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

# Memorandum

**To:** LUPC Commissioners

**From:** Ben Godsoe, Senior Planner  
Hugh Coxe, Chief Planner

**Date:** May 6, 2015

**Re:** Proposed Rule Change to Designate the Grand Lake Stream Plantation Boathouses and Waterfront as a Designated Area of Cultural or Special Significance

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## Introduction

The following memo describes a proposed rule revision that would allow the Commission to designate the Grand Lake Stream Plantation Boathouses and Waterfront as the first Designated Area of Cultural or Special Significance (DACSS) in the jurisdiction. The Commission will consider the companion chapter 10 rulemaking for adoption at the May 13 meeting. The companion rulemaking establishes the criteria and process for designation.

The proposed rule would facilitate reconstruction of legally existing, nonconforming structures destroyed in a recent fire in Grand Lake Stream Plantation. The basis for the designation is the historical significance of the structures and their contribution of public benefits to the local community. Staff recommends that the Commission direct the staff to initiate the rulemaking process, if and when the proposed companion DACSS rulemaking becomes effective, and then post the draft rule for a 30 day public comment period.

## Background

- On May 23<sup>rd</sup>, 2014, a fire near the outlet to West Grand Lake in Grand Lake Stream Plantation badly damaged three boathouses, burning two of them down to the waterline and damaging a third beyond repair.
- The Commission discussed the boathouses that had burned at the November 12<sup>th</sup>, 2014 meeting. The owners of the boathouses, local organizations, and community leaders requested that the Commission allow the iconic structures to be rebuilt due to their historic significance and because they provided some public benefits for the town. The Commission directed staff to explore options to allow the boathouses to be reconstructed in place.

- Staff visited the site of the fire in Grand Lake Stream Plantation on January 15<sup>th</sup>, 2015 and consulted with community leaders about the importance of the boathouses and waterfront area to the town.
- In considering alternative approaches, staff saw value in choosing a solution that could provide benefits for other communities or areas as well as Grand Lake Stream and proposed the Designation of Areas of Cultural or Special Significance (DACSS) rulemaking. That rulemaking will be considered by the Commission for adoption at the May meeting, and would allow for the proposed Grand Lake Stream Designation rulemaking. Designation would facilitate reconstruction of legally existing, nonconforming structures that are significant to local communities, and which provide public benefits.

### **Discussion of Designation Criteria and Supporting Evidence**

Supporting evidence suggests that the proposed Grand Lake Stream Plantation Boathouses and Waterfront DACSS (see Attachment A for a depiction of the proposed area) meets the three criteria described in the DACSS rule in Chapter 10, Appendix G, Section 1,a(1) through(3). The proposed area exhibits characteristics described in the cultural, historic, and unique geographic location or neighborhood factors listed in Chapter 10, Appendix G, Section 1,b,(1) through (4). The supporting evidence is summarized below.

If the Commission decides to initiate rulemaking and post the proposed rule for a public comment period, a detailed list of supporting documents and other evidence would be published on the website during the official public comment period, and would ultimately be included in the proposed rule’s Basis Statement, if and when the Commission considers it for adoption. Attached to this memo is a list of supporting evidence (Attachment B).

**Criterion #1:** *The proposed area includes an iconic location containing features that convey a sense of time or place to residents or visitors.*

The purpose of the proposed Grand Lake Stream Plantation Boathouses and Waterfront DACSS would be to sustain the legally existing, non-conforming historic boathouses located on the southern shoreline of West Grand Lake. These structures symbolize the key components of the community’s culture, and impart feelings of remoteness and tranquility, conveyed by residents as an “old time feeling.”

#### **Historic and Cultural Factors**

- Boathouses have existed in Hatchery Cove since the early 1900’s and are an important part of what makes the proposed area iconic.

- Many of these boathouses have been used since the early days of recreational tourism in the region to supply lodging facilities on West Grand Lake. Originally, boathouses in this location would have sheltered steam boats that transported sports and other visitors to remote lodges around the lake. Later, they sheltered other boats including the famous “Grand-Laker” canoe, specifically designed and built to handle conditions commonly found on the region’s lakes.
- The proposed area is a jumping off place for a variety of recreational excursions on the region’s rivers and lakes, forms a backdrop for public events and festivals, and is the source of many colorful stories.

