

For office use:

54090

Tracking No.

ZP 532-F

Permit No.

\$ n/a

Fee Received

# Applicant & Agent Information - LUPC Application for Zone Change

## APPLICANT INFORMATION

Please Print Legibly

Applicant Name(s) LUPC - Staff Initiated Zoning Petition c/o Stacy Benjamin	Title <i>(if representing a corporation)</i> Acting Chief Planner	
	Phone (207)441-3761	
Mailing Address 22 SHS	Email stacy.benjamin@maine.gov	
Town Augusta	State ME	Zip Code 04333

## AGENT INFORMATION (If applicable)

Agent Name(s) n/a	Phone
Business Name	
Mailing Address	Email
Town	State Zip Code

## APPLICANT AND AGENT SIGNATURES

I have personally examined and am familiar with all information submitted in this application, and to the best of my knowledge, it is true, accurate, and complete. I am aware that there may be significant penalties for submitting false information. I understand that the applicant is responsible for complying with all conditions of any permits issued by the Land Use Planning Commission.

If signing this document on behalf of a corporation, partnership, trust, or other legal entity, I affirm that I am authorized to bind the entity and execute legal agreements on its behalf.

Please check **one** of the boxes below:

I authorize staff of the Land Use Planning Commission to access the project site as necessary between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

I request that staff of the Land Use Planning Commission make reasonable efforts to contact me in advance to coordinate access to the project site.

**Authorization of Agent by Applicant:** *By signing below, I authorize the individual or business listed above to act as my legal agent in all matters relating to this application.*

Applicant Signature: Benjamin, Stacy Digitally signed by Benjamin, Stacy  
Date: 2023.02.24 14:23:54 -05'00' Date: 2/24/2023

Agent Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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## Property Information - LUPC Application for Zone Change

**PROPERTY INFORMATION.** Provide the following details about your property location. Tax map, plan, and lot numbers are listed on your property tax bill. If you lease your property, check your lease to find out whether any unique lease lot numbers have been assigned to the property.

Applicant LUPC Staff-initiated	Township, Town or Plantation Attean Twp and Dennistown Plt	County Somerset
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Tax Map, Plan, and Lot Numbers *[list all applicable; check tax bill(s)]*  
See Project Description

Lot size <i>(in acres, or in square feet if less than 1 acre)</i>  +/-17,060	Deed Book and Page #'s, and lease information if applicable <i>(include any lessor or lease lot numbers assigned by a property owner)</i>  See Project Description
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All Zoning on Property <i>(check the LUPC Land Use Guidance Map)</i>  P-RP, P-FW, P-RR, P-SL2, P-WL	Zoning at Development Site  P-RP
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<b>Road Frontage:</b> List the name(s) and frontage(s) (in feet) for any public or private roads, or other rights-of-way adjacent to your lot:  Road #1 <u>See project description</u> Frontage _____ ft.  Road #2 _____ Frontage _____ ft.	<b>Water Frontage:</b> List the name(s) and frontage(s) (in feet) for any lakes, ponds, rivers, streams (named and unnamed), or coastal wetlands on or adjacent to your lot:  Waterbody #1 <u>See project description</u> Frontage _____ ft.  Waterbody #2 _____ Frontage _____ ft.
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If there is no road frontage, describe the access for the property.

**LUPC Approved Subdivision:** If the lot is part of an LUPC approved subdivision, provide the subdivision permit and lot numbers:

Subdivision Permit # 3244 and Lot # Misc *(usually included in deed description)*

**BRIEF PROJECT SUMMARY** *(include proposed zoning if submitting an application for zone change; include proposed project name, if applicable)*

Proposed replacement zoning for expiring Concept Plan for Lands of Lowell & Co Timber Associates in Attean Twp and Dennistown Plt and associated P-RP subdistrict. Plan expires on July 1, 2023. Landowners do not wish to renew. LUPC staff must identify appropriate replacement zoning.

