



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

AMANDA E. BEAL
COMMISSIONER

JUDY C. EAST
EXECUTIVE DIRECTOR

JANET T. MILLS
GOVERNOR

Memorandum

To: LUPC Commissioners

CC: Judy East, Executive Director

From: Corinne Michaud-LeBlanc, Senior Planner

Date: June 2, 2021

Re: Amendment B to ZP 659: Staff-initiated petition to rezone lands encompassed by the First Roach Pond Concept Plan (P-RP 009), Frenchtown Township, Piscataquis County; Request to post to 30-day public comment period.

The Weyerhaeuser Company, LLC, (“Weyerhaeuser”, or “landowner”) owner of land included in the First Roach Pond Concept Plan (Concept Plan, or Plan), has notified the Commission that they do not wish to renew the Plan. The Plan and associated Resource Plan Protection Subdistrict (P-RP) will expire on January 24, 2022. In order to put alternative zoning in place by the Concept Plan’s expiration date, Commission staff have prepared a draft of proposed zoning to replace the P-RP Subdistrict. A draft map showing the proposed subdistricts is attached for your review.

Background

In 2002, the Commission approved a 20-year Concept Plan for land owned by Plum Creek Land Company, consisting of approximately 1,463 acres surrounding First Roach Pond in Frenchtown Township (Zoning Petition ZP 659 and Amendment A). The Plan area surrounds First Roach Pond, excluding the Kokadjo village development on the western end of the pond. The Plan extends from 500—2500 feet back from the shoreline, abutting the town line with T1 R13 WELS to the north, and reaching within 1000 feet of Lily Bay Township to the west and Shawtown Township to the east.

First Roach Pond is larger than 10 acres, and as such is designated a Great Pond. There are multiple minor flowing waters and mapped wetlands throughout the Plan area. Pre-existing shoreland development outside of the Plan area includes several commercial recreational lodging facilities in Kokadjo, the South Inlet Campground, and over 100 previously existing private camps. Within the Plan area, all of the proposed development and conservation measures have been fully implemented. Specifically:

- Six planned subdivisions were permitted between 2002-2003, totaling 89 residential lots (Subdivision Permits SP 3271, SP 3272, SP 3273, SP 3277, SP 3281, and SP 3282). All lots have been sold, homeowners' associations have been formed, and common land has been conveyed.
- A pre-existing 12-acre lease lot continues to be leased to operators of the South Inlet Campground; which has its main operations on a State-owned parcel outside of the Plan area.
- Reconstruction of the public "Pulp Road Campsite" area and hand carry boat launch on the north shore (DP 4629).
- Placement of permanent, deeded conservation covenants on approximately 494 acres of timberland (Piscataquis County Registry of Deeds, Book 1376, Pages 74—73).
- Execution of a permanent conservation easement on 525 acres of land, managed by the State of Maine, Bureau of Parks and Lands (Piscataquis County Registry of Deeds, Book 1376, Pages 58—84; and Book 1418, Pages 208—219).

Proposed Zoning

When a Concept Plan and associated P-RP Subdistrict expires, the Commission is tasked with rezoning the area previously covered by the P-RP Subdistrict. As in prior re-zonings of P-RP Subdistricts, this staff-initiated rezoning applies only to the land currently covered by the P-RP Subdistrict. The process is outlined in Chapter 10 of the Commission's rules, Section 10.23,H,8:

"The provisions of an approved and recorded Resource Plan shall apply for the duration of the approved time period, except that any conservation measures taken to strike a reasonable and publicly beneficial balance in a lake concept plan shall continue to apply to the extent that they are covered by legal contract, deeded covenants, permit requirements, or other legal instruments. ...At the termination of a plan, the Commission will, in conformity with its comprehensive plan, statutes, and standards, designate appropriate zoning which is reasonably consistent with zoning in accordance with Section 10.08,A.

In the event that a plan is terminated, all transactions initiated as a component of the plan, including without limitation, the granting of conservation easements or restrictive covenants on subdivided lands will continue to apply to the extent that they are covered by legal contract, deeded covenants, permit or other legal requirements."

Under the provisions of Section 10.23,H, staff have identified appropriate replacement zoning for the Plan area, based on development that has occurred, and the resources that are present. The following subdistricts, as described in the Commission's Chapter 10 rules, and that would otherwise apply to the Concept Plan area in the absence of the P-RP Subdistrict are proposed:

1. **Residential Development (D-RS).** In accordance with Section 10.21,M,1, the purpose of the D-RS Subdistrict is "to set aside certain areas for residential and other appropriate uses so as to provide for residential activities apart from areas of commercial development. The intention is to encourage the concentration of residential type development in locations where public services may be provided efficiently or where residential development can be integrated with a recreational resource that is suitable for additional use associated with proximate residential development.". In accordance with Section 10.21,M,2,a, the D-RS subdistrict shall include recorded and legally existing single family residential subdivisions, and the boundaries shall encompass the entire subdivision.