### **Unique Geographic Location or Neighborhood**

- Grand Lake Stream is unique to Maine and representative of the Maine Guiding tradition. The community boasts the largest concentration of registered guides in the state and guiding has been an occupation in the plantation since the late 19<sup>th</sup> century. Grand Lake Stream is referred to in online and print publications as one of Maine’s premier destinations for sportsmen with healthy populations of land-locked salmon, native brook trout, and small-mouth bass, and with ample opportunities for hunting.
- Photographers frequent the waterfront because it is a place where they can capture many of the important elements that contribute to the culture and sense of place that residents and visitors experience in Grand Lake Stream.
- Residents refer to the proposed area as the “core of the town”. Fishermen visit the boathouses and waterfront to check the flow in the river and to launch their boats on the lake. Hikers, paddlers, ATV riders, and snowmobilers use the area to access nearby backcountry trails.

**Criterion #2:** *The proposed area is a geographically definable area or neighborhood composed of a finite group of related features that have a special character, historical interest, or aesthetic value.*

The designated area would include all legally existing structures and be divided into two sub-areas, as described in Chapter 10, Appendix G, Section 2,a,(2),(a) through(b). Approximate boundaries of the designated area are depicted in an attachment to this Memo (Attachment A).

**Criterion #3:** *The proposed area provides a significant public benefit.*

Creation of the proposed Grand Lake Stream Plantation Waterfront and Boathouses DACSS would facilitate reconstruction of several boathouses that would restore an iconic landscape that has contributed to the community by: 1) providing a high quality of life for residents; and 2) drawing visitors and stimulating economic activity for local businesses.

## **High Quality of Life**

- Local people refer to the area as Grand Lake Stream’s “working waterfront,” and the “core of the town.” The area includes two public boat launches, a beach, and a convergence of trails.
- The waterfront is a jumping off place for an array of recreational experiences such as paddling, boating, camping, hiking, hunting, fishing, ATV riding, and snowmobiling. The proposed area is often the backdrop for community events such as fireworks displays or activities during the annual Grand Lake Stream Folk Arts Festival.

## **Economic Activity**

- Tourists from all over the world travel to the Plantation during the summer and spend money at local businesses, many of whom sell or have sold postcards that prominently feature the boathouses and waterfront.
- Grand Lake Stream attracts multiple generations of visitors; many of whom have indicated that their grandparents talked to them about the boathouses.
- The area forms a backdrop for community celebrations like the annual Grand Lake Stream Folk Art Festival, which generally attracts more than 1,000 people, and even for an annual retreat of economists and finance industry leaders called the Kotok Economic Summit.

## **Considerations**

The proposed area would be the first Designated Area of Cultural or Special Significance in the jurisdiction. A few things to consider with this first proposed designation include:

- The proposed designation would not be posted for an official public comment period until the DACSS rule revision becomes effective. If and when the DACSS rule revision becomes effective, staff would initiate rulemaking and post the rule for public comment.
- If and when the DACSS rule revision becomes effective, staff will notify parties in accordance with Chapter 4, Section 6, as well as other parties described in the rule such as: property owners within a DACSS, the county, the plantation, tribal governments, and appropriate state and federal agencies.
- If the Commission decides to direct staff to initiate rulemaking once the DACSS rule is effective, after the close of the public comment period the Commission may be asked to consider adopting the proposed Grand Lake Stream designation at the regularly scheduled meeting in July. Included in the Basis Statement and Summary of Public Comments would a detailed summary of findings and a list of supporting evidence used to evaluate the appropriateness of the designation.