**APPLICATION FEE** *(see the [Application Fee](#) exhibit for more information, including surcharges if paying online)*

Please check **one** of the boxes below:

- I have enclosed a check or money order to pay my application fee.
- I would like to pay my application fee online. Please contact me with the necessary information.



**NOTICE OF FILING OF APPLICATION  
WITH THE MAINE LAND USE PLANNING COMMISSION**

This is to notify you that pursuant to provisions of 12 M.R.S. Section 685-B and the Commission's rule Chapter 10, Land Use Districts and Standards, a staff-initiated petition and application has been submitted to the Maine Land Use Planning Commission that proposes replacement zoning for the lands included in *A Concept Plan for the Lands of Lowell & Co. Timber Associates in Attean Township and Dennistown Plantation* and its associated Resource Protection subdistrict (P-RP 007) in Somerset County. The current major property owner does not wish to renew the 30-year Concept Plan, and it will expire on July 1, 2023.

The purpose of the P-RP subdistrict is to provide for the more efficient and effective management of single or multiple protection subdistricts than can be realized through the use of other protection subdistricts and their related standards. Concept Plans are initiated by a landowner, and are a cooperative approach for planning, land use management, and resource protection on their property.

*A Concept Plan for the Lands of Lowell & Co. Timber Associates in Attean Township and Dennistown Plantation* (Concept Plan) was approved by the Land Use Regulation Commission (now the Land Use Planning Commission, or Commission) in 1993. The Concept Plan area encompasses more than 17,000 acres in Attean Township and Dennistown Plantation.

When a Plan expires and is not renewed, the Commission must designate appropriate replacement zoning in accordance with the Commission's comprehensive land use plan, statute, and rules. LUPC staff has initiated a process to identify and designate appropriate replacement zoning that provides comparable protection for the resources existing within the area currently covered by the Plan. Proposed zoning changes are only within the area currently covered by the P-RP subdistrict in Attean Township and Dennistown Plantation.

Beginning on March 14, 2023, the application materials including maps showing proposed replacement zoning will be filed for public inspection at the following Maine Land Use Planning Commission office:

<u><a href="#">AUGUSTA OFFICE</a></u>	
18 Elkins Lane - Harlow	Tel. (207) 287-2631
Bldg.	TTY (888) 577-6690
22 State House Station	FAX (207) 287-7439
Augusta, ME 04333-0022	

**Written comments and requests for a public hearing must be submitted by April 14, 2023** and should be sent to: Maine Land Use Planning Commission, Attn: Stacy Benjamin, 22 State House Station, Augusta, ME 04333-0022. The Commission prefers that all requests for a public hearing be submitted within 20 days of the date an application is accepted for processing. Requests for a public hearing must clearly state the reason(s) a public hearing is warranted on this project.

The application and draft zoning maps, in addition to other information related to the expiration of the Concept Plan, can be viewed online at: [https://www.maine.gov/dacf/lupc/plans\\_maps\\_data/resourceplans/attean-dennistown-prp007.html](https://www.maine.gov/dacf/lupc/plans_maps_data/resourceplans/attean-dennistown-prp007.html).

For more information about the Concept Plan, visit the Commission's Resource Protection and Concept Plans webpage here: [https://www.maine.gov/dacf/lupc/plans\\_maps\\_data/resourceplans/prp007.pdf](https://www.maine.gov/dacf/lupc/plans_maps_data/resourceplans/prp007.pdf)

If you have questions about the proposed zoning districts or the overall process for rezoning of the Concept Plan area, please contact Stacy Benjamin by phone (207-441-3761) or email at [Stacy.Benjamin@maine.gov](mailto:Stacy.Benjamin@maine.gov).

**PROJECT DESCRIPTION FOR ZP532F:  
REPLACEMENT ZONING IN ATTEAN TOWNSHIP AND DENNISTOWN  
PLANTATION**

**Project:** Replacement zoning for expiring *Concept Plan for the Lands of Lowell & Co. Timber Associates in Attean Township and Dennistown Plantation* and associated Resource Protection subdistrict (P-RP 007), Somerset County.

