

**REBUTTAL TESTIMONY OF CAROLINE M. PRYOR
REGARDING TESTIMONY BY STEVE MASON
FOR ZP 707
PLUM CREEK PETITION FOR REZONING
MOOSEHEAD REGION**

**PRESENTED TO THE
MAINE LAND USE REGULATION COMMISSION**
September 28, 2007

As a former LURC Commissioner, I appreciate the opportunity to respond to the testimony of another former Commissioner, Steve Mason, with whom my term overlapped in the mid-1990s.

Mr. Mason makes several points in his testimony that are worth refuting:

1. He suggests that because Plum Creek went through the process of developing, submitting and resubmitting a Lake Concept Plan, it is, therefore, entitled to a rezoning permit. True, Plum Creek has gone through the motions but leaping to this conclusion is like saying, because you show up at school, you should receive a diploma. Many landowners apply for rezoning permits each year. The more relevant point for the Commission is that only those that meet the rezoning criteria should be approved.
2. Nowhere in his testimony does Mr. Mason refer to the actual criteria LURC Commissioners will use in evaluating this rezoning petition. In addition to meeting the LURC statute and conforming to the Comprehensive Plan, a Lake Concept Plan must conform to LURC's Land Use Districts and Standards.

Importantly, a Lake Concept Plan is evaluated in two stages. First and foremost, the impact of development is assessed. If those development impacts are determined to be compatible with the natural resources and adjacent communities, only then should the Commission evaluate the adequacy of the proposed conservation measures in deciding whether to approve a project for which a developer would not otherwise be entitled to receive permission under LURC standards. The conservation measures of a Lake Concept Plan were never intended to "compensate" for development impacts or land uses that are legally unacceptable. If the development proposal is incompatible, inappropriate or would have undue adverse impacts, it should not be approved. LURC's requirement for long-term conservation of high value lands is to achieve a publicly beneficial balance of appropriate and compatible development that, due to zoning criteria and restrictions, could not otherwise be approved. This point seems to be overlooked in his testimony.

3. He minimizes the significance of this Concept Plan and rezoning request by suggesting that LURC and the public will have one or two future opportunities to review the details of the development plan. This zoning stage is critical. Any

changes, especially on such a massive scale, are fundamental to the framework of the LURC regulatory system. The importance of public input and sufficient detail at this stage should not be de-emphasized in any way, or at any stage of this rezoning hearing.

4. On page 2, third paragraph, Mr. Mason shifts the ownership and responsibility of the plan from Plum Creek to the public. He states that as a result of various meetings, Plum Creek's revised Plan now "reflects the best thinking of LURC staff and the public." This is erroneous. Plum Creek selected the input that suited their purposes. This revised plan in no way reflects the best thinking of LURC staff and the public. It reflects only those views deemed to be acceptable to the petitioner, Plum Creek.
5. Mr. Mason incorrectly, and dangerously, makes the analogy that the private Plum Creek concept plan is comparable to the publicly sponsored LURC plan for the Rangeley region. These processes – and the ensuing results -- could not be more different. The only point I can agree with in this section is that the Moosehead Region deserves its own regional plan, but created by its governing public agency, LURC. It is important to remember that Plum Creek initiated this process for one reason, the benefit of their shareholders. There's nothing wrong with that, but it is very far from the role that a governmental planning and regulatory agency provides to the people of Maine.
6. Mr. Mason states (p. 2, last paragraph) that LURC might not give Plum Creek a "fair shake" and if it does not, "no other large landowners will ever come forward with a plan of this scale again." This suggests that Plum Creek is somehow due its rezoning permit because it has applied for it and held a series of meetings to hear input. One of the major public concerns in this rezoning proposal is that other landowners will, indeed, follow suit if the Plum Creek plan is approved. The jurisdiction (and LURC) would be overwhelmed by one or many more proposals for thousands of new developments, subdivisions and resorts!

A positive outcome for this process would be for LURC to define an unacceptable scale of rezoning and development for a Lake Concept Plan. I do agree with Mr. Mason that the Concept Plan tool is very much at risk. Several landowners have used this tool successfully. The previously approved Lake Concept Plans provide considerable guidance to LURC, to landowners and to the public on what constitutes a reasonable scale and acceptable development impacts. However, it is Plum Creek's proposed use of the concept plan that is putting this tool at risk – at risk of perversion because of the overwhelming scale and the far reaching impacts of Plum Creek's proposed development, which is much greater than was intended or provided for in the LURC Statute, Comprehensive Plan or Land Use Districts and Standards.

7. Mr. Mason states that LURC's choice is between planned and unplanned development. This is a black and white characterization based on fear and an ultimatum that if Plum Creek doesn't receive rezoning approval, it will develop its land in an unplanned manner. That sort of threat to the Commission and the public – do it our way or else – is inappropriate to the Commission's

deliberations.

The real choice is between poorly-planned development with major negative impacts to the region (which I believe is what Plum Creek has proposed), and well-planned development that will allow the region to retain its character and quality of natural resources while providing for compatible growth. The Plum Creek proposal represents sprawl by any standard. One example is the 33 miles of shoreline development that will be strung out along Moosehead and other high value lakes.

8. Mr. Mason includes statistics on the acreage that would be conserved through sale of real estate interests compared to land that would be developed: 95% compared to 5%, respectively. These numbers grossly distort the actual build out and impact, again because the scale is so massive. Over 400,000 acres are proposed for rezoning. That seemingly modest 5% includes:
 - * 20,500 acres zoned for development,
 - * 2,351 subdivision lots and resort units,
 - * 5,200 resort development units, and
 - * 33 miles of shoreline in development zones.

The 95%/5% characterization really does not mean anything in the LURC proceedings because the numbers are so enormous as to lack meaning. Emphasizing these figures also puts the cart before the horse, by considering the so-called “conservation framework” before the actual development impacts are evaluated (please refer also to rebuttal comment 1).

9. Mr. Mason attempts to inappropriately marginalize some organizations and individuals by characterizing their concerns as seeking perfection and not wanting any development at all in the region. I do not believe that is an accurate or fair characterization of Plum Creek’s many, many critics. More importantly, though, each group and individual in this development hearing should be given full respect for their views. This is a proposal with regional and statewide implications. I know the Commission is very much aware of that fact, and I urge you to not let any participant – whether they are for or against the development proposal -- be less than respectful and professional in providing or listening to the wide variety of testimony the Commission will receive on this controversial application.
10. Finally, while Mr. Mason is a former Commissioner, he is also a businessman in the Moosehead Region. As a local well driller, he has a financial interest in the Commission’s decision on whether to approve this rezoning, which would allow for thousands of new residences. His commentary should be considered in this context.

Thank you very much for the opportunity to provide this rebuttal.

STATE OF MAINE
Hancock, ss

Dated 9/27/07

/s/Caroline Pryor personally appeared before me and, after taking the oath, swore that the above statements are true.

/s/Kathryn M. Kief Dated: 9/27/07
Notary Public/Attorney

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