

Summary of LURC-generated Amendments to Plum Creek's Development Plan for the Moosehead Lake Region

Overview. On June 4, 2008, The Land Use Regulation Commission (LURC) decided to support staff-recommended changes to Plum Creek's rezoning plan for the Moosehead Lake region and to put the proposed changes out for public comment. Some changes are good. Some are bad. Overall, the Plum Creek plan, even with the changes proposed by LURC would be the largest real estate development in Maine history in an area known for and reliant upon its unspoiled natural character. The biggest problems with the proposed amendments include:

- ☛ the review and recommended changes focus on the details and fail to address the total impact of the development that would change the overall character of the Moosehead region – the devil is in the big picture as well as the details;
- ☛ LURC failed to analyze the Plum Creek proposal and make a determination of whether or not it meets the legal requirements — such things as meeting a demonstrated need, having no undue adverse impact on current uses and resources and protecting natural and cultural resources like wildlife and recreation (the plan, of course, does NOT meet the legal requirements, as evidenced by LURC's feeling that it has to re-write the plan);
- ☛ there will still be massive development in the Maine Woods around Moosehead Lake, with too much of the wrong kind of development in the wrong places.

Summary.

Significant problems that aren't fixed:

The overall problems that are not addressed by LURC's proposed amendments are that the plan includes too much development, the wrong kind of development, development in inappropriate locations, harmful effects on existing uses and resources and inadequate conservation to balance the development.

- No change to the 2,025 number of allowed housing units. Allows up to 2,000 of these to be individual house lots.
- Development of key sensitive areas such as Lily Bay peninsula and Indian Pond.
- Undue adverse impact on existing resources such as wildlife and water quality and existing traditional uses.
- **Long-term harm to the region's economy by despoiling the natural character.**
- Inappropriate uses of what are supposed to be lands to balance the

development with conservation, such as spreading of sludge, water extraction, removal of building material and roads supporting development.

- Plum Creek maintains a veto power over any zoning changes within the plan area for 30 years (so for example if LURC decided ground water needed zoning protection, it couldn't do this within Plum Creek's 400,000 acres)

Bad changes proposed:

- Allow more structures to be built along shore areas and remove requirements for clustering on lakeshore development.
- Allow all 404 units at Lily Bay to be individual house lots rather than require that most be more clustered resort units.
- Remove the number and size requirements for huts in the easement area allowing for the potential of many large resort buildings.
- Add the ability to develop a resort in the "Moose Bay" area on Moosehead Lake (this might be reasonable if it replaced the Lily Bay development).
- Allow the degradation of the character of the north end of Indian Pond as a "trade-off."
- Allow most "residual" land not developed after 30 years, to be developed in the future rather than go to conservation.
- Add industrial wind power facilities as an allowable use on the conservation lands.

Changes proposed with mixed results:

- Allow commercial uses in all residential zones (bad), but with less total acreage for commercial use (good).
- Reduce the acres for development at Lily Bay by 3,000 acres (good), but still allow the same number of housing units (404) that could all be subdivision lots (bad) – Plum Creek's plan is for 154 to be subdivision lots.
- Establish a different "primitive resort" zone for the satellite resorts on Indian Pond and Lily Bay Mt. that would limit the type of development (good change, but these developments should not be allowed at all).
- Make the private "Legacy working forest" easement part of the required conservation balance "working forest" easement (there is certainly a need for more conservation to balance the proposed development, but the "Legacy" easement is a private for-profit land deal intended to be paid for largely with public money and should not be eligible as balance conservation).
- Require the private sale of the Roach Ponds area to be part of the required conservation balance (this private land deal should not qualify as balance).
- Allow septage spreading, water removal and mining of building materials on the conservation lands as proposed by Plum Creek (bad), but require it to meet needs of "nearby communities" (could be better depending on final wording).
- Intent to limit commercial resort development to nature-based related development, but no limitation on the amount of commercial development in resort zones.

Good changes:

- Remove development from the north shore of Long Pond (but just moves it to the south shore or other locations rather than reduce the number of lots).
- Reduce the number of parcels the easement area can be subdivided into.
- Develop new visual standards for back lots rather than allow the cutting of “view corridors.”
- Modify the development area boundary of the south Brassua peninsula somewhat to reduce visual impact.
- Require long-term development plans be submitted for certain development areas and require some areas to have a specified number of units built and occupied before additional subdivision occurs.
- Include some limitations on the number of docks and other shore structures.
- Move a few small sensitive areas of wetland or wildlife habitat from development zones to conservation.
- Require 1/5 of resort units at Moose Mt. be short-term units, to preclude nearly all 800 plus units being individual building lots, this requirement is waived, however, if no units are in the Indian Pond viewshed.
- Intent to require development to meet standards at time of applications rather than be fixed at the existing standards for 30 years.
- Remove exemption from noise standards and some departures from existing standards that reduce visual impact.
- Intent to change easement language to make them enforceable
- Intent to have one holder of both the “Balance” and “Legacy” easements.
The Commission is particularly interested in getting public comment on whether the easement holder should be a government or non-government entity. RESTORE supports the holder being a government agency.
(see page 74 of the document)
- Require a stewardship fund for the easements.
- Prohibit mining in easement areas.

This summary is only a partial listing of the amendments proposed in the 130-page document developed by LURC. For the full text of the LURC-generated amendments to Plum Creek’s plan:

[Amendments - Text Only](http://www.maine.gov/doc/lurc/reference/resourceplans/moosehead/2008-06-02amendments.pdf) (PDF, 511 KB)

<http://www.maine.gov/doc/lurc/reference/resourceplans/moosehead/2008-06-02amendments.pdf>

[Amendments - Complete](http://www.maine.gov/doc/lurc/reference/resourceplans/moosehead/2008-06-02amendments.pdf) (PDF, 4.5 MB) - *Note: Due to a very large file size, this document may take considerable time to download even with a high-speed internet connection.*

<http://www.maine.gov/doc/lurc/reference/resourceplans/moosehead/2008-06-02amendments.pdf>

Prepared by RESTORE: The North Woods, 06/19/08