



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

AMANDA E. BEAL
COMMISSIONER
JUDY C. EAST
EXECUTIVE DIRECTOR

Memorandum

To: LUPC Commissioners
CC: Judy C. East, Executive Director
From: Naomi Kirk-Lawlor, Senior Planner
Date: July 7, 2021
Re: Update on Moosehead Regional Planning – Discussion Scenarios

Introduction

When the Moosehead Lake Region Concept Plan was terminated in July of 2020, the plan area, including the former development areas of the Plan, were rezoned as general management zoning and protection zoning. As part of the Concept Plan's termination, Weyerhaeuser agreed not to submit any zoning petitions or development permit applications through December 31, 2022, allowing time for a regional planning process to take place.

The Process to Date

Over the past year, the LUPC Staff have gathered input from community members and stakeholders in the Moosehead Region through phone calls, virtual meetings, written comments, and an online survey. Staff drew on the expertise of resource agencies to get insight into known natural resources in the region. Staff also reviewed documents from previous community visioning and economic planning processes¹. Staff then worked to synthesize a range of opinions and visions for the region into four different Discussion Scenarios. These Discussion Scenarios are described in this memo and will also be presented at the July Commission meeting for Commissioners to consider.

The Commission Staff does not support any one of the Discussion Scenarios above the others; their purpose is to foster discussion and present a range of options based on community opinions. The hope is that community members and stakeholders can draw on these four scenarios in order to offer concrete feedback during the next phase of the project.

¹ These include the Moosehead Lake Regional Branding Initiative, the Moosehead Lake Regional Plan (Futures IQ), and the Draft Moosehead Lake Scenic Byway Corridor Partnership Plan

Next Steps in the Process

The next step of the regional planning process is a community meeting in the Moosehead Region targeted for the end of the summer. For those that are not yet comfortable meeting in person, or for those who cannot attend for other reasons, the Commission may want to hold a second, virtual public meeting in the early fall. During these meetings, LUPC Staff will seek feedback from community members on what they like or dislike about the various Discussion Scenarios and how they could be changed, combined, re-imagined or implemented.

In addition to providing input in-person at the community meetings, community members and stakeholders will also be able to comment on the Discussion Scenarios by email, phone, or mail.

Staff will then work to create a Draft Regional Planning Package based on information collected throughout the process, which may include changes to zoning and/or changes to the primary and secondary locations established in the 2019 rulemaking that changed the former adjacency principle to guide the future location of development. Following that, another round of community meeting(s) will take place to discuss the Draft Package, likely in the Spring of 2022. Feedback from these meetings will be used to further refine the proposal.

A Proposed Regional Planning Package should come before the Commission to post for public comment and then for potential adoption in the summer and fall of 2022. The regional planning process and adoption of any changes to zoning or rules resulting from it should be completed before the end of December 2022.

Community and Stakeholder Input

Over the past year, the LUPC Staff have gathered community and stakeholder input through phone calls, virtual meetings, written comments, and an online survey. Postcards advertising the survey and providing agency contact information were mailed to property owners in the LUPC service area in the Moosehead Region. Over 350 people responded to the online survey, offering over 550 individual comments. These included residents of the region (~100 respondents reported they lived in the region) and people that visit the region to recreate (more than 190 respondents responded that they recreate in the region). Additionally, many respondents, who may not have described themselves as “living” in the region, reported that they own seasonal residences in the region.

As expected, there are a wide range of diverse opinions and viewpoints represented in these comments, emails, and conversations. There have, however, been some common views expressed by many. Respondents agree that the region is a beautiful, valuable, and important place, worthy of special care and consideration. Most respondents expressed the view that the character and feeling of the area should be maintained and protected. There were a wide variety of ideas about what that would mean in practice, however. At the extreme ends of the spectrum of comments were minorities who advocated for complete protection from any further development and those who wished to see all of the contemplated development in the terminated concept plan come to fruition. Some people commented on topics that are outside the LUPC’s jurisdiction, for example, that the area should be designated as a national park or that wind power should be banned in the region. Many people offered specific comments on how certain lands, particularly within former development areas, should be used going forward.

