

TESTIMONY OF R. HOWARD LAKE, ESQ
REGARDING ZP 707
PLUM CREEK PETITION FOR REZONING MOOSEHEAD REGION
- “LEGACY EASEMENT” –

PRESENTED TO THE
MAINE LAND USE REGULATION COMMISSION

September 14, 2007

I am Howard Lake. I grew up in Wilton, Maine and am now a Readfield resident. I have practiced law in Winthrop for twenty-nine years. I am a graduate of Colby College and the University of Maine Law School. My practice is concentrated in the areas of real estate, land conservation, estate planning and small business. I am past Chair of the Real Estate Section of the Maine State Bar Association and active in the Maine Land Conservation Attorney Network. I have represented landowners and non-profit holders of conservation easements and have lectured on conservation easements and other topics of real estate law at MSBA Continuing Legal Education seminars. I have served as general counsel for a regional land trust in Maine for nearly twenty years, including handling the legal aspects of many easements negotiated by the trust.

General Comments:

All of my comments on the “Balance Easement” apply except for those dealing with the Bureau of Parks and Lands as a Third Party Holder (since it does not have that status under the “Legacy Easement”).

In addition, the following comments apply to the proposed “Legacy Easement.”

This easement allows more types of development on the “protected” property than does the already highly compromised “Balance Easement.” For example, the “Legacy Easement” allows construction of full-scale windpower generation facilities, which, depending on location, would have a severe and irreversible impact on the landscape and natural resources purportedly protected under this easement. This easement also allows for permanent sawmills, groundwater extractions for commercial purposes, as well as division into 20 separate parcels, thus making monitoring and enforcement a very serious challenge.