**Background:** The purpose of the P-RP subdistrict is to provide for the more efficient and effective management of single or multiple protection subdistricts (and in some cases adjoining management subdistricts) than can be realized through the use of other protection subdistricts and their related standards. Concept Plans (and Resource Plans) are initiated by a landowner (or landowners), and are a cooperative approach for planning, land use management, and resource protection on their property.

*A Concept Plan for the Lands of Lowell & Co. Timber Associates in Attean Township and Dennistown Plantation* (Concept Plan) was approved by the Land Use Regulation Commission (now the Land Use Planning Commission, or Commission) in 1993. The Concept Plan area encompasses more than 17,000 acres, primarily in Attean Township. A small portion of Dennistown Plantation is also included in the plan area. The current major property owner, Carrier Timberlands, LLC, does not wish to renew the 30-year Concept Plan and so it will expire on July 1, 2023.

When a Plan expires and is not renewed, the Commission must designate appropriate replacement zoning in accordance with the Commission’s comprehensive land use plan, statutes, and rules. Staff have therefore begun an LUPC-initiated process to identify and designate appropriate replacement zoning, providing comparable protection for the resources existing within the area currently covered by the Plan. **Proposed zoning changes are only within the area currently covered by the P-RP subdistrict.** A table including plan and lot numbers for affected parcels is provided in Appendix A. Additional background information can be found in the [Memorandum to the Commission](#) dated March 2, 2023.

### **Proposed Replacement Zoning**

Under the provisions of Section 10.23,H, the following subdistricts are proposed as replacement zoning for the Concept Plan area according to the purpose and definition of each subdistrict. Except for the Residential Development Subdistrict, all are essentially the same as the zoning in place prior to adoption of the Concept Plan<sup>1</sup>. The proposed zoning maps can be found in Appendix B.

- **Residential Development Subdistrict (D-RS) – Lots Granted Subdivision Approval.** The purpose of the D-RS Subdistrict is “to set aside certain areas for residential and other appropriate uses so as to provide for residential activities apart from areas of commercial development. The intention is to encourage the concentration of residential type development in locations where public services may be provided efficiently or where

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<sup>1</sup> The current zoning maps are available on the LUPC website at: [LUPC digital and online data \(maine.gov\)](#).

residential development can be integrated with a recreational resource that is suitable for additional use associated with proximate residential development.” *See the Commission’s Chapter 10 rules, section 10.21,M for the full description of the D-RS Subdistrict.*

In accordance with the Commission’s Chapter 10 rules, most of the lots approved in SP 3244 are proposed to be zoned D-RS Subdistrict. Some lots have alternate zoning proposed at the request of the property owner or due to unique circumstances.

The D-RS subdistrict would allow property owners whose deeds do not restrict further division of their property to request an amendment to SP 3244 to further subdivide. Any deed restrictions or covenants in place for a given property remain in place regardless of the zoning.

