if the adjacency principal is abandoned. We are also concerned that the forest products industry will lose the large blocks of habitat that make their operations safe and efficient.

Sprawl into the undeveloped UT lands also will create a disproportionate burden on organized municipalities, who end up providing schools, police, fire, and retail services as they are forced

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to provide services for populations that do not pay their fair share to service center towns. With the growth of remotely located home businesses, an increase in the use of homes for services like Air BNB, and an aging population that seeks to age in place in what started as a "seasonal home", wildlands sprawl is a great threat to the UT.

Abandoning the adjacency principal means increased potential for invasive species arriving along new roads and with development. For fisheries, this means the increased threat of introduction of exotic and non-indigenous species which is the primary threat for natives like Maine's unique blueback Laurentian charr and brook trout. For the timber industry, invasive species like the emerald ash borer are frequently moved in firewood. These threats come with increased access and especially with waterfront development.

Abandoning the adjacency principal means more roads and the fragmentation of the forest lands. The resources in the UT of Maine contain the vast majority of Maine's remaining wild trout populations as well as 97% of all remaining lake and pond populations of wild brook trout in the eastern United States (*see: Eastern Brook Trout: Status and Threats, published by Trout Unlimited, 1300 North 17th Street, Suite 500, Arlington, VA 22209-3810.*) At SAM's request, Maine has adopted statute that recognizes this threat under Title 1, §212-A and Title 12 §12461 that designates Maine Heritage Fish as wild brook trout and blueback charr and establishes Heritage Waters, managed as a special resource by the Department of Inland Fisheries and Wildlife. The Legislature also established a Heritage Fish Working Group that is currently working to establish agency policy governing this special resource. The current list of Heritage Fish Waters is available through the Maine Department of Inland Fisheries and Wildlife. For the most part these waters are located in the UT and would potentially be at risk of development and loss of the special resource if the adjacency principal is abandoned.

SAM is especially concerned about the potential of loss of access for hunting, fishing and trapping that often comes with development in remote lands. So far Maine has avoided the gated enclaves that are common elsewhere in our country. We see this threat as significantly less as long as development is clustered at the edge of large blocks of unfragmented habitat, which the adjacency principal requires and helps to guide appropriate development to maintain a distinction between developed landscapes and large blocks of unfragmented habitat land. If LUPC is planning to replace the current adjacency principal with alternative development strategy, we look forward to reviewing and commenting on it when a fully articulated plan has been proposed. As active users of Maine's large blocks of unfragmented habitat for hunting, fishing and trapping in the UT, SAM has a significant interest and stake in any changes.

Sincerely,



David Trahan, Executive Director

Godsoe, Benjamin

From: David Small <smalldw201@gmail.com>
Sent: Monday, May 21, 2018 11:00 PM
To: Godsoe, Benjamin
Subject: revision

Hello Ben,

I understand that the staff has revised the designations of Carrying Place Town TWP (T2R3), as well as Pierce Pond TWP. I wanted to express my appreciation for you taking that action. It indicates that you are applying pragmatism to the process, and being attentive to the concerns and suggestions that you have received from the residents and property owners in those areas. I realize that this is staff recommendation, and does not necessarily mean that the commission will act strictly on those recommendations, but I hope that they too will see the wisdom of your decision.

From a layman's position, however, I am confused by the term "resource dependent." Could you, at your convenience, provide me with a definition of what exactly that means in context with this decision making process?

Thank you for your help with this matter.

Dave Small
Norridgewock/Property owner: T2R3