



PAUL R. LePAGE
GOVERNOR

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

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

Memorandum

To: LUPC Commissioners

From: Samantha Horn, Planning Manager
Ben Godsoe, Senior Planner

Date: December 7, 2017

Re: Adjacency Review

I. Introduction

At the December Commission Meeting, staff will summarize written comments submitted during the month of August, and provide an update on the Commission's review of the adjacency principle. This memo includes a brief description of what will be covered during the oral presentation. Written public comments submitted during the comment period are attached at the end of the document.

II. Process Summary:

- Initial background research and outreach
- Public survey
- Stakeholder focus groups
- Development of planning framework
- Written public comment period on the planning framework
- Development of zoning tools (CURRENT WORK)

III. Summary of written public comments

The public comment period covered the adjacency review process so far, including the planning framework discussed at the Commission Meeting on August 9, 2017. The comment period was open for 3 weeks, from August 11, 2017 to September 1, 2017. Notice of the comment opportunity was



Adjacency Review

provided to individuals on the Commission's interested parties list, which includes participants in the process so far, and was posted on the website.¹

The Commission received 20 comments from organizations and individuals. Written comments included a variety of perspectives and ideas, and the feedback will be helpful as the Commission continues the review of, and discusses potential changes to, the zoning system. Several commenters cautioned that the adjacency policy is an important underpinning of the Commission's regulatory system and that, while there may be a need for additional flexibility in some cases, the entire policy should not be abandoned. While the Commission may decide to replace the one-mile-by-road rule of thumb with a different method of applying the adjacency principle, the core policy would remain in place and continue to help concentrate most new development near existing developed areas to satisfy the sound planning and zoning concepts outlined in 12 M.R.S. §681 and discussed in the Comprehensive Land Use Plan (2010 CLUP, pg. 63).

IV. Update on current policy work

The planning framework that the Commission discussed at the meeting in August included several policy topics and outlined general strategies for addressing each. A diagram depicting the planning framework, and which lists the policy topics, is attached to this memo (Attachment A).

For some policy topics, staff have analyzed information and feedback from the public and stakeholders to identify places potentially suitable for development based on access to existing infrastructure and services.

In other cases, more information is needed about specific topics. For example, to better understand how new development in the unorganized territories may affect municipalities, staff recently attended the Maine Municipal Association annual convention and interviewed municipal officials from communities near the Commission's service area. Staff have also scheduled a focus group meeting in December with stakeholders who are knowledgeable about businesses that cater to recreational users (e.g., canoe or kayak rentals, ATV or snowmobile rental or repair businesses, bait shops, outfitter or sporting camp satellite operations, etc.). The purpose of the meeting is to find out what types of recreation-related businesses may want to locate in the Commission's service area in the future, and where should they be located.

Staff will provide a more detailed update on the status and schedule for each policy topic at the December meeting.

¹Website link: <http://www.maine.gov/dacf/lupc/projects/adjacency/adjacency.html>

Adjacency Review

Next Steps:




- Obtain more information about certain topic areas (e.g., businesses that serve recreational day users, and natural resource processing businesses);
- Continue work on zoning tools for each policy topic area;
- Review of the topic areas together in order to minimize situations where incompatible uses may be allowed in the same locations, which could potentially result in land use conflicts; and
- If the Commission decides to move forward with any proposed concepts, implementation may require a rulemaking process, which would include additional opportunities for public comment.

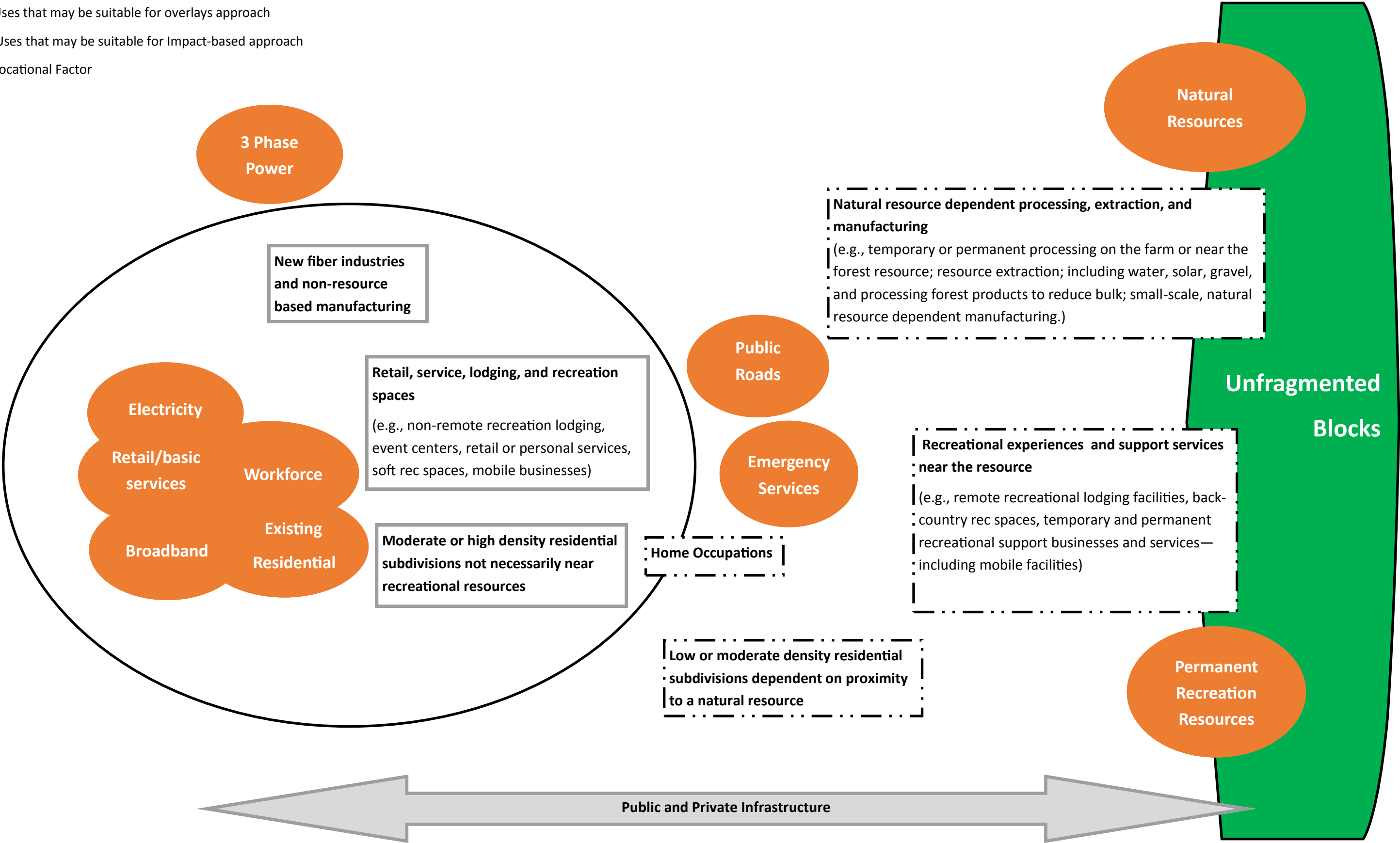
ATTACHMENTS:

- A. Diagram of planning framework
- B. Written public comments

Important Locational Factors for various Activities and Uses

Legend

-  = Uses that may be suitable for overlays approach
-  = Uses that may be suitable for Impact-based approach
-  = Locational Factor



PUBLIC COMMENTS RECEIVED FOR ADJACENCY REVIEW PROCESS

Maine Land Use Planning Commission
Maine Department of Agriculture, Conservation and Forestry

Start Date: August 11, 2017

Public Comment Deadline: September 1, 2017

Commenters:

- | | |
|--------------------------------|------------------------------------|
| 1. Nancy Smith | Grow Smart Maine |
| 2. Jeff Pidot | Citizen |
| 3. Cathy Johnson | Natural Resources Council of Maine |
| 4. Bradley and Kathleen Averka | Dead River Twp |
| 5. Norm Kalloch | Carrying Place Town Twp |
| 6. David Small | Carrying Place Town Twp |
| 7. Christopher Short | Lexington Twp |
| 8. Kaitlyn Bernard | Appalachian Mountain Club |
| 9. Gwen Hilton | Community Planning Consultant |
| 10. Alan Michka | Lexington Twp |
| 11. Hank McPherson | McPherson Timberlands |
| 12. Amanda Anderson | Trescott Twp |
| 13. Jeff Reardon | Trout Unlimited |
| 14. Ken Lamond | Family Forestry |
| 15. Sally Stockwell | Maine Audubon |
| 16. Michael Smith | Trescott Twp |
| 17. Norton Lamb | Citizen |
| 18. John Kelly | Prentiss & Carlisle |
| 19. Janet Weston | Trescott Twp |
| 20. Kay Michka | Lexington Twp |

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To the Members of the Maine Land Use Planning Commission

August 10, 2017

As noted in my testimony yesterday, I am providing a written summary of my remarks. I was encouraged to hear the Chair of the Commission state that it is not the goal of the Commission to eliminate the adjacency rule, but to improve the process.

Below are the primary points of my remarks, which are based both in the mission of GrowSmart Maine and in my long time experience as a forester (including townships in the UT) and as a farmer, because conflicts with neighbors can be quite similar.

- GrowSmart Maine helps Maine communities adapt to change by proving tools and resources that encourage solutions focused on long term positive outcomes. How can we keep what we love in our hometowns while creating economic opportunities for ourselves and future generations?
- We support the overall direction of the staff recommendations but urge caution in proceeding due to the significance of the UT in both size and its various values.
- In whatever form changes to the rule take, the purpose of the adjacency principle should be preserved. The goal is to accommodate and welcome economic growth in a way that minimizes negative impacts on the surrounding communities and environment.
- The Objectives of adjacency listed on p.2 of the staff document are well-stated and important.
- I would argue against the point noted on p. 5 that “service availability may not be necessary if buyers are warned in advance.” The bullet below this one notes a similar viewpoint. It is human nature to expect what we are accustomed to, regardless of original agreements. With transitions in use from seasonal to year-round, transfer of ownership, even as owners age, needs change and expectations can cause conflict for local and regional service providers.
- The primary source of conflict will likely continue to be the type of development described in the 4th principle recommended by staff on page 10 of the document. Residential developments located within the natural resource and away from service center communities often risk “undue adverse impacts” to the community and environment and are nearly important difficult to undo.
- Fragmentation is specifically noted as a risk. Adjacency also related to new neighbors not accustomed to the sights and sounds of timber harvesting. As with farming, new neighbors can create conflict with traditional management and harvesting methods.
- It is important to respect the Citizen-Guided Planning and Zoning Process, looking to the outcome of these efforts as guidance for the desires of local residents.
- Finally, as Maine makes good use of significant investments in federal, state, and local resources within the 3-year Sustainable Forestry Initiative, it would be a disservice to work at cross purposes with these efforts that are focused on strengthening both the forest economy and the communities hit hard by mill closures. Let’s ensure our work here does not conflict with those efforts, so the forest economy can respond to future opportunities and the communities are strong and sustainable.
<http://maineforest.org/issues-information/sustainable-forestry-initiative/>

Comments of Jeff Pidot before the Land Use Planning Commission
Brewer, Maine
August 9, 2017

Good afternoon, Commission members. My name is Jeff Pidot.