- **General Management Subdistrict (M-GN).** All areas not zoned for development or protection would be zoned M-GN Subdistrict. The purpose of the M-GN Subdistrict is to “permit forestry and agricultural management activities to occur with minimal interferences from unrelated development in areas where the Commission finds that the resource protection afforded by protection subdistricts is not required.” *See the Commission’s Chapter 10 rules, section 10.22,A for the full description of the M-GN Subdistrict.*
- **Great Pond Protection Subdistrict (P-GP).** Except for the subdivision lots zoned D-RS, the shorelines of Wood Pond, Little Big Wood Pond, Attean Pond, Mud Pond, Long Pond, Horseshoe Pond, Benjamin Pond, and Clearwater Pond would be zoned P-GP Subdistrict: 250 feet, measuring in a straight line from the normal high-water mark of bodies of standing water 10 acres or greater in size. The purpose of the P-GP Subdistrict is “to regulate residential and recreational development on Great Ponds to protect water quality, recreation potential, fishery habitat, and scenic character.” *See the Commission’s Chapter 10 rules, section 10.23,E for the full description of the P-GP Subdistrict.*
- **Accessible Lake Protection Subdistrict (P-AL).** The shoreline of Attean Pond would also be zoned P-AL subdistrict: 500 feet from and around the water body measured from the normal high-water mark. The P-AL subdistrict applies to Management Class 2 lakes in the Commission’s jurisdiction and its purpose is to “maintain and protect the existing natural values of the accessible, undeveloped, high value lakes.” It is the intent of this subdistrict to restrict development. *See the Commission’s Chapter 10 rules, section 10.23,A for the full description of the P-AL Subdistrict.*
- **Recreation Protection Subdistrict (P-RR).** The Benjamin Valley would be zoned P-RR as it was prior to the Concept Plan. The P-RR boundary also serves as the boundary for the Benjamin Valley Conservation Easement. The P-RR subdistrict applies to areas within 1/2 mile of Management Class 6 (MC-6) lakes. The ponds in the Benjamin Valley are all classified MC-6. It also applies to certain trails which the Commission identifies as providing or supporting unusually significant opportunities for primitive recreational experiences. There are two, 200-foot-wide P-RR zones within the Plan area: one along the Holeb-Attean Portage Trail; and one on the Sally Mountain trail. “The purpose of the P-RR subdistrict is to provide protection from development and intensive recreational uses to those areas that currently support, or have opportunities for, unusually significant primitive recreation activities.” *See the Commission’s Chapter 10 rules, section 10.23,I for the full description of the P-AL Subdistrict.*
- **Soils and Geology Protection Subdistrict (P-SG).** There are three areas proposed to be zoned P-SG Subdistrict. One is on Attean Mountain and is a strip of steep slopes along the south side just below the summit of the eastern peak. The other two are on Sally

Mountain. The purpose of the P-SG Subdistrict is to “protect areas that have precipitous slopes or unstable characteristics from uses or development that can cause accelerated erosion, water sedimentation, mass movement, or structural damage, all of which could cause public danger or threaten public health.” *See the Commission’s Chapter 10 rules, section 10.23,K,2 for the description of the P-SG Subdistrict.*

- **Shoreland Protection Subdistrict (P-SL2).** A 75-foot P-SL2 Subdistrict would be placed along minor flowing waters, the upland edge of wetlands of special significance, and bodies of water less than 10 acres in size. Note that the P-SL2 Subdistrict areas are not always depicted on the draft map because they are too narrow at that scale, but nevertheless will be in effect in these areas. The purpose of the P-SL2 Subdistrict is to “regulate certain land use activities in certain shoreland areas in order to maintain water quality, plant, fish and wildlife habitat and in order to protect and enhance scenic and recreational opportunities.” *See the Commission’s Chapter 10 rules, section 10.23,L for the full description of the P-SL2 Subdistrict.*
- **Wetland Protection Subdistrict (P-WL1, 2, and 3).** Any wetland areas depicted on the National Wetland Inventory map would be zoned P-WL1, 2, or 3, as applicable. (Note that certain P-WL Subdistrict areas, such as stream channels and lake bottoms, or where a wetland abuts a stream, may not be depicted on the draft map but nevertheless will be in effect in these areas.) The purpose of the P-WL Subdistrict is to “conserve coastal and freshwater wetlands in essentially their natural state because of the indispensable biologic, hydrologic and environmental functions which they perform.” *See the Commission’s Chapter 10 rules, section 10.23,N for the full description of the P-WL Subdistrict.*

For more information about the Concept Plan, visit the Commission’s Resource Protection and Concept Plans webpage here:

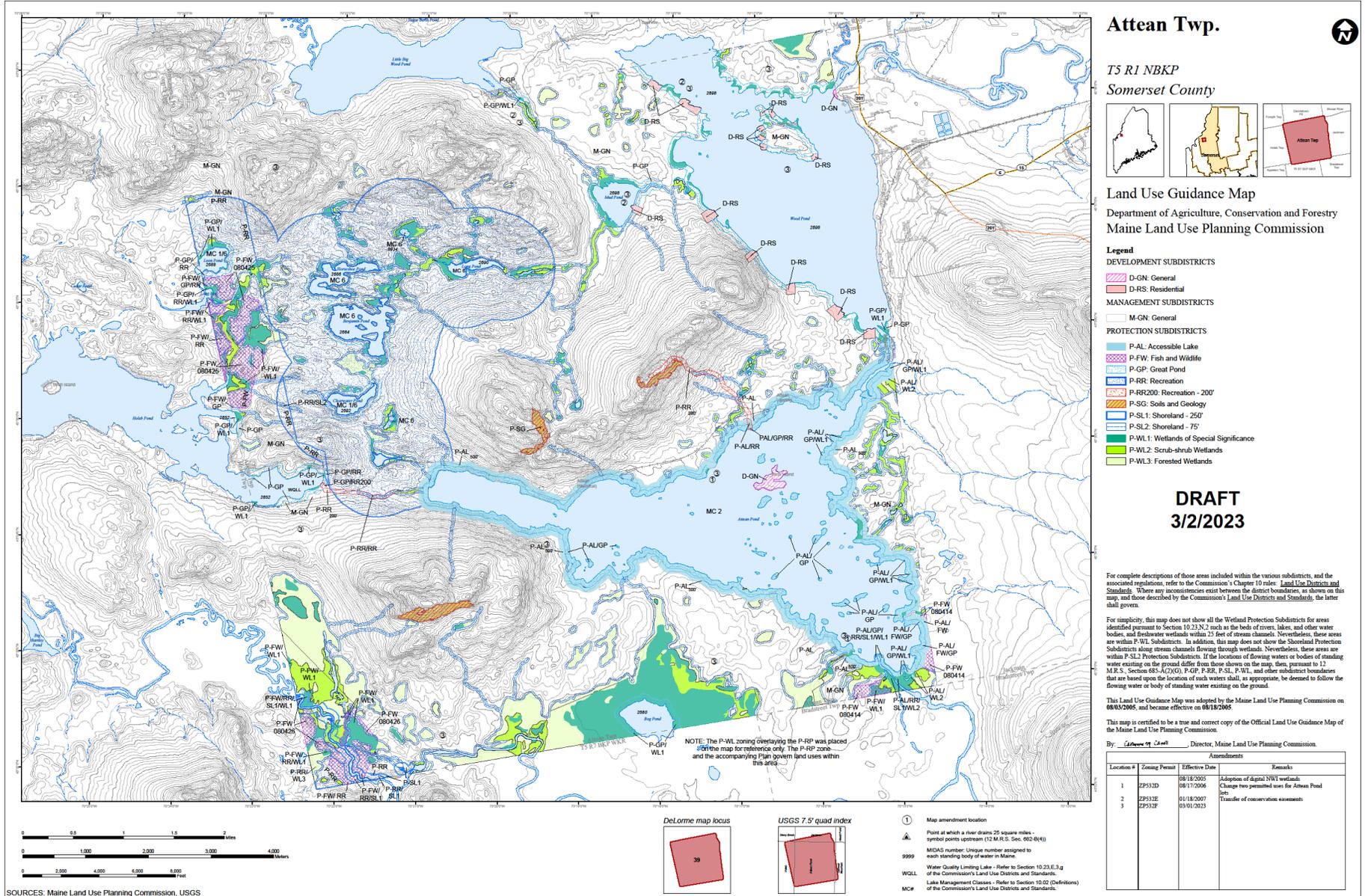
[https://www.maine.gov/dacf/lupc/plans\\_maps\\_data/resourceplans/prp007.pdf](https://www.maine.gov/dacf/lupc/plans_maps_data/resourceplans/prp007.pdf)

Thank you for your time and consideration of these materials. If you have questions about the proposed zoning districts or the overall process for rezoning of the Concept Plan area, please contact Stacy Benjamin by phone (207-441-3761) or email at [Stacy.Benjamin@maine.gov](mailto:Stacy.Benjamin@maine.gov).