## **Staff Recommendation**

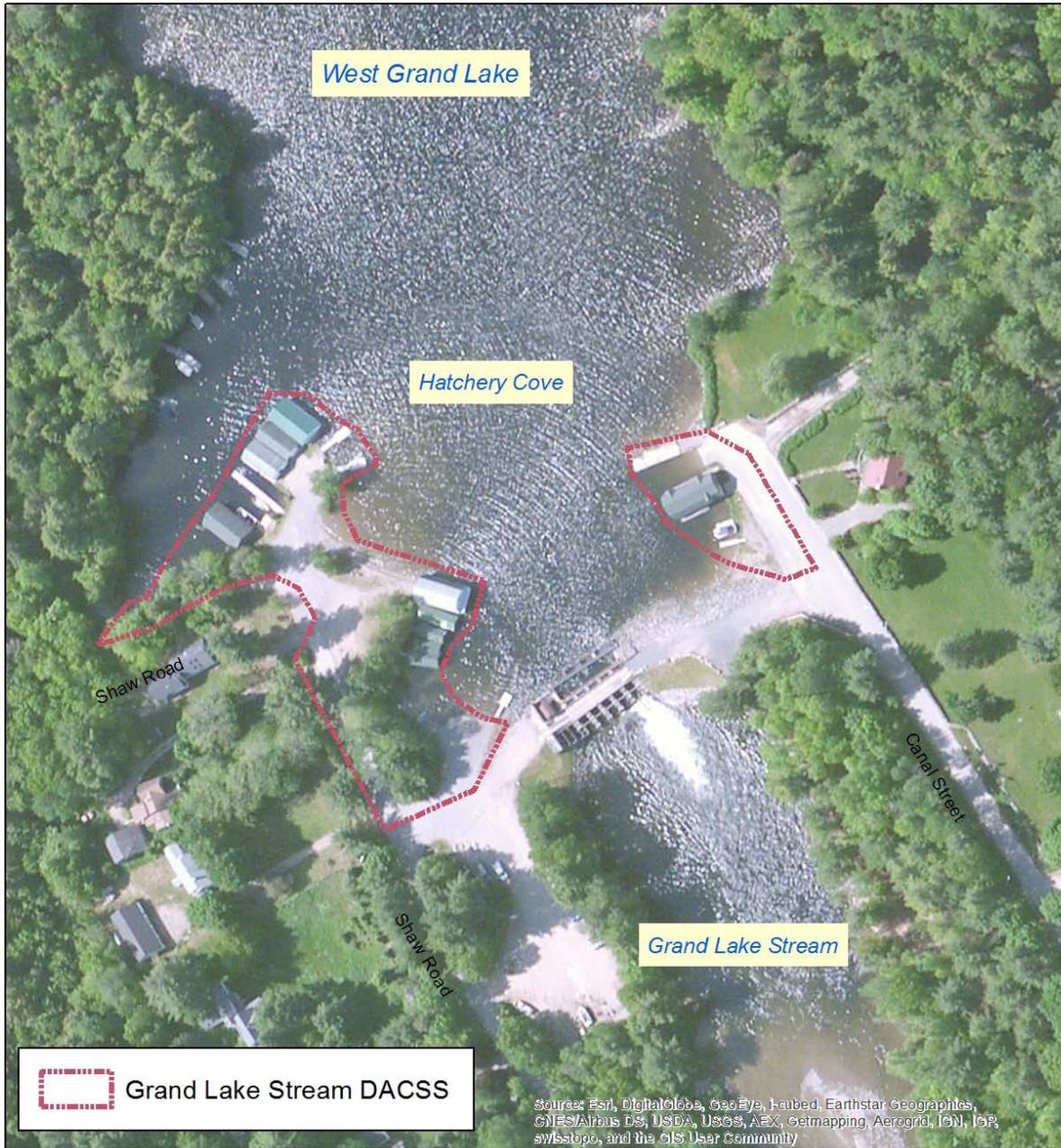
Staff recommends the Commission direct staff to initiate the rulemaking process, after the DACSS rulemaking becomes effective, and post designation of the *Boathouses and Waterfront in Grand Lake Stream Plantation as a Designated Area of Cultural or Special Significance (DACSS)* for a 30 day public comment period.

