



STATE OF MAINE  
JOHN E. BALDACCI  
GOVERNOR

DEPARTMENT OF CONSERVATION  
LAND USE REGULATION COMMISSION  
18 ELKINS LANE – HARLOW BUILDING  
22 STATE HOUSE STATION  
AUGUSTA, ME 04333-0022



PATRICK MCGOWAN  
COMMISSIONER

July 29, 2005

James K. Lehner, General Manager Northeast Region  
Plum Creek Timber Company  
49 Mountain Avenue  
P.O. Box 400  
Fairfield, Maine 04937-0400

**Subject: Preliminary identification of application deficiencies within Plum Creek's concept plan proposal for the Moosehead Lake region.**

Dear Mr. Lehner:

The Commission's staff has been reviewing the rezoning petition submitted by Plum Creek to implement a concept plan in the Moosehead Lake region. These materials were originally received by LURC on April 5, 2005, and certain corrections were received on April 19, 2005. This letter describes some of the deficiencies in the submitted materials that have been identified by the Commission's staff to date.

Due to the sheer volume of the Plum Creek petition, it is very likely that additional information will be requested during the review process. It is our intent that sharing this preliminary deficiency assessment at this time will streamline the review process, as it will give Plum Creek an opportunity to respond to certain issues while we continue our review. Please bear in mind, however, that all information requests from LURC staff, including those listed in this letter and others that may be identified at a later date, will be essential to proceeding with any public hearings on this proposal, unless otherwise expressly noted.

Alongside the information requests in this letter you will find approximate target due dates that have been set by LURC staff as a way to ensure the continued timely review of Plum Creek's petition. If you feel that any of these dates are unrealistic, we are open to considering an alternative timeline as long as such requests do not substantially impede the LURC review process.

**APPLICATION FEE (Target date: Early September)**

In accordance with Section 1.04,C of the Commission's General Provisions (Chapter 1), certain applications, by virtue of their size, uniqueness, complexity or other relevant factors, are likely to require a disproportionate share of state resources. The Director may designate such applications as subject to special fees, and may assess a fee of up to 0.25% of the estimated development cost.

Given the purpose of the rule to allow the State to recover its extra costs of processing unique and complex applications, in lieu of our requiring Plum Creek to provide us with an estimate of its projected development costs and calculating the fee based upon that, we are agreeable to simply recovering the costs incurred by the State in its review of Plum Creek's petition. We have estimated that the State's costs associated with this project for the coming

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year will be approximately \$80,280. This figure is based on a sum of the annual expenses of allocating 50% of a Senior Planner position, 25% of a Division Manager position, and 25% of a Director position towards the review of Plum Creek's petition. Should the review take more than one year or incur more expenses, we reserve the right to recover any additional costs prior to the issuance of a decision on the petition, up to the maximum of 0.25% of the projected development costs.

Please note, the application fee required under Chapter 1 of the Commission's rules is different from, and does not take the place of, the processing fee required under 12 M.R.S.A. §685-F as a result of designating Plum Creek's proposal as an "extraordinary project." The processing fee is used to cover costs contracted for during the review of an application (such as consulting and research costs). The application fee is intended to recover any disproportionate share of state resources that an application causes (for instance, the Commission's staff time). Unlike the processing fee, the entire application fee is deposited into the State's general fund.

If this manner of computing the application fee is acceptable to Plum Creek, please submit a check, payable to "Treasurer, State of Maine" for the sum of \$80,280. Alternately, if you do not wish to proceed in the manner outlined above, please submit an itemized list of present and projected development costs related to Plum Creek's proposal. LURC staff will then use this information to assess an application fee of up to 0.25% of the total estimated cost. The \$50 check submitted by Plum Creek as part of the original application filing is being returned to you with this correspondence.

#### **NOTICE OF FILING** (Target date: Early September)

Please provide a copy of the Notice of Filing along with the publication names and date(s) that the Notice of Filing was published. Also please provide the names and addresses of all persons or groups who received notices of filing via certified mail, and the dates that such letters were mailed.

