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

AMANDA E. BEAL
COMMISSIONER

STACIE R. BEYER
ACTING EXECUTIVE DIRECTOR

Memorandum

To: LUPC Commissioners
CC: Stacie R. Beyer, Acting Executive Director
From: Stacy Benjamin, Acting Chief Planner
Date: December 7, 2022
Re: Implementation of the Moosehead Regional Planning Package

INTRODUCTION AND BACKGROUND

After two years of active community planning, the prospective rezoning plan and companion rulemaking detailed in the Moosehead Regional Planning Package is before the Commission for deliberation at its meeting December 14, 2022. The Package proposes to implement a community-informed land use vision for the region by creating opportunities for future development near Greenville and Rockwood through the placement of prospective development zones near those hubs. The community's desire to focus development would be reinforced by the proposed removals of Primary and Secondary Location designations from some of the minor civil divisions (MCDs) located between these regional hubs. Protecting the remote character of several lakes in the region, also considered a high priority by many in the region, is proposed through removal of Primary Locations around Indian Pond, Long Pond, and portions of Brassua Lake.

The project began when the Moosehead Lake Region Concept Plan was terminated in July of 2020 and the property owner, Weyerhaeuser Company and Weyerhaeuser NR Company, agreed to provide an opportunity for residents and stakeholders to participate in planning for future land uses in the former concept plan area. Toward this end, it was agreed that LUPC staff, with stakeholder input, would design and lead a regional planning process with a goal of final Commission approval of any zoning changes or rule revisions by the end of 2022. The two-year regional planning process is summarized in the attached rezoning and rulemaking documents.

As noted above, there are two major components of the Moosehead Regional Planning Package: prospective rezoning for development in some areas; and rule changes that remove certain eligibilities for future rezoning in other areas. These components complement each other by creating a regulatory framework that allows for development opportunities and future growth in appropriate locations, while limiting the scale and intensity of development that can occur in areas the community has identified as

important to the natural and scenic character of the region. Brief summaries of the staff recommendations regarding each component are provided below. More detailed information can be found in the attached zoning decision and basis statement documents.

PART ONE: PROSPECTIVE ZONING PROPOSAL

Six new prospective development zones in four minor civil divisions are proposed (see Attachments 1, 2, and 3). These locations were all designated as development areas under the former Concept Plan for the Moosehead Lake Region and are primarily located near Rockwood or Greenville. Two of these areas are General Development (D-GN) subdistricts and four are Residential (D-RS) subdistricts. The six development zones comprise a total of approximately 1,036 acres, or 6.1% of the 16,910 acres originally designated for development in the now-terminated Moosehead Lake Region Concept Plan.

Public Notice:

At its September 12, 2022 meeting, the Commission directed staff to post the revised Moosehead Regional Planning Package for a 30-day public comment period. On September 28, 2022, notice of filing of the application for zone change was sent by postal mail to all persons owning or leasing land within 1,000 feet of the proposed areas for rezoning, the County Commissioners of Piscataquis and Somerset Counties, and the towns of Greenville and Beaver Cove. Notice was also sent by e-mail to resource agencies and interested persons. The proposed Package was posted on the Commission's website, along with instructions describing how to comment on the Package and how to obtain additional information. The record remained open until October 31, 2022, to allow interested persons to file written statements with the Commission, and for an additional seven days until November, 7, 2022 to allow interested persons to file written statements in rebuttal of statements filed up to October 31, 2022.

Twenty-eight written comments were received on the revised Moosehead Regional Planning Package. No rebuttal comments were received. Comments related to the prospective zoning component are summarized in the draft decision document for ZP 791 (Attachment 4), along with draft responses. A complete copy of the comments received within the public comment period can be found in Attachment 7. **No revisions to the areas proposed for rezoning are proposed in response to the comments staff received.**

Comments received related to the proposed rezoning specifically or the Package as a whole include:

- Comments on Location A (should not be included; presence of archaeological resources)
- General comments in support of the locations proposed for development zoning to effectively concentrate development in appropriate areas
- Comments related to the need for additional protections for fish and wildlife, including federally listed species potentially present and the need for additional agency consultation and review
- Comments related to the importance of protecting the intact forest areas in the region for wildlife, recreation, and maintenance of dark skies

Key Review Criteria for Prospective Rezoning Component:

A land use development district boundary may not be adopted or amended unless it meets the location of development criteria; there is substantial evidence that the proposed land use district is consistent with the

standards for district boundaries in effect at the time, the comprehensive land use plan, and the purpose, intent and provisions of Chapter 206-A; and there is substantial evidence that the proposed land use district has no undue adverse impact on existing uses or resources or a new district designation is more appropriate for the protection and management of existing uses and resources within the affected area. 12 M.R.S. § 685-A(8-A) of the Commission's statute and restated in Section 10 § 10.08(A) of the Commission's Land Use Districts and Standards, 01-672 C.M.R. Ch. 10, last revised March 29, 2022 (Chapter 10).

Staff Conclusions and Recommendation on Rezoning Component:

Based on the information provided in the ZP 791 Draft Decision (Attachment 4), staff determined that the proposed rezoning of the subject area is consistent with the location of development criteria; the standards for district boundaries in effect at the time; the Commission's 2010 Comprehensive Land Use Plan; and the purpose, intent and provision of Title 12, Chapter 206-A; and will not have an undue adverse impact on existing uses or resources. Please see Attachment 4 – ZP 791 Draft Decision for a full draft of the staff's findings and recommendations.