*Attachment A: Approximate Boundaries of Proposed Grand Lake Stream Plantation Boathouses and Waterfront DACSS*

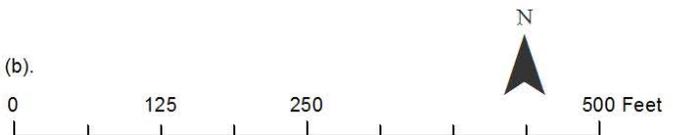
*Attachment B: List of Supporting Evidence*

*Attachment C: Proposed Rule Language*

**Attachment A: Approximate Boundaries of Proposed Grand Lake Stream Plantation Boathouses and Waterfront DACSS**



Boundary lines are approximate.  
A written description of the designated area  
can be found in Appendix G, Section 2,a,(2),(a) through (b).



**Attachment B:** *List of supporting evidence for the designation of Grand Lake Stream Planation Boathouses and Waterfront as a Designated Area of Cultural or Special Significance (DACSS)*<sup>1</sup>

**WRITTEN DOCUMENTATION:**

Attachment 1:

*Historical Significance of the Boathouses of Grand Lake Stream*, letter from Elaine Brown – President of the Grand Lake Stream Historical Society and Plantation Selectman

Attachment 2:

Excerpts from *Hinkley Township*, by Minnie Atkinson, Newburyport Herald Press, Newburyport MA, 1920 – Historical account of the history of Grand Lake Stream until the 1920s that refers to use of the boathouses and waterfront area in Hatchery Cove (pages 86 & 108-109)

Attachment 3:

*New Owners take the helm at Iconic Grand Lake Stream Store*, by John Holyoke, Bangor Daily News, 4/6/2015 – Describes Grand Lake Stream as one of Maine’s “most iconic outdoor destinations”

Attachment 4:

*Top finance gurus make annual pilgrimage to Grand Lake Stream, joined by LePage*, by Mario Moretto, Bangor Daily News, 8/3/2012 – Describes annual economic summit in Grand Lake Stream Plantation

**PHOTOGRAPHIC DOCUMENTATION:**

Attachment 5:

Excerpts from Annual Calendars, Grand Lake Stream Historical Society

- a. *December, 1999*
- b. *April, 2003*

Attachment 6:

Maine Memory Network, Image and description of Dam at Grand Lake Stream, c.a. 1920, [www.mainememory.net/artifact/88005](http://www.mainememory.net/artifact/88005)

Attachment 7:

[www.Maineencyclopedia.com/grand-lake-stream.com](http://www.Maineencyclopedia.com/grand-lake-stream.com)

- c. *Beach on the Lake*, 2013
- d. *Boat Launch*, 2013
- e. *Boat House of Grand Lake*, 2013

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<sup>1</sup>To review original source materials please contact Ben Godsoe.

Attachment 8:

Post Cards

- f. *Journey's End, Boat Landing Grand Lake Stream ME*
- g. *Air View Showing the Dam and Part of the Village Grand Lake Stream, Maine* – Published by Luther S. Phillips, Bangor ME

Attachment 9:

Photographs of Boathouses and Waterfront (5) – provided by the Grand Lake Stream Historical Society

**OTHER DOCUMENTATION:**

Attachment 10:

Recreation Maps:

- a. *Downeast Lakes Water Trail Campsites*, Downeast Lakes Land Trust– Shows and describes hiking trails, camping areas, and paddling routes
- b. *GLS ATV Trail Map* – Shows local ATV trails
- c. *Maine Interconnected Trail System Map* – Shows local trails that connect Grand Lake Stream Plantation to the statewide Interconnected Trail System (ITS) of snowmobile trails
- d. *The Maine Atlas and Gazetteer*, Delorme – Describes paddling trips, pages 11-13

Attachment 11:

Commission Memo, November 11, 2014, Appendix: C Letters of Support

- a. *Woodland Pulp LLC* – Jay R. Beaudoin, Environmental Superintendent
- b. *Selectmen of Grand Lake Stream* – Louis Cataldo, 1<sup>st</sup> Selectman
- c. *Grand Lake Stream Historical Society* – Elaine Brown, President
- d. *Grand Lake Guides Association* – J.R. Mabee, President
- e. *House of Representatives* – Beth P. Turner, State Representative

Attachment 12:

*January 15, 2014 Meeting with Selectmen and representatives of the Historical Society, Staff Notes*

## **Proposed Rule Revisions: Designation of Grand Lake Stream Plantation Boathouses and Waterfront Designated Area of Cultural or Special Significance (DACSS)**

The following amendments to Chapter 10, Land Use Districts and Standards are for areas within the Jurisdiction of the Maine Land Use Planning Commission. This document only includes relevant sections of Chapter 10 and indicates additions in underline, and deletions in ~~strikethrough~~.