Since many of you don't know me, let me take a moment to introduce myself. For many years, I used to be where you are sitting. In the early 1980s, I had the honor to serve as this Commission's staff director. For most of the rest of my career, during a period spanning more than a quarter of a century when I served as at the Attorney General's office as its environmental division chief until my retirement, I had the honor to be this Commission's legal counsel.

Many times, occasionally in this very room, I listened, as you are today, to public comment on matters coming before the Commission. Little did I think then that so many years later I would be back, but the issue before you is important to your program and to the public, including to me. Thanks for this opportunity to say what is on my mind.

I was in the room, literally, when the adjacency criterion was conceived way back in 1976. I later participated heavily in revising the Commission's Comprehensive Plan while I was its staff director. If you want, you can blame me for whatever problems you have experienced with the adjacency concept, but let me take a moment to describe why it was selected as the key to the Commission's efforts to guide the location of future development.

Let's start with your statute: It directs you to protect your jurisdiction for its economic, recreational, scenic and wildlife resources, and to prevent harm from development sprawl and the intermixing of incompatible uses. Your Comprehensive Plan focuses on the adjacency principle as the primary tool to this end. Indeed, this concept is discussed in the current Comprehensive Plan a multitude of times as being the primary tool for locating new development areas. Let me quote just two of these references in your Plan:

From page 60: "In carrying out its mandate, the Commission has always been guided by the premise that most new development should occur in or near areas where development already exists. This idea was first expressed in the Commission's initial Comprehensive Land Use Plan, adopted in 1976. The premise was based on generally accepted planning principles of concentrating development near services to reduce public costs and minimizing development

near productive natural resource-based activities to reduce land use intrusions and conflicts.”

From your Plan page 128: “The adjacency principle has been a valuable tool in guiding development and will remain a central consideration in rezonings, but its application will be further refined to promote consistency and good planning. The Commission expects to substantially strengthen and more comprehensively define adjacency, and will likely integrate this criterion into its improved approach to guiding growth. (page 128)”

Quite simply, adjacency was selected and remains as *the* primary guiding principle for locating new areas for development because it *just makes common sense*. If new development is located near existing development, there is no better way to control sprawl and fragmentation that are so destructive to all the economic and environmental values that the Commission was created to protect. There is no better way to efficiently provide for public services and the needs of community. There is no better way to minimize the loss of productive forest and agricultural lands. There is no better way to protect wildlife habitat and connectivity. There is no better way to conserve scenic resources important to communities and the vitality of the tourism industry. In short, there is no better way for the Commission to do the job Maine people have entrusted to it, and that the Maine Legislature has specifically directed it to do.

This is why adjacency was chosen as a guiding principle back then, and why it is still appropriate and even necessary today. What could replace it? As you consider alternatives, ask yourself whether any of them could be as effective and meaningful guideposts, provide as effective direction to your decision-making, be as predictable to your diverse constituencies, provide as effective legal administration and enforceability?

To be sure, adjacency has never been and never can be the *sole* guiding principle for the location of future development. Your CLUP and Land Use Districts and Standards provide multiple exceptions, *where they make sense*. For example, virtually all your zones permit limited forms of development on existing legal lots that satisfy basic site criteria. Several zones have been created to allow new development in locations not proximate to other development in situations where that makes sense. Even subdivisions of modest size are permitted in management districts in selected townships near service centers without a zone change. I think one might fairly question whether some of these exceptions to the adjacency principle are a good thing, but that questioning reinforces rather than undermines

the basic common sense and usefulness of the principle. Indeed, as your Comprehensive Plan suggests, adjacency needs to be strengthened not undermined.

Finally, ask yourselves whether un-anchoring your decisionmaking from this time-tested and respected principle will result in your decisions becoming that much harder to undertake, more unpredictable for others as well as yourselves, more prone to subjective reasoning, debate and controversy, and easier to challenge in both court and among landowners and the affected public. I have strong doubts that there is anything that can replace this legal anchor. I believe that casting it off will just cast you adrift.

Many thanks for this opportunity to share my thoughts, and for what for me is a homecoming.

And thank you for your efforts and hard work for all of us.



Natural Resources Council of Maine

3 Wade Street • Augusta, Maine • 04330 • www.nrcm.org

Comments of the Natural Resources Council of Maine Regarding the Adjacency Principle Aug. 30, 2017

Thank you for the opportunity to comment on the proposed changes to the Land Use Planning Commission's most important principle – the adjacency principle.

The adjacency principle is the single most important tool that the LURC/LUPC has had to guide development in the jurisdiction over its 45 year history.

Adjacency is what has kept the character and sense of place in Maine's North Woods that respondents to the Location of Development Survey most frequently mentioned – the forest, lakes, clean water, wildlife, mountains, rivers, woods, habitat, and streams (See attached "wordle.")

While LUPC has other tools, for example, the regulations requiring development to be set back from lakes or roads, or addressing erosion, soils suitability, solid waste disposal, noise and lighting – tools that are extremely important for addressing issues raised at a particular house or business development site – it is the adjacency principle that guides proposed development to the sites least likely to harm the character and sense of place that respondents to the survey mentioned.

For that reason, we urge you not to abandon the adjacency principle.

The UT is a significant economic asset for local communities and the state as a whole.

The forests have been the asset upon which the forest products industry has depended for generations. While the forest products industry is undergoing major changes, we assume and expect that it will continue to include businesses based on the harvest of a variety of forest products including wood, pulp, chips, and maple sap among others. Having residential subdivisions scattered among active harvesting operations and located along private logging roads is a recipe for problems.

In addition, in recent years, we are seeing the forest asset support not only the forest products industry, but, increasingly, the outdoor recreation tourism industry. Visitors come to Maine's North Woods for recreation to find the broad expanse of undeveloped forests, lakes, mountains, rivers and scenic views they cannot find in southern Maine and the rest of New England (and the world.)

Hundreds of businesses in western, northern, and eastern Maine - guides, outfitters, lodges, restaurants, and retail stores selling everything from fishing gear, gas and food, to original art, local crafts, and souvenirs – are part of this growing outdoor recreation economy. This year, CNN recommended northern Maine number 5 on their list of 17 places in the WORLD to visit in 2017. Already parts of the region are seeing a measurable increase in the

numbers of visitors. New businesses are opening and existing businesses are expanding and investing. People come to the UT because it isn't just like other places. If the asset – the forests, lakes and rivers - is degraded through scattered development, those visitors won't come and those businesses will suffer.

The survey found that the significant majority of all demographic groups do not want to see additional commercial or residential development in the region.

It is not just visitors who want to see the UT remain largely as it is. The survey indicated that 57% of those who live or work in the region and 72% of those who own or manage property (but do not live or work there) do not want to see more residential development. A similar and even stronger opposition was expressed regarding commercial development: 65% of those who live or work in the region and 83% of those who own or manage property in the region (but do not live or work there) do not want to see more commercial development.

Therefore, the LUPC should think very carefully about how best to guide any new development to appropriate places.

To avoid harm to existing communities, development should be guided into the existing service centers and adjacent towns with town centers.

Locating development in existing service centers, like Bethel, Rangeley, Greenville, or Millinocket will minimize the costs of that development for public services such as school bus routes, ambulances or other emergency aid, fire protection, solid waste removal, snow removal, etc. These are costs that are born by everyone in the community. Minimizing these costs helps everyone, not just those who eventually own the new houses or businesses.

But communities are far more than places for providing public services. They are also the location of civic institutions like hospitals, schools, libraries, churches and fraternal organizations that are the heart and soul of a community. These organizations cannot survive without enough people living close enough to participate, attend, and support these entities.

One characteristic that is common in all of the communities in or adjacent to the UT is that they have lost population in recent decades. Virtually all neighboring communities have places that formerly housed commercial or industrial facilities but are now vacant. The best thing that LUPC could do for these communities would be to guide future growth, both commercial and residential, into the existing communities so there would be enough businesses to provide jobs, enough children to keep the schools open, enough patients to keep the hospitals open, enough readers to keep the libraries open, and volunteers and participants in all the many civic and volunteer organizations found in thriving communities.

Abandoning the adjacency principle and allowing scattered residential and commercial development will harm those communities that are already struggling. As Commissioner Bill Gilmore said at the Aug. 9, 2017 LUPC meeting, "I wouldn't want to see you [LUPC staff] spend a lot of time trying to create what we perceive as being a good justification in developing guidelines for more growth in and around the UT and take away from those existing small towns." The LUPC's focus should be on guiding development into adjacent small towns, not away from them.

The elimination of the adjacency principle would undercut and bypass locally driven Community Guided Planning and Zoning efforts.

To our knowledge, none of the three CGPZ processes have suggested eliminating the adjacency principle or have called for allowing scattered low or moderate density subdivisions. Rather, these processes have focused on providing reasonable opportunities for additional commercial development in areas where public services are available. They have proposed reasonable changes to existing zoning that are tailored to their regions. We do not believe that these locally driven efforts should be undercut and pushed aside.

Regarding the particular principles proposed in the memo:

- a) We agree with the principle that some uses related to natural resource processing and extraction, or recreation, may need to be near forest, farm or recreational resources simply by the nature of their business. However, any variance from the current requirements should be based strictly on need and not on mere convenience or desire.
- b) We strongly agree that most uses, particularly residential subdivisions but also those industrial and commercial uses that don't need to be near the forests, farms or recreational resources, should be near services and infrastructure for the reasons mentioned earlier.
- c) We believe that small-scale home-based businesses can be located in a variety of settings, so long as they remain small-scale and do not cause adverse impacts on neighboring uses or activities, or the character of the jurisdiction.
- d) We do not support abandoning the adjacency principle and adopting rules that guide low or moderate density subdivisions to places distant from existing communities and service centers. Subdivisions are never "dependent" on natural resources such as lakes; some may argue that it is "desirable" to locate them on lakes, but "wanting" something is not the same as "needing" it.

LUPC's legal responsibility is to protect the jurisdiction for its economic, recreational, scenic, and wildlife resources, and to prevent harm from development sprawl and the intermixing of incompatible uses. The desires of private developers should not override LUPC's responsibility to ensure sound planning and zoning and to protect the natural resources of the region, including its undeveloped character.

There are other alternatives to amend the existing system without abandoning the adjacency principle.

We agree with Commission chair Everett Worchester's comment at the meeting on Aug. 9, 2017 LUPC meeting that it is inappropriate to totally abandon the adjacency principle. There are other alternatives to address the perceived needs.