The proposed D-RS Subdistricts within the Concept Plan area encompass the residential subdivisions that were permitted by the Commission and recorded in the Piscataquis County Registry of Deeds.

- 2. General Management (M-GN).** In accordance with Section 10.22,A,1, the purpose of the M-GN Subdistrict is to permit forestry and agricultural management activities to occur with minimal interferences from unrelated development in areas where the Commission finds that the resource protection afforded by protection subdistricts is not required. As detailed in Section 10.22,A,2, this subdistrict is applied to all areas not otherwise zoned for protection or development, covering areas that do not need special protection and that are appropriate for agriculture or forestry.

The proposed M-GN Subdistricts within the Concept Plan area represent lands that do not otherwise warrant a development subdistrict, nor require any specific resource protections.

- 3. Great Pond Protection (P-GP).** As provided in Section 10.23,E,1, the purpose of the P-GP subdistrict is to regulate residential and recreational development on Great Ponds to protect water quality, recreation potential, fishery habitat, and scenic character. By definition, all areas within 250 feet of the normal high water mark of bodies of standing water 10 acres or greater in size are included.

The proposed zoning includes P-GP subdistricts on the shoreline of First Roach Pond in areas that are not otherwise superseded by zoning for residential development, wetland protection, or minor flowing water protection.

- 4. Shoreland Protection (P-SL2).** As provided in Section 10.23,L,1, the purpose of the P-SL subdistrict is “to regulate certain land use activities in certain shoreland areas in order to maintain water quality, plant, fish and wildlife habitat and in order to protect and enhance scenic and recreational opportunities.” As described in Section 10.23,L,2, this subdistrict includes areas within 75 feet, measured as a horizontal distance landward, of (a) the normal high water mark of flowing waters upstream from the point where such channels drain 50 square miles and (b) the upland edge of those freshwater wetlands identified in Section 10.23,N,2,a,(1),(c) and (2), and (3).

The proposed zoning includes 75-foot wide P-SL2 subdistricts for minor flowing waters and applicable wetlands. These streams and wetlands were mapped and zoned as P-SL2 prior to adoption of the Plan. There are no major flowing waters qualifying for a P-SL1 Subdistrict in the Concept Plan area.

- 5. Wetland Protection (P-WL1, 2 & 3).** As provided in Section 10.23,N,1, the purpose of the P-WL subdistrict is to conserve coastal and freshwater wetlands in essentially their natural state because of the indispensable biologic, hydrologic and environmental functions which they perform.

Proposed zoning includes P-WL1, 2, or 3 subdistrict zoning for all wetland areas depicted on the National Wetland Inventory map, in accordance with definitions in Section 10.23,N,2.

Landowner Review

In December 2020, Weyerhaeuser notified the Commission that they did not wish to renew the expiring First Roach Pond Concept Plan. Staff began the process of identifying appropriate replacement zoning, and communicated with Weyerhaeuser representatives via email and virtual meetings throughout the process. A draft proposed zoning map was sent to Weyerhaeuser for review on May 6, 2021. After receipt and review of the draft map, a virtual meeting was held to discuss comments and to clarify labeling of the draft map. Weyerhaeuser had no objections to the proposed zoning boundaries. The landowner has been notified via email and telephone of the presentation of the draft zoning map at the June 2021 Commission Meeting, and anticipated public comment period.

An informational letter was sent to all other landowners within the Plan area on May 20, 2021, informing them about the expiration of the Plan. A copy of the proposed zoning was enclosed, as well as an explanation of the expected timeline and public comment process. A Notice of Filing will be sent to all owners and abutters within 1000 feet of the Plan area at the start of the public comment period.

Resource Agency Review

The draft zoning map was sent to the Maine Historic Preservation Commission, Maine Natural Areas Program, Maine Department of Inland Fisheries & Wildlife, and the Bureau of Parks and Lands for review on May 13, 2021. No objections or suggested edits have been received.

Staff Recommendation

The Commission's statute and Chapter 4 *Rules of Practice* require that public notice of proposed changes to zoning boundaries be given, and either a public comment period or public hearing be held prior to Commission adoption of changes in subdistrict boundaries.

