

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

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

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

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

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

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

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

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

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

(1) **Designation Purpose.** The purpose of listing the Grand Lake Stream shorefront as a designated area is to provide the community an opportunity to sustain the boathouses located on the iconic southern shoreline of West Grand Lake that symbolize key components of its culture, and history, and that convey a tranquil "old-time feeling" for the people that live in and visit the community, and contribute to Grand Lake Stream Plantation's quality of life and sense of place.

(2) **Geographic Boundaries.** The designated area includes all structures within its boundaries that are legally existing as of the effective date of this rule amendment. The designated area specifically includes the two public boat launches and excludes the man-made dam and any portion thereof, and is composed of the following two sub-areas:

(a) **Western sub-area.** Extends northerly and westerly from the intersection of the driveway for the public boat launch and centerline of Shaw Road, along the centerline of Shaw Road, to the point where Shaw Road crosses the inlet into Hatchery Cove; and extends on the lake side of the road, to the extent necessary to include all legally existing structures.

(b) **Eastern sub-area.** Extends southerly from the end of Canal Street, along the centerline of Canal Street, to the center of the intersection of Canal Street and the driveway leading to the dam; and extends on the lake side of the road, to the extent necessary to include all legally existing structures.

(3) **Facts Substantiating Designation of Grand Lake Stream Plantation Boathouses and Waterfront as a Designated Area of Cultural or Special Significance.**

(a) The historic boat houses that have existed along the shoreline at the southern end of West Grand Lake since the early 1900's are part of what makes the area described in Appendix G, Section 2,a iconic. For residents and visitors, the boathouses reflect the community, its culture, and their shared value of traditional uses and an "old-time feeling."

(b) The boathouses in Hatchery Cove are representative of the Maine Guiding Tradition and a specific way of life. They originally sheltered steamboats used to transport sportsmen and other visitors to remote lodges located around the lake. They have since been used to store boats for visiting sportsmen, including the famous Grand Laker Canoe, which was designed and built locally for conditions commonly found on the lake. Additionally, the boathouses have been used by property and business owners to supply camps and lodges located around the lake, and by the Maine Forest Service as a base for firefighting operations. Although privately owned and used, the community associates the boathouses with their past. One resident commented that all good stories start with "we were down at the boathouses ...."

(c) The area described in Appendix G, Section 2,a,(1) is a unique geographic location and represents an established and familiar

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