LUPC's long-standing Lake Management Program divided lakes in the UT into seven categories. Three of those categories, Classes 3, 4 and 5, were designated as suitable or potentially suitable for additional residential development, including residential subdivisions, without having to comply with the adjacency principle. Shore frontage on these lakes where

adjacency is currently not required constitutes more than 20% of the lake shore frontage in the UT. We have seen no data that suggests that this amount of shore frontage is insufficient to accommodate any reasonable amount of additional residential development. There are many existing shorefront lots that could be developed under the current rules.

If, after further research and analysis of the existing development opportunities without any changes to the adjacency principle, and after considering the development opportunities in adjacent townships, LUPC determines that more development opportunities are needed, one option may be to revisit the class seven lakes which were essentially the catch-all category for lakes for which there was insufficient information at the time the Lake Management Program was adopted to put them into one of the other six classes. No changes to the adjacency principle would be needed to undertake this review or potential reclassification.

In addition, there are other tools that allow significant amounts of development without complying with the adjacency principle. These include Level 2 subdivision townships, lake concept plans, recreation facility zones, and the Lakes Management Program. No credible case has been made for any need to abolish the adjacency principle.

The Legislature determined that “low-density” or “large-lot” subdivisions were inconsistent with LUPC’s purposes and eliminated them through changes in the law.

The proposal in principle d. that would allow “low-density” residential subdivisions is inconsistent with the intent of the laws adopted by the Legislature in the 1990s and early 2000s, and should be rejected. After multiple attempts to limit “low-density” or “large-lot” subdivisions, the Legislature determined that they should be eliminated altogether in the jurisdiction because they take productive forest land out of production, increase costs for public services, and close off areas long used for hunting and fishing. After adopting several different changes in the law over multiple years in an effort to resolve these problems, the Legislature eventually concluded that the only solution was to eliminate future opportunities for these large-lot, low-density residential subdivisions. Any effort to reauthorize low-density subdivisions would inevitably lead to the same problems that led to those changes in the 1990s.

The “impacts based” approach and the “overlay” approaches would be extremely complicated to develop, and even more complicated for applicants to comply with and for LUPC staff to enforce.

The proposal to replace adjacency with an “impacts based approach” is, to our knowledge, a risky and untried approach on the scale that is being proposed. To the extent that the recreational lodging rulemaking is a version of the “impacts based approach,” we believe it would be appropriate to allow that process to function for a few more years and then do an analysis of the strengths and weaknesses of the process before extending it to other uses and areas of the UT.

Summary

We urge you not to throw the baby out with the bathwater. While there may be ways to refine the adjacency principle to accommodate commercial uses not previously anticipated, like kayak or bicycle rental businesses or solar farms, we believe there will be adverse,

unintended consequences of abandoning a system that has worked reasonably well in favor of an untried replacement. We encourage the LUPC to focus on ways to improve the adjacency system where there are issues, rather than abandoning it. The specific recommendations at the end of the memo are a more appropriate way to proceed.

Thank you for the opportunity to comment.

Respectfully submitted,

A handwritten signature in black ink that reads "Cathy". The script is cursive and fluid, with the "C" being particularly large and stylized.

Catherine B. Johnson, Esq.
Forests and Wildlife Project Director

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RECEIVED

AUG 23 2017

LUPC - AUGUSTA

To Whom It May Concern,

As a camp owner on Flagstaff Lake, our neighbors & ourselves would like more information regarding the G. A. A. Also, the agency principal as it applies to our property on the Dead River as well as residents of Highland & Lexington.

We would like a public hearing in New Portland. We feel the need for a hearing closer to our location.

Thank you for your consideration.

Bradley & Kathleen Aversa
Fieds Corner Road
Dead River

Godsoe, Benjamin

From: Norm Kalloch <pondstream@yahoo.com>
Sent: Tuesday, August 29, 2017 7:01 AM
To: Godsoe, Benjamin
Subject: comments onLUPC's review the Adjacency Principle

Mr. Godsoe,

My wife and I reside in Carrying Place Town Township, an unorganized township in Somerset County.

I have great concerns modifying the Adjacency Principle as it is currently defined. The Commission's own planning principles rightly defines its benefits as:lowering the tax burden, preserving contiguous areas for forestry and agriculture and maintaining the health of the communities that I interpret to mean minimizing sprawl and the subsequent fragmentation of the landscape, as well as the associated service costs that accompany leap frog development.

I also look at the existing Adjacency Principle as one of the most importing planning tools the LUPC has for planning growth in the unorganized areas of the state. Any weakening of this principle significantly erodes LUPC's effectiveness to protect its current residents and the environment that it has been charged to serve and protect.

I urge the Commission to think long and hard before redefining one of the most effective planning tools it has to protect the UT from sprawl.

Thank you.

Sincerely,

Norm Kalloch
136 Storey Road
Carrying Place Town Township, Me

Godsoe, Benjamin

From: David Small <smalldw201@gmail.com>
Sent: Monday, August 28, 2017 11:53 AM
To: Godsoe, Benjamin
Subject: Adjacency Principle

Dear Mr. Godsoe,

I have just been made aware of the LUPC's intent to review the adjacency principle of the zoning statutes for the unorganized territories of Maine. As a property owner in the unorganized territory (T2 R3), I urge you to exercise extreme caution when performing this review. Although there may be deficiencies in the existing law that negatively affect some property owners in the UTs, particularly large landowners with development goals as their primary concern, for a vast majority of property owners and residents, the adjacency principle is a very important tool in helping to protect the UTs from undesirable development and sprawl.

Most of us who own property, and/or reside in the UTs, do so because of our overwhelming appreciation for the unique qualities that we find there in terms of rural character and lack of commercial or residential development, and we are vehemently opposed to proposals that would change the UTs in ways that would diminish that rural character. Also, as someone who hosts the "Maine Huts and Trails" recreational trail system on my property, I believe that those who are involved in Maine's eco-tourism industry are strongly opposed to development that would have a negative impact on eco-tourism. Any significant change to the adjacency principle of the existing laws governing development activities in the unorganized territories, would surely have a negative impact on those tourism based industries.

Therefore, I respectfully urge you to use extreme caution when considering changes to the adjacency principle of the laws governing development placement in the unorganized territories of our beautiful and unique state.

Thank you for providing the opportunity for comment on this extremely important subject.

Sincerely,
David W. Small

Godsoe, Benjamin

From: zacariss@tdstelme.net
Sent: Wednesday, August 30, 2017 1:12 PM
To: Godsoe, Benjamin
Subject: Comment on Review of the Adjacency Principle

August 29, 2017

Board of Commissioners
Everett Worcester, Chair
Maine Land Use Planning Commission

Re: Adjacency Review
Comments of: Christopher Short

I first came to live and work in Maine in 1974 where I resided seasonally on Mt. Desert Island as an independent contractor. In the Spring and Summer of 1977 I thru-hiked the entire Appalachian trail from Georgia to Maine. I returned to Maine several times to live and work seasonally, until 1985, when I purchased property in Lexington Twp.. I built my home that year and settled down to work here and raise a family. I like many others, chose to live in the UT's for the independent spirit that they inspired and the remote simplicity they offered.

Having hiked across 245 miles of the state's rugged and diverse topography and resided at different times from the mid-coast to the western mountains, my perspective may be somewhat different than others. Traveling from Kittery to Fort Kent over the years, I can unequivocally say while parts of southern and coastal Maine have prospered and grown, much of the rest of the state has not. Ironically, besides being a tourist destination the "Vacationland" state's progressive shortcomings are a result of its geographic location. Like the North Dakota Badlands it is an interesting place to visit but few tourists would choose it as their place of permanent residence.

Except for immediate southern coastal areas, Maine's long winters and often dangerous travel conditions will not entice the uninitiated to want to travel great distances for employment.

These days rural areas tend to attract those of retirement age rather than the youthful ambitious as is witnessed in Maine's growing geriatric population.

Maine's manufacturing concerns except for the paper and wood industries are mostly smaller businesses trying to eke out an existence in towns and small cities near Maine's poor network of transportation routes. They do not offer large employment opportunities or competitive wages.

The number of dying small towns, abandoned railroads, vacant mills and chicken barns scattered across Maine are a testament to Maine's bygone days not Maine's future. The echoing sounds of hundreds of chain saws now replaced with more efficient and less expensive automation are only signs of things to come in industries where hands-on employment once presented long term opportunity. Maine through natural transition has become a service oriented workforce that caters to mostly affluent outsiders who can afford to lodge and dine where many locals can not. Raising wages and improving quality of life before investing in the temporary and limited benefits of any unnecessary and destructive development would be a step in the right direction. If already established urban areas are currently unable to offer what is needed for new development, what chance will creating sprawl into outlying adjacent areas have at succeeding?

Census' taken over the years show that for most of the 20th century Maine's population growth has lagged far behind the rest of the country. Despite gains in 1970 and 1980 Maine's permanent citizenry leveled off in 1990 and has remained all but stagnant. Projections for Maine's future resident population show no new growth trends.

To think that the adage, "If we build it they will come", may be the impetus to grossly overhaul current adjacency principles, unless it's to make laws even more stringent when it comes to over zealous and haphazard development, is worse than pie in the sky rationalizing. Development for development's sake is a dangerous precedent that the adjacency principles originally sought to challenge for the higher good of resource preservation.

Which finally brings us to what may be Maine's true asset, and that is the advantage of the vast undeveloped areas that we already have. We can choose to be responsible and smart enough to protect and preserve what has fast been disappearing across our small planet and except for what development is critical to universal longevity, continue to maintain Maine's natural appeal and "they will come" to experience our uniqueness.

Christopher Short
Lexington Twp., ME
zacariss@tdstelme.net



Written Comments on the LUPC Adjacency Principle Review

August 31, 2017

The Appalachian Mountain Club is the nation's oldest outdoor recreation and conservation organization. We are dedicated to promoting the protection, enjoyment, and understanding of the mountains, forests, waters, and trails of the Northeast. Here in Maine, we own and manage 75,000 acres of land in Piscataquis County, and focus our efforts on public outdoor recreation, resource protection, sustainable forestry, and community partnerships. This project, called the Maine Woods Initiative (MWI), is the largest land conservation effort in AMC's 140 year history. Our experience provides us with multiple interests in the adjacency review process as a landowner, recreation facility operator, and conservation organization.

The unorganized territories are a unique and invaluable resource to the state. Many of you may have seen the images of global nighttime lighting, in which much of the LUPC jurisdiction stands out as a black expanse in a white sea of settlement and development. There is no place like it in the eastern United States. The mostly undeveloped landscape of the jurisdiction provides a wide range of economic, social and ecological benefits to landowners, local communities, residents and visitors, each of whom has their own reasons for valuing it.