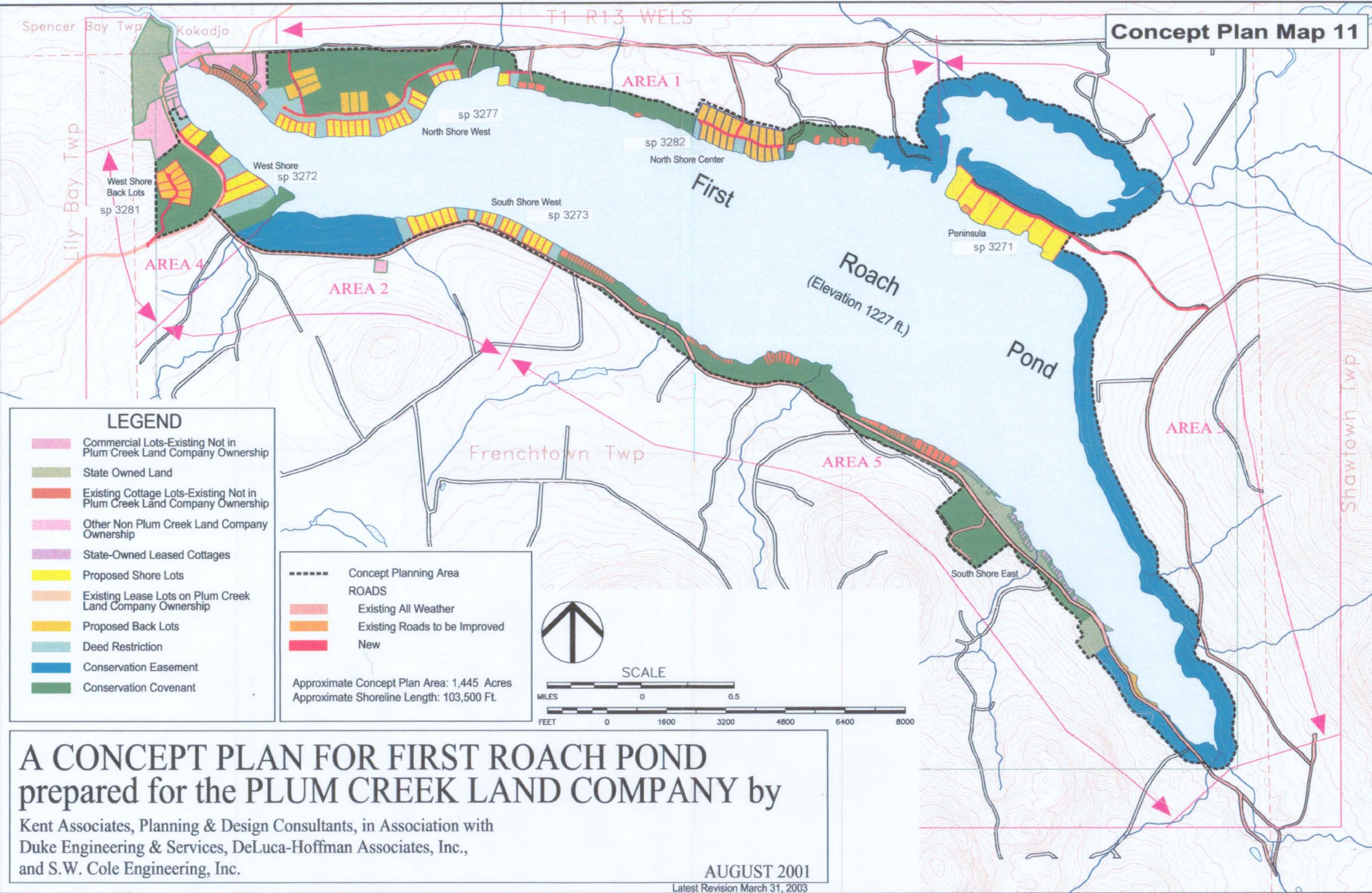
Staff recommends that the Commission post Amendment B to Zoning Petition ZP 659, a staff-initiated petition to rezone the area within the Concept Plan for First Roach Pond in Frenchtown Township, Piscataquis County, to a 30-day public comment period.

Following the comment period, depending upon comments received from the landowners, resource agencies, and interested persons, staff will make final changes and then present an updated land use guidance map to the Commission for a decision on adoption.

