



JANET T. MILLS  
GOVERNOR

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

AMANDA E. BEAL  
COMMISSIONER

STACIE R. BEYER  
EXECUTIVE DIRECTOR

# Memorandum

**To:** LUPC Commissioners  
**CC:** Stacie R. Beyer, Executive Director  
**From:** Stacy Benjamin, Chief Planner  
**Date:** July 5, 2023  
**Re:** Background information on the Brassua Lake Concept Plan, expiration date 1/29/2024

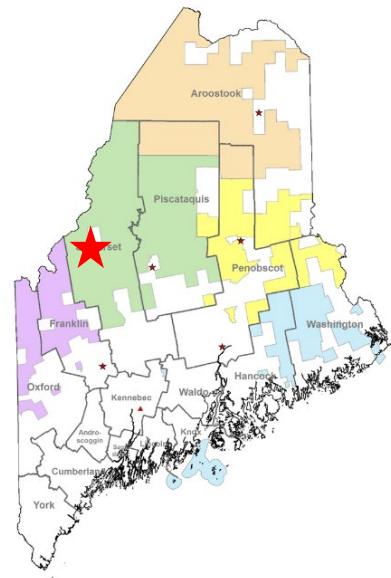
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The *Brassua Lake Concept Plan* (Plan or Concept Plan) and its associated Resource Plan Protection subdistrict (P-RP012) will expire on January 29, 2024. The current major landowner does not wish to renew the Plan. When a resource protection plan expires, Commission staff must initiate a rezoning process to identify replacement zoning for the former Plan area that provides comparable protection for existing resources. This memorandum outlines the components of the Concept Plan and the anticipated process going forward.

## BACKGROUND

In January of 2004, the Commission approved Zoning Petition ZP 682 and rezoned 5,673 acres in Tomhegan Township to a Resource Plan Protection Subdistrict (P-RP) at the request of the property owner, Moosehead Wildlands, Inc. The property was rezoned in accordance with *The Brassua Lake Concept Plan* ([Concept Plan](#)) and includes over 15 miles of shoreline on Brassua Lake and Baker Pond.

The site is located in T1 R2 NBKP, Tomhegan Township, to the west of Moosehead Lake in Somerset County. The site encompasses two parcels on portions of both the eastern and western shorelines in the northern area of Brassua Lake, as well as some islands in Brassua Lake. The larger of the two parcels is located along the eastern shore and includes the entirety of Baker Pond. The smaller is located along the western shore of Brassua Lake and encompasses ±566 acres.



The Concept Plan, as approved by the Commission, covers a 20-year timeframe and permits the owner to:

- Manage the area for forestry and primitive recreation
- Develop a shorefront subdivision on the Poplar Hill Peninsula
- Develop several limited commercial development areas, including a sporting camp and cabins
- Develop a trail and cabin system
- Place a large amount of the shorefront of Brassua Lake and Baker Pond and the western peninsula of Brassua Lake, as well as the interior of the Poplar Hill Peninsula, in a permanent conservation easement.

Most of the property within the Concept Plan area was transferred from Moosehead Wildlands, Inc. to Tall Timber Trust in 2014. That same year, the property was transferred to WVX Holdings, LLC (48%), CBD Holdings, LLC (48%), and POQ Holdings, LLC (4%) and subsequently transferred in its entirety to EMC Holdings, LLC, the current owner. EMC Holdings, LLC communicated via its agent that it does not wish to renew the Concept Plan.

## SUMMARY OF PLAN ELEMENTS

The development and conservation components included in the Concept Plan are summarized below. There have been no amendments to Zoning Petition ZP 682. A copy of the Concept Plan map is attached as Appendix A.

### Conservation Components

The table below summarizes the permanent conservation components proposed in the Concept Plan.