There was one general comment repeated many times in different forms from lots of different respondents, community members and stakeholders: future development should be located near the existing development centers of Greenville and Rockwood in order to maintain the character of the rest of the region. This idea is compatible with the central principals guiding development expressed in the LUPC's Comprehensive Land Use Plan. Specifically, 1) discouraging growth which results in sprawling development patterns, and 2) encouraging orderly growth within and proximate to existing, compatibly developed areas. The LUPC Staff have kept this goal at the forefront when drafting the four discussion scenarios.

Discussion Scenarios

The Commission Staff developed four scenarios that capture a broad range of community and stakeholder views. Staff do not support any one of these scenarios over the others, rather they offer a jumping-off point for further community discussion. The range of scenarios include some in which there are zoning changes to allow various types of development in certain locations. They also include some scenarios in which the primary and secondary locations are removed from certain townships.

The primary and secondary locations **do not** represent development zoning. Rather they act as an initial screen for where someone could apply to begin the rezoning process. The primary and secondary locations guide most new zones for residential and commercial development to areas that are generally no more than 7 miles from a rural hub and 1 mile from a public road (primary locations). Some subdivisions can be located up to 3 miles from a public road (secondary locations) if certain conditions are met. The primary and secondary areas that guide new development are broadly defined for the entire LUPC service area; refinements to those areas can be made at the township scale pursuant to a regional planning process such as this one.

Any person who wants to place new development zoning within the primary or secondary locations must submit a zoning petition that meets all the requirements for rezoning. These requirements include access to emergency services, compatibility with other uses and resources, not unreasonably altering the character of the area, legal right of access, consistency with the Comprehensive Land Use Plan, and having no undue adverse impact on existing uses and resources. If the petition is approved and a new zone is created, for most land uses the applicant still must apply for a permit before development can occur. A permit applicant must demonstrate that the proposal will satisfy all the permitting standards. Additionally, new development zoning would not be allowed in any of the many acres under conservation easement in the region.

Each of the four scenarios has two descriptive maps, a zoning map and a location of development map. Depending on the scenario, the zoning map may include text boxes with arrows indicating possible new development zoning, and the location of development map may include removal of primary and secondary locations from certain townships. Conserved lands in the region are also displayed on the location of development scenario maps because, while they may technically be included in primary or secondary areas, they cannot be considered for development zoning.

Scenario 1

This is the "no change" scenario. The replacement zoning put in place when the Concept Plan terminated in July of 2020 would remain unchanged. The current primary and secondary locations

would also remain unchanged. The former concept plan lands are currently zoned primarily as general management (M-GN) with appropriate protection subdistricts to protect existing natural resources. Most of the land within the former concept plan is under conservation easement, and future zoning petitions for new development would not be considered in those areas. In the future, zoning petitions for new development subdistricts could be submitted in the primary and secondary locations in areas not restricted by conservation easement provisions.

Scenario 2

This scenario would remove several townships from the primary and secondary locations, including: Lily Bay Twp., Big Moose Twp., Sapling Twp., Misery Gore Twp., Taunton and Raynham Academy Grant, and Misery Twp. This would prevent development zoning petitions for most types of commercial development or residential subdivisions² along the western shore of Moosehead Lake from Harford's Pt Twp. in the south to Rockwood Strip in the north, and in Lily Bay Twp., an area which many community members and stakeholders felt deserved more protection from development. No changes to zoning are included in this scenario.

In order to stay consistent with the Commission's lakes management policy, the primary locations surrounding Indian Pond and Brassua Lake would remain. In the Lakes Management Program, Management Class 3 Lakes, such as Indian Pond and Brassua Lake, are designated as potentially suitable for development. The lakes management policy was put in place in 1990 and was expressly intended to remain consistent over time. Therefore, the Commission's current location of development policy treats these shoreland areas differently from other primary and secondary locations, which are based on proximity to roads or communities providing services.