Attachment A: Concept Plan for First Roach Pond Map

Attachment B: Draft Frenchtown Township land use guidance map

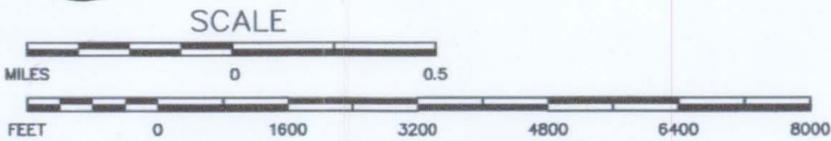
Attachment A



LEGEND

- Commercial Lots-Existing Not in Plum Creek Land Company Ownership
- State Owned Land
- Existing Cottage Lots-Existing Not in Plum Creek Land Company Ownership
- Other Non Plum Creek Land Company Ownership
- State-Owned Leased Cottages
- Proposed Shore Lots
- Existing Lease Lots on Plum Creek Land Company Ownership
- Proposed Back Lots
- Deed Restriction
- Conservation Easement
- Conservation Covenant

- ROADS**
- Concept Planning Area
 - Existing All Weather
 - Existing Roads to be Improved
 - New
- Approximate Concept Plan Area: 1,445 Acres
 Approximate Shoreline Length: 103,500 Ft.



A CONCEPT PLAN FOR FIRST ROACH POND prepared for the PLUM CREEK LAND COMPANY by

Kent Associates, Planning & Design Consultants, in Association with
 Duke Engineering & Services, DeLuca-Hoffman Associates, Inc.,
 and S.W. Cole Engineering, Inc.

AUGUST 2001

Latest Revision March 31, 2003

Attachment B

Frenchtown Twp.



TA R13 WELS

Piscataquis County



Land Use Guidance Map

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

Legend

DEVELOPMENT SUBDISTRICTS

- D-GN: General
- D-RS: Residential

MANAGEMENT SUBDISTRICTS

- M-GN: General

PROTECTION SUBDISTRICTS

- P-GP: Great Pond
- P-MA: Mountain Area
- P-RR: Recreation
- P-SL2: Shoreland - 75'
- P-WL1: Wetlands of Special Significance
- P-WL2: Scrub-shrub Wetlands
- P-WL3: Forested Wetlands

DRAFT

For complete descriptions of those areas included within the various subdistricts, and the associated regulations, refer to the Commission's Chapter 10 rules: Land Use Districts and Standards. Where any inconsistencies exist between the district boundaries, as shown on this map, and those described by the Commission's Land Use Districts and Standards, the latter shall govern.

