

**RESPONSES TO MISINFORMATION REGARDING THE WORKSHOP DRAFT OF
COMPREHENSIVE PLAN**

August 27, 2008

Text in bold, italics is from a meeting on June 24, 2008, at the Bangor Motor Inn sponsored by the Recreational Motor Sports Association of Maine

“1. The new CLUP (comprehensive land use plan) promotes PRIMITIVE PURSUITS AND NON-INTENSIVE uses over all other types of recreation and will restrict motorized use in the Unorganized Territories. This means snowmobiles, ATV's, and outboard motors.”

Response: Partially correct. Due to their uniqueness and sensitivity to conflicting uses, such activities should be promoted or protected in certain areas of the jurisdiction. For example the Commission has limited certain types of recreational vehicles in very limited circumstances: on portions of the Appalachian Trail, into remote ponds, and jet skis on certain lakes.

While the current draft does state “promote primitive recreational activities”, it doesn’t say to promote them over all other types of recreation. In fact, another recreational policy states “accommodate a range of recreational uses”. Each of the Commission’s adopted plans back to 1976 have recognized the value of non-intensive or non-motorized recreational activities as being unique to the jurisdiction. The Commission is charged by the legislature to “prevent the intermixing of incompatible recreational activities” and, as such, recognizes in both the draft revised plan and all prior plans, that motorized and non-motorized recreational activities can conflict with one another in certain areas.

“2. The new CLUP is a blue print for EXCLUSIVE USE versus the long standing heritage of multiple use.”

Response: Not correct. The first policy under “economic development” states the Commission’s intent to “encourage the forest, recreation and other resource-based industries and enterprises which further the jurisdiction’s tradition of multiple use without diminishing its principal values.” This is almost verbatim from the 1997 plan.

“3. The new CLUP eliminates LURC's previous focus on economic development in the jurisdiction and will punish multi-use, broad based tourism and much needed business efforts in rural Maine.”

Response: Not correct. There was no intent to change the Commission’s policies or practices regarding economic development. The workshop draft of the plan recognizes the value of the jurisdiction for “fiber and food production and the tradition of a working landscape”. The language may have changed slightly from the 1997 plan but there was no intent to diminish the forest and agricultural values of the jurisdiction. Also, to be clear, the Commission’s charge is not to promote economic development but rather to provide for appropriate residential, recreational, commercial and industrial uses.”

“4. The language of the CLUP advocates for RESTRICTING the ability to build new or remodel existing structures, including camps, and could even limit the square footage and location of any new structure.”

Response: Partially correct. One of the Commission’s legislative charges is to regulate development. As part of this charge the draft Plan does recommend that a way to limit the impact of new development on remote areas could include limiting the footprint of such structures.

The only concern expressed in the draft Plan regarding remodeling existing structures is in reference to expansions of nonconforming structures in shoreland areas (those that don’t meet current standards). In this regard, the Commission’s statute specifically addresses nonconforming structures in that the Commission “may regulate and prohibit extension or enlargement of nonconforming uses or nonconforming structures.”

“5. The new CLUP proposes further limitations on property owners to either sell land or pass it down to future generations for multiple uses. This could have a devastating affect on land values.”

Response: Partially correct. The draft plan raises the issue of development on exempt lots, particularly created through the 2-in-5 exemption, as a concern. However, only the legislature has the authority to modify the 2-in-5 subdivision exemption. Consequently, subdivision exemptions are raised as an issue worthy of discussion but would require legislative action to change in any way. The Commission could not undertake this on its own.

There is no discussion in the draft plan of limiting the ability to pass property down to one’s children. In fact, the Commission’s statute provides an exemption to lots transferred as a gift to relatives. The draft does not suggest that this exemption be reconsidered.

“6. It is proposed to include towns that abut unorganized territories.”

Response: Not correct. There is no suggestion that the draft Plan should include towns that abut unorganized territories. There is a suggestion that the Commission should guide development to areas within the Commission’s jurisdiction near service centers where there are already services and infrastructure to service new development – this is consistent with other state policies.