Scenario 3

This scenario would add development zoning to certain areas near existing development zoning and close to the development centers of Greenville and Rockwood. No changes to the primary and secondary locations are included in this scenario, so future development zoning petitions for most types of commercial development or residential subdivisions could be submitted, provided they were within primary or secondary locations and not in conservation easement areas.

The following locations for development zoning are included in this scenario:

- Location A: A small area in Long Pond Twp., on the shore of Long Pond. This area would be zoned for residential development (D-RS). It is surrounded by current residential uses and zoning.
- Location B: In Taunton and Raynham Academy Grant on both sides of Rt 6/15 between residential development in Rockwood Strip (T1 R1 NBKP) and residential development on Brassua Lake. This area would be zoned for residential development (D-RS). It is close to Rockwood and lies between two areas with significant residential development in Rockwood and along Brassua Lake.

² The possibility for recreation-based subdivisions, recreational lodging developments, and resource-dependent development zones does exist outside the primary and secondary areas. Also note that some residential and commercial activities can occur outside of development zones, for example, residential uses that are not residential subdivisions, home-based businesses, and some agritourism businesses.

- Location C: In Rockwood Strip Twp. north of existing commercial and industrial development and just west of Rt 6/15. This area would be zoned for commercial and industrial development (D-CI). This location is adjacent to existing non-residential uses that are currently zoned for general development (D-GN) and D-CI. Extending the D-CI zoning to the north would provide some additional area for similar types of uses and concentrate the impacts of those uses.
- Location D: In Taunton and Raynham Academy Grant south of existing commercial and industrial development and just west of Rt 6/15. This area would be zoned for residential development (D-RS), leaving a buffer between the residential zoning and the existing D-CI zoning to the north. This location is across the road from existing residential zoning and uses.
- Location E: In Big Moose Twp. near Harford’s Pt. Twp., Moosehead Junction Twp., and Greenville. This area would be zoned for mixed use development including residential, recreational and commercial uses. This area emerged as a place that many thought was appropriate for development. It is close to Greenville and adjacent to Harford’s Pt. Twp., which has considerable existing residential development. This area is also close to the ski mountain and may provide space for housing and amenities for workers, skiers, and their families.
- Location F: Two parcels adjacent to the Beaver Cove Town Offices on Lily Bay Rd. These parcels would be zoned for general development (D-GN). This would provide appropriate zoning should the Town of Beaver Cove need to expand parking or expand the Town Offices in the future. Alternately, it would also provide appropriate zoning for future commercial, non-residential, or residential uses.
- Location G: In the Town of Beaver Cove just west of Lily Bay Rd. The southern part of this area would be zoned for residential development (D-RS). This location is near extensive existing residential zoning, is near the road, and is within the organized Town of Beaver Cove.

Scenario 4

This scenario removes the primary and secondary locations from Lily Bay Twp. and adds many of the same development zones from Scenario 3. All the development zones listed for Scenario 3 would be included in Scenario 4, except for Locations C, D, and G. Protection zoning (P-UA) would also be added to Blue Ridge in this scenario (Location H). The visual impact of development and timber harvesting activities at high elevations on Blue Ridge was a concern for some survey respondents, community members, and stakeholders. Unusual Area Protection (P-UA) zoning would protect this visual resource.

Staff Recommendation

At the July 2021 Commission Meeting, staff will present the Discussion Scenarios and ask for feedback from the Commission about the content of the maps and scenarios. Then, staff will recommend the Commission direct us to schedule community meetings in the late summer and early fall, including one community meeting to be held in-person in the Moosehead Region and one to be held virtually.

Attached Discussion Maps:

Scenario 1 Location of Development Map

Scenario 1 Zoning Map

Scenario 2 Location of Development Map

Scenario 2 Zoning Map

Scenario 3 Location of Development Map

Scenario 3 Zoning Map

Scenario 4 Location of Development Map

Scenario 4 Zoning Map