**APPENDIX A. Table of Maine Revenue Service Parcels Identified within the Concept Plan Area**

Location	Plan	Map
<b>Attean Township</b>	01	1; 1.23; 23
	01	1.11
	01	1.12
	01	1.13
	01	1.13
	01	1.14
	01	1.15
	01	1.16
	01	1.17
	01	1.18
	01	1.19
	01	1.20
	01	1.21
	01	1.22
	01	1.24
	01	1.5
	01	1.6
	01	1.7
01	1.8	
01	6	
<b>Dennistown Plantation</b>	01	3A
	01	3B
	01	3C
	01	3D

# APPENDIX B. Proposed Zoning Maps



# Dennistown Plt.



T5 R2 NBKP  
Somerset County



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

### Legend

- DEVELOPMENT SUBDISTRICTS**
- D-GN: General
- MANAGEMENT SUBDISTRICTS**
- M-GN: General
- PROTECTION SUBDISTRICTS**
- P-FW: Fish and Wildlife
- P-GP: Great Pond
- P-RP: Resource Plan
- P-SG: Soils and Geology
- P-SL2: Shoreland - 75'
- P-WL1: Wetlands of Special Significance
- P-WL2: Scrub-shrub Wetlands
- P-WL3: Forested Wetlands

## DRAFT - 3/2/2023

For complete descriptions of these areas included within the various subdistricts, and the associated regulations, refer to the Commission's Chapter 10 rules: [Land Use Districts and Standards](#). Where any inconsistencies exist between the district boundaries, as shown on this map, and those described by the Commission's Land Use Districts and Standards, the latter shall govern.