Planning and zoning for the long-term future of this region is a daunting task. The Commission must find the appropriate balance between public and private rights and benefits, such as the balance between the rights of landowners to economic use of their land with the protection of publicly-owned resources such as Great Ponds, rivers and wildlife. It must allow for a reasonable level of economic development while remaining cognizant of the long-term implications of its decisions. Development is to a large degree is a one-way street, and what is lost is difficult to regain.

The AMC believes that to a large degree the current planning and zoning scheme for the UT has worked well. We recognized that any zoning system must adjust and adapt to changing conditions and opportunities. The August 2 memo does a good job of setting forth some of these

new opportunities. However, any changes must be carefully considered and targeted to specific issues with and limitations of the current approach.

We offer the following general comments, which we believe are generally consistent with the objectives set forth in the memo:

- We have serious concerns that abandonment of the adjacency principle could lead to residential and commercial development sprawl into previously undeveloped areas. Any changes must ensure that more intensive development be located in proximity to existing development and infrastructure.
- Many types of commercial development that support the recreational or timber businesses (e.g. supermarkets, gas stations, equipment retailers, mills, etc.) are most appropriately located in service centers and other organized town. Changes in LUPC rules should not increase the ability of these businesses to locate in the UT, as this would be detrimental to the economic and social viability of these towns. Any rule changes should support and not detract from economic development in adjacent towns.
- Eliminating the adjacency provision for residential subdivisions could lead to these subdivisions being located in more remote areas, which would detract from the core values of the jurisdiction, make provision of emergency services more difficult, and increase the pressure to expand infrastructure (including public roads and utilities) into new areas.
- Regarding principle (a) on page 10 of the memo: The concept of “need to be near” must be better defined. A clear distinction must be made between “need to be near” and “would like to be near”.
- Regarding principle (c): We agree that home-based businesses should be allowed, but this would appear to be more in the nature of a tweak than a major zoning change.
- Some allowance for mobile or temporary low-impact recreation-oriented business may be appropriate, and impact-based standards may be a reasonable way to deal with these.

However, these standards must clearly protect the expectations of visitors in more remote areas. A portable canoe-rental business or food truck may be acceptable at a heavily used public water access point, but one should not encounter a hot dog cart while paddling the Allagash or at woods road crossing along the Appalachian Trail.

- Regarding principle (d): We believe these opportunities are already available under existing LUPC rules, including the additional flexibility provided by lake concept plans. Nearly 20% of the shoreline of lakes within LUPC's jurisdiction are in Management Class 3, 4 and 5. We oppose any change that would allow for additional development in remote or undeveloped areas based on impact-based standards.
- Some adjustments to the lake management class system may be warranted. However, any changes should not increase the overall amount of development that could be allowed under current rules, but should be used to guide development to more appropriate and less sensitive locations. For example, lower-value Management Class 7 lakes in relatively close proximity to public highways or organized towns (but which do not currently meet the adjacency rule) could be considered for a higher level of development. However, this would have to be balanced by a comparable reduction in allowable development on higher value, relatively undeveloped or remote Management Class 7 lakes.
- We recognize that landowner rights and equity are a consideration in these deliberations. However, this must be balanced against the public values involved, particularly the public ownership of Great Ponds. Any lakeshore development represents a privatization of these public values (such as scenery and remoteness).
- It is also important to recognize that large areas are now owned by private commercial investment companies. These owners are relatively recent arrivals and were fully aware of the existing rules when they purchased the land. For this ownership class investment horizons are short and ownership turnover is high. Changes that would adversely impact the core values of the CLUP should not be made because these owners desire a higher short-term return on their investment.

As with any zoning ordinance, periodic reexamination and adjustment in response to changing circumstances and opportunities are warranted. The LUPC zoning rules are not perfect and can always be improved. However, these changes should be targeted at promoting smarter development, not more development. The core principles of promoting development in proximity to existing development and infrastructure while protecting the undeveloped and remote nature of the core areas of the jurisdiction must be strengthened, not weakened.

We thank you for the opportunity comment at the August 9th meeting and to submit written comments on this process. Please do not hesitate to contact me (kbernard@outdoors.org) or Senior Staff Scientist David Publicover (dpublicover@outdoors.org) if you have any additional questions.

Sincerely,

Kaitlyn Bernard

Kaitlyn Bernard
Maine Policy Manager

Gwendolyn Hilton

4 Heald Street
Madison, Maine 04950

Community Planning Consultant

Phone: 207-399-9866
E-mail: gwenhilton88@gmail.com

August 30, 2017

RE: Comments on Adjacency

Dear LUPC Commissioners:

A proposal to dramatically change the “adjacency principal” which has guided growth within the LUPC jurisdiction over the past 45 years would be the most significant change since the agency’s inception.

As Commissioners, this may be the most important decision you make in your service on the LUPC. I urge you to proceed very cautiously by first considering tweaks to the adjacency principal as it exists to improve regulation of new uses and other identified issues instead of totally revamping the system. A slightly modified system of adjacency might work very well for most of the jurisdiction.

The results of the public opinion survey do not support a total revamp of the adjacency principal. The majority of residents, property owners and recreationalists like the jurisdiction the way that it is and do not want to see much change. Yes, there are new uses, and interest in improving the economic opportunities, but I am not convinced this requires drastic jurisdiction-wide changes to the regulations.

Supporting growth in service centers, as opposed to the UT makes sense as a change consistent with the public opinion survey results. As a state agency, the LUPC should take a broader approach to planning for the UT to include consideration for the impacts of its policies on neighboring service centers and small service areas. LUPC Statute §681. Purpose and scope supports this “The Legislature declares it to be in the public interest, for the public benefit, for the good order of the people of this State and for the benefit of the property owners and residents of the unorganized and deorganized townships of the State, to encourage the well-planned and well-managed multiple use, including conservation, of land and resources and to *encourage and facilitate regional economic viability.*”

LUPC will benefit many more people, businesses, and communities by taking a more comprehensive approach. Most people live, work, operate businesses and access services in service centers. Additionally, growth in service centers would not detract from those things the public values within UT. **The Commission should address this issue before moving on to any changes to adjacency, because this effort will have the potential for the greatest positive impact and will inform any other changes.**

In my work for service centers, I have heard repeatedly how tight budgets are for providing services, including the increasing costs of emergency services, particularly with staffing shortages, the increasing cost of maintaining infrastructure – public facilities, roads and bridges – state, county and local level impacts. Service centers don’t generally mind providing services through equitable agreements with neighboring communities and counties, but it is an ongoing struggle due to funding constraints, personnel shortages, and the constant pressure to provide more service to outlying areas.

Service centers also fight an uphill battle through loss of potential growth because people are locating homes and businesses in the UT where property taxes are a lot lower. In contrast, service centers often have vacant homes, vacant storefronts and vacant industrial park lots. Service center tax bases need new investments to continue to support services for themselves and outlying regions. Population loss,

aging populations, reductions in investments, workforce losses, etc. are critical issues facing service centers and adjacent communities. **At a minimum, LUPC policies should not exacerbate the challenges that these communities face.**

The LUPC needs a clearly stated policy to support growth in nearby service centers and smaller service areas, and perhaps recreational hubs, as well. Then the Commission should delve into what actions could be taken to implement the policy through zoning and rezoning actions that consider impacts. The Commission might want to conduct a **pilot project** with a willing service center partner (perhaps Millinocket/East Millinocket/Medway where revitalization activity is underway and the where the Commission has not worked on Community Guided Planning and Zoning.

I applaud the staff's recent efforts to further research the concerns of service center communities. One word of caution though, this approach might require a mindset change on the part of service center officials who may have never considered how LUPC policies and regulations might support their communities. While some may have figured out how to manage the equitable provision of services through agreements with the County and outlying areas, others may be struggling. **I would strongly suggest that any conversations with service centers not be open ended, but include a preliminary identification of the issues and possible options for how LUPC policies might support service centers for town officials to consider (likely things they never considered).**

Tourism and outdoor recreation, a growth industry in the UT and adjacent areas, has the potential to grow the population and the economy in these areas, which is why it should also be a priority for the LUPC. However, any changes to tourism and outdoor recreation regulations should compliment efforts to support service centers, small service areas, and recreational hubs, and not detract from the reasons people come here, which are the vast and outstanding natural areas. Tweaks to the adjacency principle could address many of the issues associated with tourism and outdoor recreation, or even tying certain uses to the existing Recreational Lodging regulations. I wouldn't invent a new system to address these issues, for fear of making the system more complicated than it already is.

Residential subdivisions: Subdivision changes should compliment and focus on supporting service centers. The idea of a broad change such as allowing subdivisions within three townships from a service center without any consideration for the existing pattern of development including public roads, and how services would be provided efficiently would be irresponsible and negatively impact the jurisdiction, adjacent service centers, the jurisdiction's natural and cultural resources, and property tax payers.

Thank you for your service and I urge you to proceed very cautiously with any changes you make.

Sincerely,

Gwen Hilton

August 30, 2017

Maine Land Use Planning Commission
Board of Commissioners
Everett Worcester, Chair

Re: Adjacency Review
Comments of Alan Michka

As a resident and property owner in the Land Use Planning Commission's jurisdiction, I thank you for the opportunity to share my thoughts on the adjacency review process at the August 9 Commission meeting. I'm making this submission to reinforce those comments and incorporate other considerations based on the staff presentation and Commission discussion.

I urge Commissioners to be prudent and prepared to practice restraint in their consideration of changes to the adjacency principle. While not perfect, the principle is largely responsible for maintaining the natural and rural character of the jurisdiction that is so highly valued by so many.

Possibilities for improvements to the adjacency principle surely exist, but the Commission shouldn't feel compelled or obligated to throw away a useful tool in order to experiment with a new one.

In your deliberations, please consider the following thoughts.

The jurisdiction's residents and property owners.

In statute, the State gives special regard to the residents and property owners of the Commission's jurisdiction. Along with a vision to "*extend the principles of sound planning, zoning, and development*", the Legislature included intent to "*honor the rights and participation of residents and property owners in the unorganized and deorganized areas while recognizing the unique value of these lands and waters to the State*".

The good response to the Commission's adjacency survey illuminated the importance of the jurisdiction to the people associated with it. Notably, the majority of respondents were UT residents and/or property owners.

The survey clearly illustrates general opposition to more development, commercial or residential. Of course, this is not to say that there should be no new development. That would be unrealistic. But the Commission should be unequivocally aware by this point that drastic changes, which would significantly alter current development patterns and restrictions, are not desired by the majority of people most closely associated with the jurisdiction - residents, property owners, and others.

This fact should temper the Commission's consideration of changes to current practice. It should also elevate each Commissioner's consciousness with regard to who will be most served by potential changes.

Several Commissioners have made comments of their concern for the interests of UT residents and property owners. However, these citizens are not likely to be the loudest voices or most familiar faces the Commissioners will encounter in this process.