Permanent Conservation					
Area	Location	Shoreline Length (ft.)	Setback	Proposed Acreage	Actual Acreage in Easement
Brassua Lake East side	Shoreline	±17,385	±500 feet from the shoreline	±198	±183
Poplar Hill	Interior Land	-	-	±330	±325
Brassua Lake West side	Shoreline & Interior Land	±28,910	-	±512	±449
Baker Pond	Shoreline	±7,740	±500 feet from the shoreline	±108	±113
Area D	Shoreline	±465	±500 feet from the shoreline	±5	±16
Area C (balance not used)	Shoreline	±3,130	±500 feet from the shoreline	±32	±34
<b>Total</b>		<b>±57,630</b>	-	<b>±1,185</b>	<b>±1,120</b>

In addition to the permanent conservation proposed through the execution of conservation easements, the Concept Plan provides for additional conservation measures. These include:

- 1) ±3,924 acres designated as a “Conservation Area” allowing timber harvesting and mineral extraction during the life of the Plan; and
- 2) Eliminating a portion of a previously approved large lot land division (Reference: Land Division Plan LDP 0040). Once the Concept Plan was approved (see ZP 682, attached), eight of the ten lots (approximately 334 acres) were eliminated, and all development rights authorized under the large lot land division were extinguished.

### Development Components

The Concept Plan proposed the following development components:

Area A – 52-lot residential subdivision (Poplar Hill)

Area B – 11-acre shorefront lot with private boat launch

Area C – Sporting camp with ten cabins, one shorefront manager's dwelling, and a private boat launch

Area D – 2-acre development lot, one dwelling unit

Area E – 2-acre shorefront lot within Area C

Area F – 54-acre lot for two dwelling units

Area G – 49-acre area to be divided into five lots: four lots for residential parcels & one lot retained by Moosehead Wildlands

Our records indicate that the following subdivision and development permits were approved for development proposed in the Concept Plan:

Permit Number	Plan Area Designation	Description
SP 4053	Areas A & G	Authorized two subdivisions: Phase I – 3 lots in Area G, plus a fourth lot previously sold and developed prior to Plan approval, and 790 feet of new gravel access road. Phase II – Six lots in a 15.9-acre portion of Area A and upgrades to 3,226 feet of existing gravel access road. Final COC issued January 23, 2007.
SP 4070	Area A	Authorized Phase III – a 40-lot subdivision on a 116-acre parcel in Area A accessed by the Poplar Hill Loop Road (RP 3239). Final COC issued October 11, 2011.
SP 4079	Area A	Authorized Phase IV – a 4-lot subdivision of 31.6 acres of Area A, a 540-foot interior access road, and 540 feet underground electrical utility line along the proposed road.

<b>Permit Number</b>	<b>Plan Area Designation</b>	<b>Description</b>
SP 4079 Minor Change	Area A	Minor change to a proposed common driveway layout.
SP 4079A	Area A	Authorized removal of Lot 52 from Survey Note 8 to construct a driveway.
RP 3239	Area A	Authorized construction/upgrades to a 13,900-ft long loop road around Poplar Hill Peninsula intended for access to a future subdivision (SP 4070).
ULP 422	Area A	Authorized 15,000 feet of overhead utility line and 2,300 feet of underground utility line to service the subdivision proposed in SP 4070.
BLN 07-01	See description	Public Hand Carry Boat Launch Notification (Condition of SP 4070) – Located on Brassua Lake within a permanent conservation area.
GP 3317	Area B	Authorized private trailered boat launch.

In addition, building permits have been issued related to the construction of dwellings and other structures on many of the lots created through the subdivision permits. Our records do not indicate that any lot creation or development proposed for Areas C, D, E, or F was permitted.

#### **PLAN EXPIRATION - PROPOSED STEPS AND TIMELINE**

<b>Task</b>	<b>Status/Target Date</b>
Initial communications with the primary property owner	Completed
Initial outreach to easement holder/other property owners with preliminary draft zoning map	July 2023
Preliminary draft zoning map sent to resource agencies	July 2023
<b>Commission decision on posting to public comment period</b>	<b>September 13, 2023</b>
Public Hearing, if Needed	(TBD)
<b>Target for Commission decision on rezoning</b>	<b>December 2023</b>
Last possible date for decision to meet expiration deadline (if hearing needed)	January 10, 2024
<b>Plan expires/Replacement zoning effective date</b>	<b>January 29, 2024</b>

# APPENDIX A. BRASSUA LAKE CONCEPT PLAN MAP