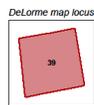
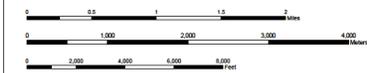
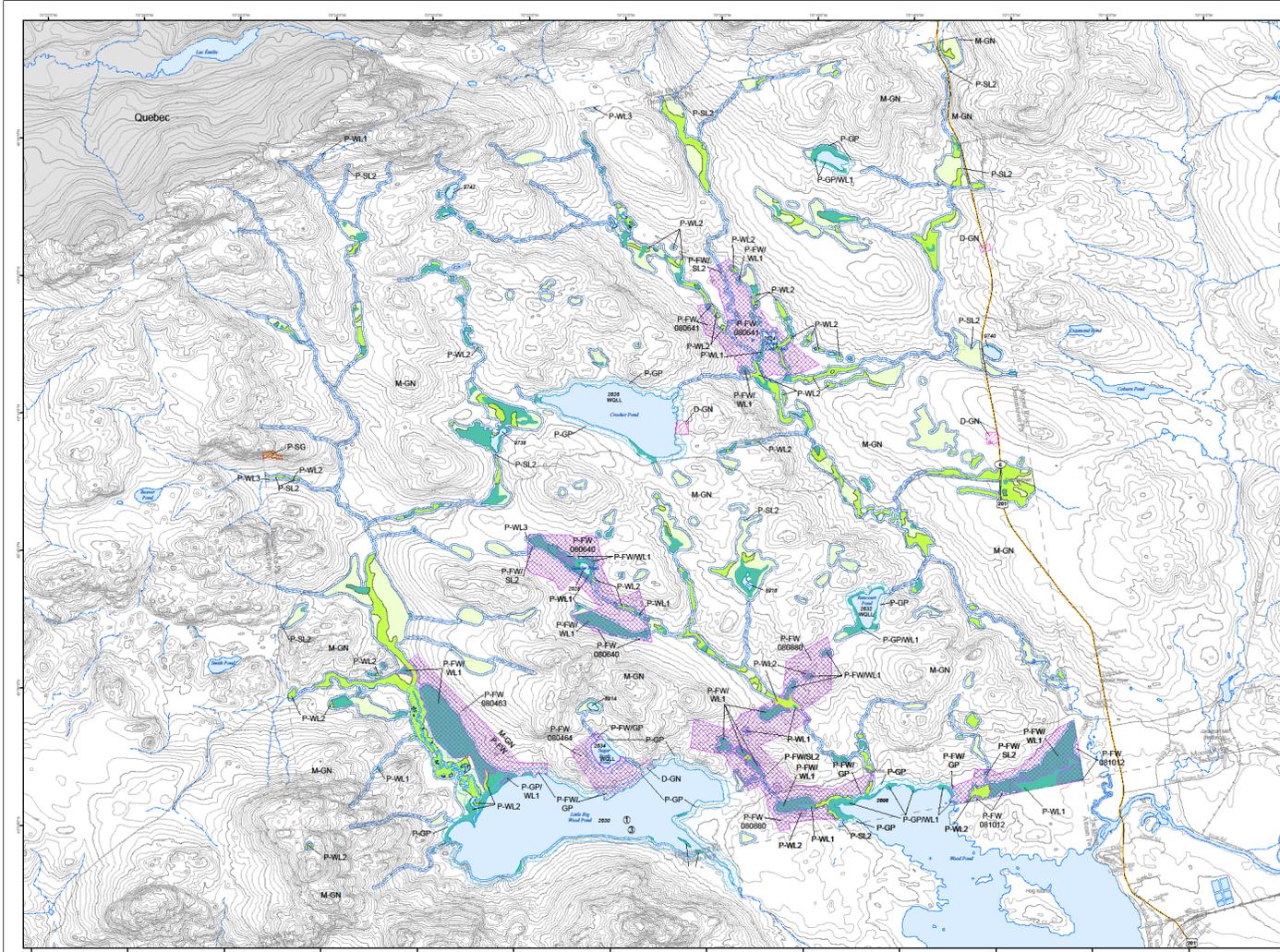
For simplicity, this map does not show all the Wetland Protection Subdistricts for areas identified pursuant to Section 10.23.N.2 such as the beds of rivers, lakes, and other water bodies, and freshwater wetlands within 15 feet of stream channels. Nevertheless, these areas are within P-WL Subdistricts. In addition, this map does not show the Shoreland Protection Subdistricts along stream channels flowing through wetlands. Nevertheless, these areas are within P-SL2 Protection Subdistricts. If the locations of flowing waters or bodies of standing water existing on the ground differ from those shown on the map, then, pursuant to 12 M.R.S., Section 68-A(2)(3), P-FW, P-RP, P-SL, P-WL, and other subdistrict boundaries that are based upon the location of such waters shall, as appropriate, be deemed to follow the flowing water or body of standing water existing on the ground.

This Land Use Guidance Map was adopted by the Maine Land Use Planning Commission on 08/18/2005, and became effective on 08/18/2005.

This map is certified to be a true and correct copy of the Official Land Use Guidance Map of the Maine Land Use Planning Commission.

By: Catherine Y. Cahill, Director, Maine Land Use Planning Commission.

Amendments			
Location #	Zoning Permit	Effective Date	Remarks
1	ZP532E	08/18/2005 01/18/2007	Adoption of digital NWI wetlands. Traverse of conservation assessments



- Map amendment location
- Point at which a river drains 25 square miles - symbol point upstream (12 M.R.S. Sec. 662-B(4))
- MIDAS number: Unique number assigned to each standing body of water in Maine.
- Water Quality Limiting Lake - Refer to Section 10.23.E.3.g of the Commission's Land Use Districts and Standards.
- Lake Management Classes - Refer to Section 10.02 (Definitions) of the Commission's Land Use Districts and Standards.
- MCP

SOURCES: Maine Land Use Planning Commission, USGS