While we all have a civic duty to participate in our own futures, the realities of everyday life, work, and the complexities of regulatory matters, make a robust public presence in these proceedings challenging and improbable. This doesn't mean that residents and property owners don't care; quite the contrary. It simply means that the Commissioners will have to make a conscious and concerted effort to include the interests of the majority of people – often in their absence - who could be adversely affected by the changes under consideration.

On the other hand, there will almost certainly be no shortage of input from those most likely to benefit from the changes - developers and commercial landowners. They have an obvious interest in seeing changes made in their favor. The Commission must consider their input too, but by no means, are they representative of the majority of people who live, work, or simply own property in the UT.

Predictability.

Any effort to improve the predictability of regulatory matters can be positive if undertaken carefully. To the extent that this review leads to more predictable and higher quality outcomes, it could be valuable.

However, it will be important for the Commission to remember that *all* residents and property owners had expectations when they made investments within the UT. Changes to the adjacency principle that ignore those expectations for the majority of UT residents and property owners cannot be viewed as positive.

Any of us who have acquired our UT properties in the last forty years, individual or corporate, did so with awareness of how we would be affected by the existing restrictions on development, both the limits *and* the advantages of those restrictions. Too much overreach by the Commission in its changes to the adjacency principle has the potential to violate a public trust. Caution is recommended.

Who's being served?

The Commission will have to be vigilant that it does not assume a role as a backstop for investments and investment strategies of commercial interests,

landowners, or otherwise. Understandably, these entities have compelling reasons to seek changes that give them greater development opportunities and value for their land.

While the large, commercial landowners are important and valued neighbors, their interests do not supersede those of all other residents and landowners in the UT.

No one expects or wants the UT to be an economic wasteland, but the Commissioners have no obligation to make special accommodations for commercial interests at the expense of the quality and character of the jurisdiction, or contrary to the majority interest of everyone else.

Unintended consequences.

This is somewhat of an incomplete, catch-all, class of concerns, but it's representative of the more specific hazards that might be hidden in the changes presently being considered.

For instance, some questions to consider would include:

- Would the size and quality of the jurisdiction be effectively eroded by creating a new de facto boundary, where natural and rural character is prioritized primarily in a smaller, interior, core region?
- Would the jurisdiction's periphery become a dumping ground for the least desirable types and levels of development, resulting in degradation of that area?
- Would the affected counties have to provide more or higher levels of services, law enforcement and infrastructure as a result of greater development?
- Would UT landowners experience higher property tax bills?
- Would the changes result in a competition between the UT and nearby towns/service centers for industry, development, and population?
- Would there be an increase in the number of regulatory enforcement issues as a result of higher levels of development, and would the LUPC be prepared for this?
- As a result of increased levels of development, would existing standards for items such as noise and lighting need to be reviewed for adequacy?
- Would the changes result in an increased number or concentration of development applications requiring Site Law review by the Department of Environmental Protection? Site Law standards can be different from their counterparts in Chapter 10 of the Commission's Rules and Standards (e.g.

noise) and may not be appropriate for the unique character of the jurisdiction or consistent with the values and goals in the CLUP.

Once the Commission staff has had time to work through and publish the details of the concept it has outlined, its probable that this list would change.

Conclusion.

The Commission must be careful that the scope of the adjacency project does not expand beyond what it originally sought to do. Vigilance will be needed to ensure that the project doesn't drift into topics of interest that are not topics of necessity.

It seems reasonable that the Commission might want to consider some means to take a more gradual approach to any adjustments it might make to the adjacency principle. This would allow more time to understand how changes to this important tool might play out in practice.

In any case, a robust effort to disseminate information regarding proposed changes, once they are known, to UT property owners is essential, and expected.

While the jurisdiction under your administration is rich in many different types of resources, it's also an important resource wholly of its own. It's a resource of a type that is scarce in the Eastern half of the country, and becoming more so.

It's importance to the people who live there and own land there cannot be underestimated or underappreciated, as the Commission's own survey clearly showed.

Your actions in this matter will surely influence the future of this unique place. It could determine whether it endures as a unique and valuable asset to Maine, or becomes a region more like those that are already plentiful.

Alan Michka
Lexington Township, Maine
alan.michka@gmail.com

Godsoe, Benjamin

From: Hank McPherson <hank@mcphersontimberlands.com>
Sent: Wednesday, August 30, 2017 5:47 PM
To: Godsoe, Benjamin
Subject: Adjacency Comments

Dear Ben

I don't have anything to offer in the way new comments but would like to follow up a little on some of the discussions we had during landowner meetings.

First off, I am in favor of the landowner idea of creating areas, namely two towns out where development would be an allowable use. In these areas adjacency would not be needed. In most instances, using current zoning and subdivision regulations outcomes should be favorable. By offering a consistent and wide geographic area for developers to choose from eliminates pressure to develop in areas that are not suitable. The most important thing here, is that developers will choose properties that best meet market criteria. In a competitive sense especially in limited markets it holds down speculation because in order to compete developers have to make good choices. To put it simply investors won't purchase parcels because limited availability, they will wait until choice parcels become available.

Lastly, providing economic opportunity for local areas should be high on your list as only 1% of the land area in the jurisdiction is zoned for development. Taking a piece from the Moosehead Lake Economic Development Corporation out of the master development plan for the region, MLREDC's goals are to create more jobs in the Moosehead region, and increase the population by 25% especially families with children. Obviously there are a number of other goals but I wanted to point out one where development is necessary in order to achieve it.

Ben, thank you and Samantha for the hard work, I realize it's difficult to balance all of this out but in the meantime if you have any questions that I might help with, do not hesitate to contact me.

Sincerely,
Hank McPherson



Godsoe, Benjamin

From: Amanda Anderson <alazzmail@gmail.com>
Sent: Thursday, August 31, 2017 10:12 AM
To: Godsoe, Benjamin
Subject: Adjacency

Mr. Godsoe: Since you issued a call for comments on this issue back in the winter, I have been thinking about the concerns and criticisms often raised. It seems to me that as a general policy for the total area of the Unorganized Territories, the policy as written is sensible. It is important that we avoid the costs associated with attempting to service far-flung, uncoordinated, ill-considered development in this area.

I think we would be well-served by coordination among county and state agency planners and economic development personnel, outfits like Coastal Enterprises Inc and Finance Authority of Maine, and LUPC, that attempts to steer industrial development, including smaller-scale proposals, to utilizing existing brownfield sites within the state, and to already-established town and city development parks in the state, where that makes sense. That is, perhaps a development project that comes before LUPC should not be sited in the UT at all, because there are sites available in the state already set up to accommodate such development. Why re-invent the wheel?

It seems to me that a similar approach to location of lodging and retail developments would encourage establishment of such operations in gateway communities like Millinocket, Ellsworth, Greenville, Lincoln, Machias, Calais, etc. The necessary utilities, transportation, and support facilities are in place there. We should be asking whether an application for such development coming before LUPC should be sited in the UT at all.

The D-RB floating zone established for Aroostook County, pending for Washington County, and under consideration elsewhere, provides us with some flexibility around the adjacency issue for smaller-scale business development in those zones. These newly-established zones are scheduled for review 5 years out. Suggest that at that point, we will be able to evaluate successes, failures, problems, etc, and can take another look at the adjacency policy at that point.

Amanda Anderson, Trescott



Comments on Adjacency Principle

Jeff Reardon

Maine Brook Trout Project Director

August 31, 2017

Benjamin Godsoe, Senior Planner
Maine Land Use Planning Commission
18 Elkins Lane
22 State House Station
Augusta, Maine 04330

Dear Mr. Godsoe:

My name is Jeff Reardon. I live in Manchester. I am the Maine Brook Trout Project Director for Trout Unlimited, and am testifying on behalf of our five Maine chapters, our Maine Council, and about 1800 Maine members regarding the adjacency principle. Trout Unlimited is a national conservation organization whose mission is to conserve, protect and restore North America's cold water fisheries and their watersheds. In Maine, we work to conserve native populations of Atlantic salmon, brook trout and other cold water fish. The land administered by the Land Use Planning Commission contains virtually all of the state's high quality for brook trout, Atlantic salmon, and landlocked Arctic charr. My comments primarily focus on the state's wild brook trout resource, which thrives in Maine in large part because a combination of historical accident and, more recently, good administration by the Land Use Regulatory Commission and now the Land Use Planning Commission has guided appropriate development. Maine's brook trout resource is unique. It includes 97% of all remaining lake and pond populations of wild brook trout, and entire watersheds where brook trout are the predominant fish species. In other eastern states—even rural ones—brook trout populations are fragmented and primarily present only in headwaters on public lands. Maine brook trout thrive in large blocks of unfragmented high quality habitat located primarily on private land.

Maine's brook trout resource is a significant asset to the state—to anglers like our members, but also to local communities. It supports a significant fraction of the recreational economy in northern Maine, including iconic businesses and long standing businesses. Take a look at the websites for Libby's Camps or Grants Camps or Nahmakanta Camps. They are selling brook trout. Take the brook trout away, and you will remove a cornerstone for businesses that have been where they are for over a century. If you are trying to attract a homeowner or a new business to Greenville or Rangeley or Patten, a significant selling point proximity to fish, wildlife, and recreation opportunities on UT lands just outside of town. The adjacency principle helps guide appropriate development to maintain a distinction between developed landscapes and remote ones that is critical to avoiding "wildland sprawl" that will, over time, degrade the resources that are a primary asset for service center communities in the UT.

The blocks of unfragmented habitat that exist in the UT are unique. The Eastern Brook Trout Joint Venture has completed an assessment of brook trout populations and habitats and developed a map of "occupied brook trout patches"—areas where wild brook trout populations

are present, habitat is suitable to allow them to move freely within the patch, and there are no barriers to fish passage. The average patch size in Maine is over 14,000 acres. No other state has an average patch size larger than 5,000 acres. Maine contains multiple patches larger than 100,000 acres, and a few over 500,000 acres. Maine's aquatic habitat is orders of magnitude less fragmented than what exists in other eastern states, and that is largely a result of careful planning by LURC/LUPC using the adjacency principle. I suspect there is a similar pattern for terrestrial species, but I simply don't know those data and resources well enough to comment.

I know that you are seeking feedback on a proposed replacement for the adjacency principle. I am well aware of concerns and difficulties in implementing it, and that some landowners would prefer to make it easier to locate subdivisions in remote areas. TU is not opposed to a different approach, and in fact there are several existing mechanisms—lake concept plans, regional planning at the county level, petitions to rezone—that allow for well-planned development despite the adjacency principle. But we are very concerned that LUPC appears to be planning to abandon the adjacency principle and replace with something—but it's not at all clear what. The Commission's 8/9/2017 memo suggests that the replacement would use a combination of an "impacts-based approach" and an "overlay approach" to achieve the same ends that the current adjacency principle is meant to serve, but provide more flexibility. That sounds good (if vague)—but the devil is in the details, and the details are not in front of us for comment. There is clearly a lot of work to do to build a new system.