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### **APPENDIX G    DESIGNATED AREAS OF CULTURAL OR SPECIAL SIGNIFICANCE (DACSS)**

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1. **Designated Area of Cultural or Special Significance (DACSS).** Areas of cultural or special significance may be designated by the Commission to facilitate expansion, reconstruction or replacement, or relocation of structures that provide significant public benefits to the surrounding community. A DACSS is intended to include discrete geographic areas with significant cultural or other special features. Once included in a DACSS, a structure may be expanded in accordance with Section 10.11,C,1,c, reconstructed or replaced in accordance with Section 10.11,C,2,f, and relocated in accordance with Section 10.11,C,3, of the Commission’s rules. Designation of an area as a DACSS does not preclude expansion, reconstruction or replacement, or relocation of legally existing non-conforming structures in accordance with other applicable provisions of Section 10.11.
  - a. **Designation Criteria.** The Commission shall designate an area of cultural or special significance upon finding that a proposed area meets the following criteria:
    - (1) The proposed area is an iconic location containing features that convey a sense of time or place to residents or visitors;
    - (2) The proposed area is a geographically definable area or neighborhood composed of a finite group of related features that have a special character, historical interest, or aesthetic value; and
    - (3) The proposed area provides a significant public benefit, per Section 1,b.
  - b. **Contributing Factors.** When evaluating whether an area proposed for designation provides a significant public benefit, as required by Appendix G, Section 1,c the Commission shall consider the factors listed below. The Commission may find an area provides a significant public benefit even if the area does not include features satisfying all of the factors set forth in (1) through (4) below, provided the evidence offered for a particular factor or subset of factors is compelling. In applying these factors, the Commission may consider, among other evidence, documentation such as published books, magazines, academic writings, or newspaper articles; other historic records identifying the value of the feature or area; and visual depictions such as postcards, images or paintings. The Commission also may receive testimony by persons with special knowledge about applicable factors.

- (1) Cultural: Buildings, improvements or other features that exemplify or reflect a group of people linked together by shared values, traditional uses, beliefs, and historical associations;
- (2) Historic: Represents a distinct historical period, type, style, region, or way of life; is the site of an important historical event, or is associated with historic events that have made a meaningful contribution to the nation, state, or community; or represents a specific business or use, which either once was common but now is rare, or continues to have historical value as it currently operates.
- (3) Architectural or Engineering: Exemplifies a particular architectural style or way of life, construction materials or engineering methods used to build features, or embodies elements of outstanding attention to architectural or engineering design, detail, material, or craftsmanship.
- (4) Neighborhood or Geographic Setting: The proposed area is in a unique location, or represents an established and familiar visual feature of the community that draws residents and visitors, or structures or features within the designated area include singular physical characteristics.

c. **Procedural Requirements.** In accordance with Chapter 4 of the Commission's Rules, Rules of Practice, Section 4.06, any person may petition the Commission for designation of an area as a DACSS. Petitions must be in writing and identify the area proposed for designation, specify the purpose of the proposed designation, and explain how the designation conforms with the criteria set forth in Appendix G, Section 1,a. In addition to notification requirements described in Section 4.06(5) upon receiving a petition to designate a proposed area the Commission shall notify: (i) property owners within the area proposed as a DACSS; (ii) the municipality or plantation where the designated area is proposed; (iii) the county if located in an unorganized township; (iv) appropriate state and federal agencies, to be determined by the Commission; and (v) tribal governments. Upon designation of an area as a DACSS, a description of the designated area, its purpose, and the facts substantiating the Commission's finding that the applicant satisfied the criteria in Appendix G, Section 1,a shall be listed in Appendix G, Section 2 of this chapter.

d. **Removal of Designation.** Upon petition in accordance with Chapter 4 of the Commission's Rules, Rules of Practice, Section 4.06, the Commission may remove a designation of a DACSS when the Commission finds that the DACSS no longer meets the purpose of the DACSS listed in Appendix G, Section 2, of this chapter or no longer provides a significant public benefit based on the factors in Appendix G, Section 1,b,(1) through (4).