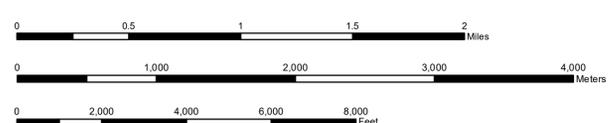
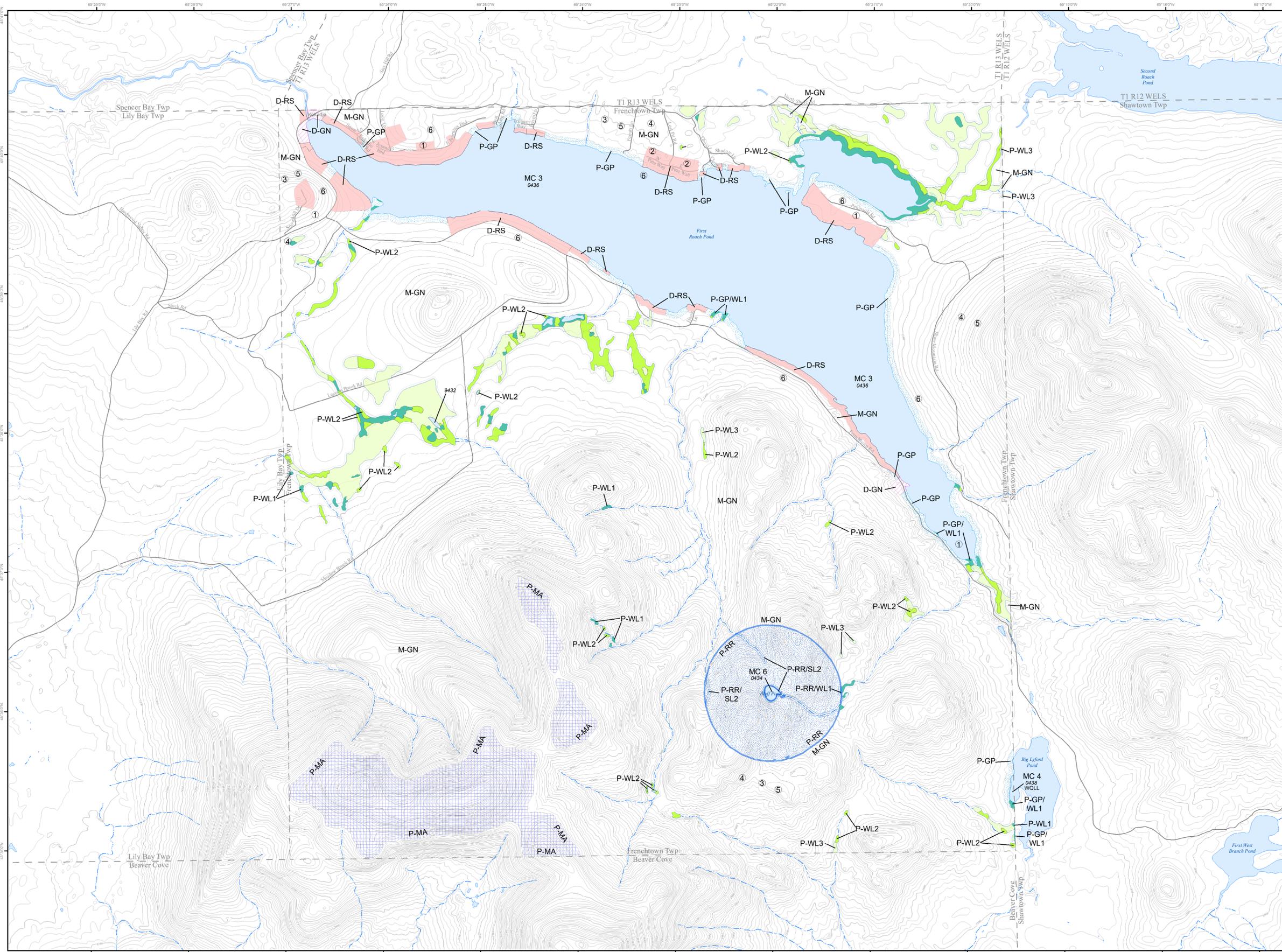
For simplicity, this map does not show all the Wetland Protection Subdistricts for areas identified pursuant to Section 10.23,N,2 such as the beds of rivers, lakes, and other water bodies, and freshwater wetlands within 25 feet of stream channels. Nevertheless, these areas are within P-WL Subdistricts. In addition, this map does not show the Shoreland Protection Subdistricts along stream channels flowing through wetlands. Nevertheless, these areas are within P-SL2 Protection Subdistricts. If the locations of flowing waters or bodies of standing water existing on the ground differ from those shown on the map, then, pursuant to 12 M.R.S., Section 685-A(2)(G), P-GP, P-RR, P-SL, P-WL, and other subdistrict boundaries that are based upon the location of such waters shall, as appropriate, be deemed to follow the flowing water or body of standing water existing on the ground.

This Land Use Guidance Map was adopted by the Maine Land Use Planning Commission on **08/03/2005**, and became effective on **08/18/2005**.

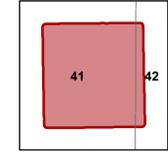
This map is certified to be a true and correct copy of the Official Land Use Guidance Map of the Maine Land Use Planning Commission.

By: Caroline M. Carroll, Director, Maine Land Use Planning Commission.

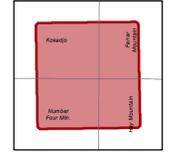
Amendments			
Location #	Zoning Permit	Effective Date	Remarks
1	ZP659	01/24/2002	P-RP 009 Expires January 24, 2022
2	ZP659A	06/05/2003	P-RP 009 Expires January 24, 2022
3	ZP707	10/08/2009	Adoption of digital NWI wetlands
4	ZP707A	08/19/2010	P-RP 014 Expires October 8, 2039
5	ZP707B	07/30/2020	P-RP 014 Expires October 8, 2039
6	ZP659B		P-RP 014 Terminated
			DRAFT - P-RP 009 Expiration



DeLorme map locus



USGS 7.5' quad index



- ① Map amendment location
- ▲ Point at which a river drains 25 square miles - symbol points upstream (12 M.R.S. Sec. 682-B(4))
- 9999 MIDAS number: Unique number assigned to each standing body of water in Maine.
- WQLL Water Quality Limiting Lake - Refer to Section 10.23.E.3.g of the Commission's Land Use Districts and Standards.
- MC# Lake Management Classes - Refer to Section 10.02 (Definitions) of the Commission's Land Use Districts and Standards.