We have the following concerns:

- (1) Wildland sprawl is a significant concern for service center communities at the edge of the UT. These communities depend on the natural resources in the UT for both recreation-based and forest products economic activities. They also bear the burden of providing services for UT residents—police, fire, schools, retail. Low density development in areas close to service centers—where it is most likely to occur—will simultaneously degrade the resource values that make these towns attractive to residents and business AND increase costs to towns that will end up providing services to UT residents who don't pay property taxes to the service center towns. This is the opposite of good planning, and whatever replaces adjacency needs to deal with this issue constructively. Several observations in the 8/9/2017 memo suggest this problem will become worse in the future: growth of home businesses; less distinction between "seasonal" and year round homes; increased use of homes for services like VRBO and Air BNB; and the tendency to "age in place" at what started as a seasonal second home.
- (2) Many natural resource values are severely affected by road density. Brook trout and other aquatic life in particular are affected by fish passage at culverts. New residential subdivisions will therefore have impacts far beyond the acreage affected directly. A single subdivision with a few impassable culverts could immediately fragment one of those large intact "patches" of brook trout habitat. Clustering development, via the adjacency principle or a well-conceived replacement, minimizes these impacts.
- (3) A significant threat to natural resources values in the UT is invasive species. For brook trout, a primary threat is introduction of non-native fish like smallmouth bass; insect pests like emerald ash borer and hemlock woolly adelgid are major concerns for forests; milfoil and other aquatic plants degrade our lakes. More road access, more fragmented habitat,

and an increase in “edge” habitat and an increase in waterfront development will all substantially increase these risks.

- (4) Access to the woods and waters is essential to Maine’s natural resource based economy. People stay in Greenville motels and Patten B+B’s and Rangeley VRBO’s because they can hunt, fish, paddle and hike not far outside town. New development in the UT will inevitably lead to reduced access. Some of the homeowners in those new subdivisions will post their land. Or Maine might join become a rural state like many in the southeast or Midwest where hunting and fishing on timberland is restricted to leaseholders. Forest roads that currently allow access to the backcountry may be gated—only the residents of the new subdivision might have the keys.

We urge the Commission to think carefully about abandoning the adjacency principle, which has helped manage these issues for many years. There may be a better way to do it, but please provide us a concrete proposal for careful vetting and public input before you decide that adjacency needs to go.

Thank you for the opportunity to comment.

Sincerely,

Jeff Reardon, Maine Brook Trout Project Director.

**Family Forestry
30 Rider Rd
Brewer, Me. 04412
207-944-2807**

September 1, 2017

LUPC Commissioners

I would like to share a few comments regarding reforming adjacency and observations from the August 9 Commission meeting.

I think the majority, if not all, of the Commissioners and the staff at LUPC believe adjacency needs to be addressed. The landowner community that owns most of the property in the LUPC jurisdiction has been pressing all along to revisit and reform adjacency. We have been engaged in the subdivision review and reform effort from the start. We have suggested that subdivision reform is meaningless if there is no place to apply the new standards for subdivisions. We have been suggesting that there needs to be an area of the LUPC jurisdiction where subdivisions are considered an allowable use, and adjacency is considered to have been met. We believe a three township radius around service centers and recreational hubs is an area that will create opportunity for development and concentrate it on the fringe of the jurisdiction as suggested in the CLUP.

The 1 mile rule was used by the LURC commission that no longer exists. The 1 mile rule was “department policy” of a commission that no longer exists. The 1 mile rule was arbitrary and could have just as easily been 20 miles when it was introduced. The 1 mile rule has been used to stop development, not guide it. The landowner community is hoping for real change in how adjacency is looked at. In effect, we are looking for adjacency to be replaced with some measure of zoning in that 3 town radius of the service centers and the recreational hubs.

The overlay format presented by the staff is essentially what we have been suggesting. There could, and probably should be, multiple overlay zones. For example, an overlay of 1 town from a service center may have a different set of allowable uses than the overlay 2, or 3 towns out from a service center. This would create zoning in a sense for those areas without opening up development throughout the LUPC jurisdiction. I support this idea in principal.

The impact format presented by the staff offers some measure of flexibility based on the proposal and its location. I think this is a good idea but I would view it as an addition to the overlay approach.

There needs to be more area where development can take place without rezoning or adjacency. We need zoning through the list of allowable uses in this 3 town radius of service centers and recreational hubs.

I absolutely disagree with the staffs assessment that there is no difference between a year around residence and a seasonal residence. While in some cases the structures may look alike, the pattern of use is not. There are exceptions but that is no reason to assume the level of impact is the same in all cases. That is a prohibitive view. I believe many of you would agree that most people that have camps use them as camps.

The survey that was conducted by the staff offers some interesting information but should be qualified in some ways. It was no surprise to me that the NGO's and residents that align with them are opposed to any additional development or adjustment to adjacency. The numbers as presented by the staff suggest that the survey might support that view. Please keep in mind that most of the jurisdiction is owned by larger landowners that support real change to adjacency. The landowner community supports the 3 town overlay approach. The landowner community is clearly outnumbered in the survey. Please keep that in mind.

The LUPC Commission was created because the LURC staff and LURC Commission failed to balance economic development and conservation. LURC evolved into an agency that that was closely aligned with the preservation community. Preservation vs. Conservation. No use vs. wise use. We are asking the LUPC Commission to unlock a portion of the jurisdiction that is located near service centers and recreational hubs. We think this will be more in line with wise use. Again, zoning through a revised list of allowable uses in certain areas.

I would also suggest that department policies developed by an agency that no longer exists are fair game. These policies are not a product of specific legislative action. They are interpretations of an agency that failed, and no longer exists. It is up to you to take a fresh look.

Thank you for the opportunity to comment.

Sincerely,

Family Forestry

Kenneth W. Lamond



20 Gilsland Farm Road
Falmouth, Maine 04105
(207) 781-2330
www.maineaudubon.org

**Maine Audubon
Comments on LUPC Adjacency Principle
8.30.17**

Dear LUPC Commissioners and Staff:

Thank you for the opportunity to comment on proposed changes to the Land Use Planning Commission's Adjacency Principle – a ground-breaking approach that has helped manage and direct the location of development in Maine's North Woods for over 40 years.

I am submitting these comments on behalf of Maine Audubon and our 20,000 members and supporters. Maine Audubon's mission is to conserve wildlife and wildlife habitat in Maine by engaging people in education, conservation and action. We care about wildlife but we also care about people and their livelihoods.

We are intrigued with the proposals put before you by LUPC staff to fundamentally change the way we site future development throughout the UT but we do not believe now is the time to create an entirely new system of evaluating where residences, businesses, industrial facilities and subdivisions etc. should be located in what amounts to over half the State, encompassing more than 10.4 million acres.

Because the UT is unique, unfortunately there are no "model ordinances" or other "best practices" to turn to as examples of how we should proceed or how the proposed revisions might actually play out on the landscape. Many different tools besides the adjacency principle already exist for LUPC to help guide development - such as Level II Subdivisions, the Lake Management Scheme, Recreation Facility Zones, Lake Concept Plans, Community Guided Planning and Zoning, etc. - and we recommend exploring ways to revise and/or add to this list for specific issues identified by LUPC rather than do a wholesale overhaul.

Here are some things we hope you consider as you move forward with thinking about how to locate future development in the UT.

- (1) **Any changes LUPC makes to siting development in the UT should continue to support or enhance vibrant local communities and the public services they provide.** By directing most development into or near service centers, LUPC can help support and/or build a robust forest products economy, nature-based tourism and recreation economy, and rightly-sited renewable energy products economy without undermining the very resources that these communities and businesses depend on.
 - A. We know from national studies by the US Fish and Wildlife Service that wildlife-related recreation in Maine generates \$1.4 billion annually (based on 2011 data). Much of this revenue is generated in the UT, and with additions of new outdoor recreational opportunities expanding in the Greenville and Millinocket areas, we are seeing this segment of the economy grow even more. We expect it will continue to grow and see opportunity for service centers and gateway communities to prosper as a result - but only if the places, fish and wildlife, and outdoor recreation opportunities people are seeking are there for them to come to and remain special in comparison with our neighbors.

- B. LUPC can help these communities prosper by adopting policies that steer most new development in or very near existing communities and service centers rather than allowing it to scatter farther from these communities.
- C. We need to remember that scattered development places a potential burden on local services, such as road maintenance and emergency services (e.g. ambulances, fire and police) and that the Commission needs to consider how those demands will be addressed and paid for. New roads not only cost a lot to build and maintain, they often degrade water quality and increase access to fish, wildlife and remote areas that may suffer from associated disturbance/access.
- D. While Principle b. on Page 10 of the staff report is trying to get at many of these issues, much of how successful this approach will be depends on how LUPC defines “near” services and infrastructure.

(2) As you consider if, when and how to expand opportunities for new development in the UT, we believe it is important to seriously consider the voices of the UT residents and visitors that responded to the staff survey, the majority of whom said that they did not see a need for or would not be supportive of much new residential or business development in the UT. Primary reasons for a lack in interest in more development included an oversupply of existing lots; a desire to protect the rural/remote character of the region; and a sense that density of shorefront development in many places is already maxed out. Many also commented on how much they valued the unique qualities of the UT, including natural resources such as (#1) water, forest, and wildlife; (#2) those that support their local way of life, and (#3) those that draw visitors to the area or that support opportunities for more recreation. Specifically, a desire for more backcountry trails (89%) and sporting camps (63%) were mentioned as the top two new facilities needed, and respondents also noted they should be located near roads, natural features such as lakes and mountains, and recreational activities.

These same sentiments seem to be echoed by the Community Guided Planning and Zoning efforts already underway in Arroostook, Franklin, Somerset, and Washington Counties, which each independently concluded that there is a low demand for new development, and that most new development should occur in locations that are near towns and public roads where emergency services, shopping, and auto repair shops etc. are readily available. They concluded floating zones that allowed some additional small businesses could be acceptable as well.

(3) We all know people like to be near water. But so do fish and wildlife, which are big draws for a lot of people and nature-based tourism businesses. To ensure there is room both for more water-front lots and fish, wildlife and nature-based tourism, before adding any new lakeshore development opportunities, we suggest LUPC review where lakeshore lots are still allowed under the existing Lakes Management scheme and current zoning but not yet built out. In addition, LUPC could possibly review whether any Class 7 Lakes - those that are not yet classified as a Class 1-6 Lake - should be moved into a different category, with the understanding that the net number and acreage of lots available for development would not increase as a result of that shift. We want to make sure there are few unintended consequences that we may regret later.