Therefore, staff recommends that the Commission approve Zoning Petition 791 to prospectively rezone the following locations pursuant to the revised Moosehead Regional Planning Package¹:

- 1) Beaver Cove – Location G - General Development Subdistrict (D-GN), ±7.2 acres
- 2) Big Moose Township – Location E – General Development Subdistrict (D-GN), ±496 acres
- 3) Big Moose Township – Location I – Residential Subdistrict (D-RS), ±240 acres
- 4) Long Pond Township – Location A - Residential Subdistrict (D-RS), ±15 acres
- 5) Taunton & Raynham Academy Grant – Location B - Residential Subdistrict (D-RS), ±160 acres in two parcels
- 6) Taunton & Raynham Academy Grant – Location D - Residential Subdistrict (D-RS), ±118 acres

PART TWO: PROPOSED RULE REVISIONS TO CHAPTER 10

The companion rulemaking proposes to amend Chapter 10 of the Commission's rules to allow for adjustments to the locational factors that apply to adoption or amendment of land use district boundaries through a comprehensive regional planning process. Examples of regional planning processes include prospective zoning or community guided planning and zoning as described in the Comprehensive Land Use Plan and applicable Commission guidance documents. Refining the Location of Development criteria for a specific region through focused regional planning has been a goal of the Commission since the adoption of the 2019 Adjacency and Subdivision Rulemaking. When the 2019 Location of Development rule changes were adopted, the Commission recognized through its adopted Basis Statement that further refinement would likely be necessary and should be based on a community planning process. The proposed rulemaking implements this goal in the Moosehead Region.

¹ For specific locations refer to Attachments A, B, and C.

Summary of Proposed Rule Changes

1. **Primary and Secondary Locations.** The revisions modify Section 10.08-A of Chapter 10 to allow for adjustments to the primary and secondary locations if completed as part of a comprehensive regional planning process such as prospective zoning or community guided planning and zoning as described in the Comprehensive Land Use Plan and other applicable Commission guidance documents.
2. **Moosehead Region.** As described in the Moosehead Regional Planning Package, the revisions remove Primary and Secondary Locations from ten minor civil divisions (MCDs) in the region, as well as remove the Primary Locations around all or portions of certain lakes in the region.

Rulemaking Process and Notice

Notice of the rulemaking was provided in the Secretary of State's consolidated rulemaking notice on September 28, 2022. The Secretary of State's notice appeared in the Bangor Daily News, Kennebec Journal, Portland Press Herald, Lewiston Sun-Journal, and the Central Maine Morning Sentinel. E-mail notice via GovDelivery or direct email was also provided to approximately 2,793 individuals. These included the Commission's mailing list of persons wishing to be contacted regarding the Moosehead Regional Planning Project. The notice of the rulemaking and the proposed revisions were also posted on the Commission's website. The record remained open until October 31, 2022 to allow interested persons to file written statements with the Commission, and for an additional seven days until November, 7, 2022 to allow interested persons to file written statements in rebuttal of statements filed up to October 31, 2022.

Twenty-eight written comments were received on the revised Moosehead Regional Planning Package. No rebuttal comments were received. A complete copy of the comments received within the public comment period can be found in Attachment 7. **No revisions to draft rule language are proposed in response to the comments staff received.**

Comments received related to the proposed rulemaking specifically or the Package as a whole include:

- Comments related to the need for additional protections for fish and wildlife, including federally listed species potentially present and the need for additional agency consultation and review
- Comments related to the importance of protecting the intact forest areas in the region for wildlife, recreation, and maintenance of dark skies
- General comments in support of the proposed removal of Primary and Secondary Locations

Staff has reviewed and fully considered the public comments, and as a result, has drafted the following documents for your review and consideration:

1. **Draft Rule** - This draft rule incorporates revisions that were posted for the public comment period. No revisions are proposed in response to the public comments. The proposed rule language in redline can be found in Attachment 5.

2. Draft Basis Statement - In accordance with state law, the attached Basis Statement provides the factual and policy basis for the proposed changes, summarizes comments received on the proposal, and presents draft responses. The draft Basis Statement can be found in Attachment 6.

Staff Recommendation on Rulemaking Component

Staff recommends that the Commission adopt the rule revisions to refine the location of development criteria and revise Primary and Secondary Locations in the Moosehead Lake Region and associated Basis Statement.

Attachments (see separate files):

Attachment 1: Proposed Development Subdistrict Locations

Attachment 2: Existing Land Use Guidance Maps

2.1 – Beaver Cove

2.2 – Big Moose Township

2.3 – Long Pond Township

2.4 – Taunton and Raynham Academy Grant

Attachment 3: Proposed Land Use Guidance Maps

3.1 – Beaver Cove

3.2 – Big Moose Township

3.3 – Long Pond Township

3.4 – Taunton and Raynham Academy Grant

Attachment 4: Draft Decision Document for ZP 791

Attachment 5: Proposed Rule Revisions

Attachment 6: Draft Basis Statement

Attachment 7: Comments Received on the Moosehead Regional Planning Package