2. **Designated Areas.** The following areas have been designated as a DACSS in accordance with the procedure described in Appendix G, Section 1.

a. **None-listed Grand Lake Stream Plantation Boathouses and Waterfront.** Grand Lake Stream Plantation is a place where fishing, boating, access to water, and a strong connection to the past are key components of its identity and culture and very important to its residents, as well as the large number of visitors that come to the community each year. It is a place to which people from all over the world travel for its culture, its beauty, and importantly, the "old-time feeling" that makes it special.

- (1) **Designation Purpose.** The purpose of listing the Grand Lake Stream shorefront as a designated area is to provide the community an opportunity to sustain the boathouses located on the iconic southern shoreline of West Grand Lake that symbolize key components of its culture, and history, and that convey a tranquil "old-time feeling" for the people that live in and visit the community, and contribute to Grand Lake Stream Plantation's quality of life and sense of place.
- (2) **Geographic Boundaries.** The designated area includes all structures within its boundaries that are legally existing as of the effective date of this rule amendment. The designated area specifically includes the two public boat launches and excludes the man-made dam and any portion thereof, and is composed of the following two sub-areas:
  - (a) **Western sub-area.** Extends northerly and westerly from the intersection of the driveway for the public boat launch and centerline of Shaw Road, along the centerline of Shaw Road, to the point where Shaw Road crosses the inlet into Hatchery Cove; and extends on the lake side of the road, to the extent necessary to include all legally existing structures.
  - (b) **Eastern sub-area.** Extends southerly from the end of Canal Street, along the centerline of Canal Street, to the center of the intersection of Canal Street and the driveway leading to the dam; and extends on the lake side of the road, to the extent necessary to include all legally existing structures.
- (3) **Facts Substantiating Designation of Grand Lake Stream Plantation Boathouses and Waterfront as a Designated Area of Cultural or Special Significance.**
  - (a) The historic boat houses that have existed along the shoreline at the southern end of West Grand Lake since the early 1900's are part of what makes the area described in Appendix G, Section 2,a iconic. For residents and visitors, the boathouses reflect the community, its culture, and their shared value of traditional uses and an "old-time feeling."
  - (b) The boathouses in Hatchery Cove are representative of the Maine Guiding Tradition and a specific way of life. They originally sheltered steamboats used to transport sportsmen and other visitors to remote lodges located around the lake. They have since been used to store boats for visiting sportsmen, including the famous Grand Laker Canoe, which was designed and built locally for conditions commonly found on the lake. Additionally, the boathouses have been used by property and business owners to supply camps and lodges located around the lake, and by the Maine Forest Service as a base for firefighting operations. Although privately owned and used, the community associates the boathouses with their past. One resident commented that all good stories start with "we were down at the boathouses ...."

- (c) The area described in Appendix G, Section 2.a.(1) is a unique geographic location and represents an established and familiar visual feature of the community that draws residents and visitors, and contributes to a high quality of life for residents and economic activity from tourism. Residents talk of children in the area, against the wishes of their parents, jumping from the boathouses into the lake. Fishermen visit the area to check the flow in the river and to launch their boats on the lake. Hikers, ATV riders, paddlers and snowmobilers use the area to access the many nearby recreational trails. Families and school groups come to swim and picnic. The community holds events at the waterfront such as fireworks displays and activities during the annual Grand Lake Stream Folk Arts Festival. Photographers have a single place where they can capture many of the important elements that contribute to the culture and sense of place that locals and visitors experience in the community. Residents describe this area as Grand Lake Stream's "working waterfront," and as the "core of the town."