(4) We understand there is an interest in accommodating some relatively new uses and opportunities in the UT, such as home offices and businesses, mobile recreational services, and small-scale industrial development. Principles a. and c. on Page 10 of the staff report are trying to address this by using an impacts-based approach to siting such uses. Because this is an untested approach – at least on the scale proposed here - how it is applied really affects how successful it will be at both accommodating these activities and protecting the unique qualities and values of the UT. Before adopting this new approach wholesale, we encourage the LUPC to first evaluate how well the recently adopted Recreation Facility Zone and the Rural Business Development Subdistrict recommended by the Arroostook County and Washington County Community Guided Planning and Zoning efforts are working, and whether or not these types of efforts can be applied to other outstanding issues and/or be modified to work more effectively. This could be done without eliminating and replacing the adjacency principle.

(5) The UT is a unique resource that is highly valued as both the lifeblood and backyard playground of many residents and local communities, and an important destination for many outdoor enthusiasts. You all know this. What you may

not know is that it is also of international significance from an ecological perspective. The North Maine Woods are the last stronghold for the Eastern Brook Trout, Atlantic salmon, Canada lynx, and 90 species of breeding forest birds. It has been identified as part of an internationally significant wildlife corridor stretching from New Hampshire to New Brunswick/Quebec by the Staying Connected Initiative; a Resilient Landscape by The Nature Conservancy that is likely to house a healthy and diverse array of plants, plant communities and wildlife even as our climate changes; and a globally significant Important Bird Area by National Audubon because of the number of migratory songbirds that return each year to nest and raise their young here.

Taking all the above into account, first and foremost **we urge you not to eliminate the adjacency principle and to move cautiously** with allowing new development using other approaches, such as those proposed by the LUPC staff. Once the new approach is set fully in motion, it will be difficult if not impossible to reverse back to the current adjacency principle, even if unintended negative consequences result. More importantly, once forest, farmland or undeveloped waterfront is converted to developed land, it is nearly impossible to go back and reclaim it. Once lost, it is essentially gone forever, fundamentally altering many of the truly unique values and assets of the unorganized territories and putting increased pressure on communities to service the new development.

Following are specific comments on the proposed Principles (Page 10) and Recommendations (Page 11) from the Adjacency Commission memo.

Principle a. For this approach to work, LUPC needs to be very clear about what criteria will be used to determine impacts for each different type of development that could fall under this category, which would likely require a tremendous amount of time and energy from both staff and stakeholders and which would still likely be subject to a lot of discretion and subjectivity in determining if a project meets the criteria. Furthermore, we question whether natural resource dependent manufacturing facilities need to be near the natural resource it is using or whether it is better located near an existing service center where roads, utilities, and a workforce can be readily found.

Principle b. An overlay approach could work for some types of development, however it will depend heavily on which types of development are included under this category and how “near” is defined. Much of the development that would fall within this category could likely be handled either through the adjacency principle or community guided planning and zoning. If new overlay districts are created, we suggest starting very small with any new extension of development opportunities - for example no more than a mile from existing service centers – and then expanding further if a real need is identified.

Principle c. Expanding opportunities for home-based businesses through an impacts-based approach might work, but again the details of how this is applied really matters. Before establishing new home business zones throughout the entire jurisdiction, we suggest evaluating how the Rural Business Development subdistrict idea proposed by both the Aroostook and Washington County Community Guided Planning and Zoning efforts actually plays out on the ground, and only then consider modifying that approach for a broader area.

Principle d. We question why low or moderate density subdivisions are listed as being “dependent on a natural resource.” These subdivisions are typically located among important natural resources, such as water, forest, and wildlife (those identified as the highest priority by survey respondents) but they are not “dependent” on them. We are particularly concerned about how these subdivisions might be sited and how they will fragment the landscape, and want assurances that they will not undermine all the other values noted above that make the UT unique and a desirable place for people to live, work and play. Consequently, we do not support allowing new low and moderate density subdivisions in new areas through an impacts-based approach.

Recommendation a and b. We agree with the recommendations on Page 11 of the Adjacency Commission memo to consult existing business owners and recreation experts to assess how home-based businesses and recreational support businesses could be better accommodated within the LUPC as a next step before establishing a new impacts-based approach across the entire jurisdiction.

Recommendation c. We suggest allowing mobile businesses on a test case basis in one or two regions (perhaps within one of the CGPZ regions) before applying a new approach to the whole jurisdiction.

Recommendation d. We encourage establishing guiding principles for “rightly-sited” solar farms in conjunction with all interested stakeholders before moving forward with any new zoning for industrial scale solar projects.

Recommendation e. We encourage identifying guideposts for where new residential (including both “camps” and year-round residences) and commercial development (including both manufacturing and retail services) could be located based on Principle b. Page 10 before deciding whether or not this new overlay approach will work.

In summary, because of the unique ecological and recreational assets; the varied natural resource-based economies; the future strength of local communities; and the voices of residents and visitors to the UT expressed through the staff survey, **we urge you not to abandon the adjacency principle at this time and to move cautiously while considering your next steps** for how and where to direct new development in the UT.

Additional Economic Information:

At Maine Audubon we are most concerned about wildlife and habitat, but we recognize that sound environmental protection and planning and zoning also protect property values, support Maine’s recreation and tourism industries, and support Maine’s natural resource based economies, all of which funnel large amounts of money into the Maine economy.

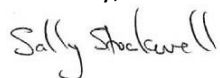
There are many examples of how protected natural resources benefit the Maine economy. Here are just a few:

- Maine residents spend as much as \$153 million annually on their recreation, with 59% spent in the communities nearest those lakes. This use supports as many as 3,000 jobs and generates in excess of \$30 million income for Maine residents. (*MDEP. 2014. The Economics of Lakes – Dollars and Sense*).
- The 2011 US Fish & Wildlife Survey found that 1.1 million Maine residents and nonresidents (ages 16 years old and older) fished, hunted, or wildlife watched in Maine. Of the total number of participants, 341 thousand fished, 181 thousand hunted, and 838 thousand participated in wildlife-watching activities. State residents and nonresidents spent \$1.4 billion on wildlife recreation in Maine. (*USFWS, 2011, 2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation*)
- Studies have found that a decline in water clarity can reduce property values by as much as \$200 per frontage foot, representing hundreds of millions of dollars in lost property value. Lake use in general supports more than 8,000 Maine jobs. (*MDEP, 2014, The Economics of Lakes, <http://www.maine.gov/dep/water/lakes/research.html>*)

Conclusion:

Clearly, policies that protect wildlife, water, forests and wetlands directly benefit our people, our wildlife, and our economy. While some policies can be improved, streamlined, and/or simplified, we do not believe a wholesale revamping of the adjacency principle and other policies that have steered location of development in the UT over the past 40 years is merited at this time. We recommend taking more time to see through the changes that are coming as a result of planning tools such as the Community Guided Planning and Zoning recommendations, the Moosehead Lake and Fish River Lake Concept Plans, and the Recreation Facilities Zoning before making more substantive changes to our approach to locating development in LUPC’s 10.5 million acres.

Sincerely,



Sally Stockwell
Director of Conservation

Godsoe, Benjamin

From: Michael Smith <msmith4697@gmail.com>
Sent: Friday, September 01, 2017 4:15 AM
To: Godsoe, Benjamin
Subject: Re: Adjacency Review

August 31th, 2017

Board of Commissioners

Maine Land Use Planning Commission

Re: Proposed Adjacency Rule Changes

Dear Commissioners:

As a longtime property owner and part time resident of Trescott Township in the UT, I thank you for the opportunity to express my thoughts regarding the proposed changes to current adjacency rules and the establishment of “floating zones” that you will be considering.

When my wife and I chose to retire in Trescott, we did so for its very rural character and with the appreciation that the area represented a truly diverse and important ecological region, rare in its lack of development, given its proximity to the coast. It is a region worthy of protection and I implore you to consider carefully the impact of establishing “floating zones” as proposed along routes 189 and 191.

When we first learned of the LUPC’s intent to reconsider adjacency regulations, a committee of Trescott property owners was formed to work with the WCCOG and provide input to the process. Although our group was small, its number represented many aspects of life in the township; life-long residents, those who had moved here from elsewhere, seasonal residents, small business owners, self-employed and salaried workers, retirees, and fishermen. Most, though not all, agreed that the current “General Management” regulations satisfied the community’s development needs and that adjacency rule changes were unnecessary. Although we never achieved unanimous consensus, the general will of the group (however unrealistic) was quite evident in its final recommendation, that a single “floating zone” be made available for each Route 189 and Route 191. All save one participant wanted to limit development along these routes to Category 1 (Natural Resource Based) recreational enterprises which served to enhance accessibility to available outdoor activities (camping, hiking, bicycling, etc).

To say that we were surprised upon seeing the final proposal to be submitted to the Commission would be an understatement. First, it was revealed that the “recreational floating zone” option our group devoted a great deal of time discussing, was no longer a consideration. Worse still, the proposal designated Routes 189 and 191 available for “floating zone” development as Categories 1, 2, and 3. These are both very short stretches of road across Trescott and it would not be hard to imagine how impactful a business of significant size and/or activity would be in altering the setting or adding to the stress on already threatened natural habitats.

Upon learning of the proposal (one so very different than that envisioned by our group), I contacted Judy East at the WCCOG and she explained that our input was but a small part of that which was submitted for consideration and that the final report reflected that data. I am in no position to argue that point, but am concerned that in an effort to establish “floating zones” to encourage development in the UT, too “broad a brush” is being applied at the expense of a unique place too small to assimilate larger business enterprises without damaging the very essence of what makes the area so special.

Opportunities for development of all kinds abound in Washington County, but undeveloped coastline as exists in Trescott is very rare indeed. I can only hope that you appreciate the fragility of the area and act to preserve what remains of one of America’s natural treasures. I implore you to refuse to sanction the establishment of Categories 1, 2, and 3 “floating zones” along Routes 189 and 191, as currently proposed.

Thank you for your consideration in this matter.

Sincerely,

Michael Smith

91 Havenhurst Road

Trescott, Maine 04652

Norton H. Lamb
119 Cobbs Bridge Road
New Gloucester, Maine 04260

Thank you for the opportunity to comment on proposed changes to the adjacency principle – the most effective tool to guide development in Maine’s unorganized territories.

I comment as a member of the GrowSmart Board of Directors, a citizen with over 20 years of planning and zoning board experience, a forty one year cross industry career in business, and a holder of ownership interest in four UT parcels located in three townships

To address the costs and impact of sprawl, most communities are seeking ways to implement adjacency. They use different terms and techniques – infill, transfer of development rights, etc., but the objectives are the same – restore vibrancy and livability to communities, minimize conversion of farm, forest and open space lands and slow the ever increasing tax burden.

Adjacency has been and should remain one of the most effective and fairest tools to guide land use in the UT. Adjacency maintains and enhances the value of Maine’s key differentiators underlying both our economy and sense of place. Differentiators that have long term economic and spiritual value will become more important and valuable as we convert to more sustainable sources of fiber and mitigate the effects of climate change.

1. We should not lose long term perspective in the face of today’s downturn in the forest economy. Growing recognition of the harm caused by plastics will renew the use of wood fiber in the consumer products industry as evidenced by SAPPi’s pulp mill investment in Michigan. New building materials being developed by the University of Maine will develop higher value markets for construction material. **As other new opportunities develop, adjacency’s ability to limit the conversion of and conflict with the largest working forest in the East will pay many dividends.**
2. The Maine Woods large uninterrupted remote landscape is a **world class differentiator in a rapidly growing international market for outdoor recreation.** Finding a place to experience silence and darkness while enjoying some of the most pristine waters and scenic views is becoming more and more difficult. Adjacency is a must if we want to maintain this competitive advantage.
3. The value of clean water will become more important in a more crowded and warmer world. **Adjacency will protect the quality of water for drinking while enhancing the remote recreational experience of the north woods.**
4. Fairness – **what can be more fair than knowing the options available when one purchases a piece of property – for both the piece purchased and the nearby properties.**

Adjacency will focus development in rural communities in need of revitalization without less growth in infrastructure costs. Development away from community centers competes with existing business and community revitalization efforts while requiring additional infrastructure and government services. This reduces the net benefit of development and increases the probability of a higher tax burden on existing property owners. Communities as well as business have to manage through ups and downs. We must consider how much capacity can an area support through ups and downs.

Adjacency reduces speculation, a Northwoods issue well documented in Maine history books going back 200 years. Speculation artificially increases land values making it more difficult for forest products companies to operate profitably and for locals to afford land. Forest stewardship declines. Pressure on communities and LUPC increases.

The best ways to manage the pressures resulting from downturns in timber markets are to reduce overhead, minimize debt expense and lower property taxes. **Adjacency will help reduce operating costs and property taxes – directly and indirectly.**

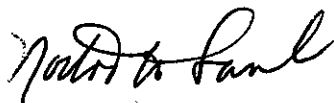
Having managed marketing and technical support teams in Maine, New Hampshire and Vermont has taught me from a business perspective, concentration is key to keeping costs competitive. We have nearly 1.8 times as many lane miles per person as New Hampshire. This increases not only the direct costs of building and maintaining roads but also the operational costs of every user – business, government, social service agencies, etc.. **I am convinced we should be trying to reduce our footprint, not increase it.**

While an **impacts based approach** may sound good in theory, my twenty plus years serving on planning and zoning boards has taught me it is very difficult if not impossible to implement. From writing the code to applying the code to a given application – impact ends up being very subjective and the results very inconsistent.

In summary, while tweaking may be needed to adapt to a changing world, the goals of adjacency remain valid and should be the primary considerations in guiding development in the UT. If changes to adjacency are to be made, comprehensive standards guiding development, construction and operation must be developed.

Thank you for considering my thoughts.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Norton H. Lamb". The signature is fluid and cursive, with the first name "Norton" being more prominent.

Norton H. Lamb



Prentiss
& Carlisle

Forest Resource Management and Timberland Services

107 Court Street | PO Box 637 | Bangor, Maine 04402-0637
207.942.8295 | fax 207.942.1488 | prentissandcarlisle.com

September 1, 2017

Mr. Ben Godsoe
Land Use Planning Commission
18 Elkins Lane
22 State House Station
Augusta, ME 04330

RE: LUPC Adjacency Rule Review

Dear Mr. Godsoe:

Thank you for the recent opportunity to participate in reviewing the LUPC adjacency rule. This rule, which limits new development to within one road-mile of existing compatible development, has created a significant hurdle in the pursuit of new development in the Unorganized Territory. I am pleased that the LUPC is interested in revising how best to manage and locate new development within the jurisdiction. I hope my perspective is helpful to you as you review the adjacency rule.

The new criteria used to evaluate adjacency must be flexible to encourage responsible and thoughtful development in the UT. Simply adjusting the distance allowed under the current rule is unlikely to have a positive effect on development efforts. Instead, I suggest implementing a new method of evaluating adjacency that takes into account regions around service centers and recreation hubs and that also evaluates impact.

The large landowner community has suggested using a three township radius around service centers and recreation hubs to judge adjacency as having been met for new development. Coupled with an impacts-based system, this will encourage development in areas where it is most likely desired and appropriate, and discourage incompatible development in the UT.

It is important to note that the current adjacency rule applies to permanent residential lots and seasonal camp leases the same. Using an impacts based system to evaluate appropriateness for development will assist landowners in offering light-impact seasonal lease lots in areas outside the three town radius. It is my experience that the impact to the natural resources and the expectation for public services is vastly different when comparing permanent residential lots and seasonal lease lots.

I appreciate the opportunity to participate in the rule revision process, and I look forward to discussing this issue with you further. As always, I can be reached at our Bangor office at (207) 942-8295, or by email at jmkelly@prentissandcarlisle.com.

Sincerely,
Prentiss & Carlisle Management Company, Inc.

John M. Kelly
Director of Real Estate Services

Godsoe, Benjamin

From: Janet Weston <jbweston@gmail.com>
Sent: Friday, September 01, 2017 4:24 PM
To: Godsoe, Benjamin
Subject: adjacency

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ben At this late hour on 9/1/2017, I am writing to you regarding the adjacency principle. I have lived in Trescott Twp., Maine for 40 years and, in general, have experienced benign neglect from the state. I appreciate this but also appreciate the energy and commitment that LUPC staff shows when an issue does arise.

I also participated in the zoning process initiative in Washington County - not as a member of the advisory committee - but as a meeting attendee. I gained a limited knowledge about zoning although at times, I felt like I was out of my realm.

I have looked at the adjacency principle and my tendency is to advocate for its maintenance. I do, however, see that the one mile limit can be constraining for development. I would support a limited expansion of the one mile limit, i.e. to two miles, but would not support a larger, i.e. large scale, limit.

I am not a rabid person "from away" who does not want any development. I see the poverty we have in Washington County and would like development that is compatible with the maintenance of our nature resources. However, as undeveloped areas become developed and our natural beauty is reduced, I support a need to capitalize on our natural beauty as a mechanism for economic development.

We have an increasingly rare environment in our unorganized territories which can be developed as it is into tourist experiences. Rather than looking at land as a "blank slate" upon which development can happen, we can look at the attributes of the land we have and build from there. It would be wonderful to have development that is an obvious outgrowth of the environment rather than visions laid upon the land from folks with commercial interests only. Ground up development works well.....especially in Washington County!

Thanks and have a good weekend.

Janet Weston
99 Raft Cove Road
Trescott Twp., ME 04652

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"When you attach value to giving help, you attach value to needing help. The danger of tying your self-worth to being a helper is feeling shame when you have to ask for help. Offering help is courageous and compassionate, but so is asking for help."

Brene Brown

From: Kay Michka
Lexington Township, Maine
September 1, 2017

Adjacency Principle Comments

Through the LUPC Adjacency Principle survey, I was heartened by the attempt to include residents, land owners, and the general public in this important discussion. According to the report of results, respondents said they valued much that the CLUP embodies - the preservation of the natural resources, peace, quiet, scenery, dark skies, and the low population density and recreational opportunities that define the area. Working forests and farms were important to them, too. Only a minority of respondents favored new development in their location. These results will be very useful to the Commission, helping to shape policy which will reflect the unified sentiment to retain the current unique character of the UT. These results dutifully raise the question whether only a select, powerful few may feel that this decision-making tool needs to be excessively adjusted in their favor.

As a Somerset Community Guided Planning and Zoning Committee Member, I volunteered time and effort reviewing development policies and opportunities in Franklin and Somerset Counties. Our group crafted a guidance document, interest plateaued, then people went about their business as usual, letting current LUPC policies guide their land use.

The 2012 Legislation which mandated the creation of the Community Guided Planning and Zoning Committees created the *opportunity* for communities to consider development options, but it did not insist that changes to the current LUPC approach must occur. The proposal to create a new overall approach to guide new zones for development questionably defies very recent associated community planning decisions. I ask why these jurisdiction-wide changes are warranted at the expense of community planning choices?

Furthermore, if an impacts-based approach ultimately becomes a tool for developing the valuable natural resources in the UT, then it is also the logical tool to use when developing the communities that coexist with those natural resources, even if the communities are more heavily populated or lie nearest service centers. This will ensure equal assessment and consideration of these economically and environmentally intertwined areas.

On a last note, whatever changes the Commission makes to the Adjacency Principle, I ask that you retain its preservation value. Please retain the natural places preserved by the CLUP, so that the adjoining service centers may find opportunities to grow their communities, families, and services in tandem with the benefits of that preservation.

This is a lesson learned by other communities who benefit from close proximity to unique natural resources. As examples, I have provided you with a link and photographs of the improved bike paths that reach from the Grand Teton National Forest in Wyoming, through the Bridger-Teton National Forest, through the town of Jackson Hole, over the Teton Pass, through the first small, rural towns in Idaho, all the way to the Targheee National Forest. I visited the area in June, and I could not believe the obvious tourism dollars this well-planned trail system poured into the adjacent towns. More locally, I have provided a link to a video found on YouTube entitled, "Maineland, A Town Looks to the Past to Save Its Future" and a link to the proposed

white water rafting opportunities which outline Skowhegan's active efforts to grow their town utilizing surrounding natural resources.

As part of our Community Guided Planning and Zoning discussion, a fellow committee member and I prepared a small packet to help illustrate just a few of the extensive, creative possibilities for supporting low impact recreational based development and cottage industries in the service centers and allowable use areas of the UT - while still preserving the jurisdiction's valuable natural resources. Especially with the benefit of current service center infrastructure, it was easy to see how each could complement the other and add up to the larger overall economic success of these communities. I would be happy to provide the Commission with a copy of that packet upon request.

Also, as an interested rural Maine citizen, I paid my own fee and chose to attend "A Summit on Rural Maine's Next Economy" last February, which was produced by Envision Maine, Promoting Maine's Next Economy. I have included the link to that organization. I was pleased to see a few of our forward-thinking state legislators attend, and I encourage each of you to attend the summit next winter, if it becomes available. It provided a wealth of ideas and resources that I trust you will find more than beneficial to this LUPC commissioner role you have accepted. My favorite memory was from Red River Camps owner and president of the Maine Sporting Camps Association, Jen Brophy, who said, "Many guests are emphatic about NO INTERNET," because they prefer an experience disconnected from technology. She told us her thriving business often reminds her that one of her high school teachers would often say, "Let there *be* different places."

Thank you for these commenting opportunities, and thank you for your public service.



(photos, clockwise: hatchetresort.com, [travel.nationalgeographic](http://travel.nationalgeographic.com), mountainbiketetons.org, mountaingetaway.com, wyopath.org)

<https://mountainbiketetons.org>

“Mainland, A Town Looks to the Past to Save Its Future” by Insider

<https://www.youtube.com/watch?v=WLOgXy3NMbs>

http://rafting.allabouttrivers.com/Maine_river_towns/Skowhegan_Maine_rafting-tid5755.html

<https://www.envisionmaine.org>