#### **PETITION FOR REZONING** (Target date: Mid-September)

The materials submitted to date do not include a complete rezoning petition. Only the first page of the petition was submitted with the April 5, 2005, application materials. Please submit a complete petition for rezoning, with all questions answered and including all required signatures.

Please also submit the following missing or deficient exhibits:

- Exhibit B – Evidence of Right, Title, or Interest. Please submit a legal opinion summarizing the petitioner's right, title or interest to all property affected by the proposal.
- Exhibit C – Location Map. Please submit an electronic file of the proposed P-RP subdistrict rezoning boundary, in an ArcGIS compatible format.
- Exhibit D – Soils Mapping and Information. Please submit on-site soils mapping conducted by a soil scientist for all areas proposed for development, including roads. Soils information should be at a minimum scale of 1:62,500 or 1" to the mile, with 40 acre minimum mapping units. Soils mapping should include the location of all test pits and/or borings; a description of all soil mapping units referring to soil grouping designations according to both the USDA soils series names and the Maine State Plumbing Code profile and condition; the boundary lines of all proposed subdivisions, roads and other development areas; topographic contour lines at a minimum of five foot intervals; the percent and direction of slopes; and the location of all streams and waterbodies. The map must be drawn to the same scale as any other site plans that are submitted and must be dated and include the signature and license number of the soil scientist responsible for the work.
- Exhibit E – Letters Evaluating Impacts. Please submit letters from town, plantation, county and/or other officials describing what they anticipate as impacts, both favorable and unfavorable, of the proposed use of the land on the local community and surrounding area. For those parts of Plum Creek's property located in a town or plantation, contact the selectmen or assessors for such a letter. For those parts of Plum Creek's property located in a township, contact the regional planning commission, county commissioners or similar officials.

- Exhibit F – Letters Confirming Availability of Services. If the proposed rezoning and subsequent use of the land will require municipal services, please submit letters from town, plantation, and/or county officials and school administrative districts indicating that needed municipal or county services (i.e. solid waste disposal, fire and police protection, schools and school transportation, etc.) will be available. The letters should describe any special circumstances or conditions that must be met prior to providing such services.
- Exhibit G – Conformance with Easement Holder Guidelines. Please identify all proposed conservation easement holders and third parties. Please submit a copy of all documents demonstrating that the proposed easement holder(s) meets the Commission's *Guidelines for Selection of Easement Holders*.

**CONCEPT PLAN DRAFT DOCUMENT** (Target dates are listed for each bulleted item)

The proposed concept plan draft document should address the following:

- All statements and maps that identify this document as a "resource plan" should be corrected to "concept plan" (Target date: Early September).
- The cover page should identify the document as a "proposal" submitted to the Commission and should include a version date (Target date: Early September).
- Please submit a red-lined version of "Volume 5: Plan Implementation" which identifies all deviations from the Commission's existing land use districts and standards (Chapter 10), and provide a rationale for each change (Target date: Early September).
- Please submit a red-lined version of all proposed conservation easements, which identifies all deviations from the Commission's model easement, and provide a rationale for each change (Target date: Early September).
- There are many instances where information is repeated multiple times throughout the document. Such duplicative statements should be removed from the draft plan (Target date: Early October).
- All statements within the draft plan should be factual and not mere opinions and should include references and supporting documentation where applicable. Unlike other types of zoning petitions, where the Commission's decision is reflected primarily within the decision document (i.e. a permit), concept plans are unique in that the Commission not only acts on whether to accept the decision document but its action also adopts, with or without conditions, the concept plan. As a result, statements in the concept plan that reflect opinions or that bear no direct relevance to the review criteria should be excluded from the plan. Such statements may instead be submitted as supplemental documentation as part of the zoning petition, and will be considered by the Commission in that context (Target date: Early October).

I suggest that we schedule a meeting to discuss these items in further detail and set a realistic timeline for Plum Creek to address the above identified deficiencies. Thank you for your patience and cooperation. If you have any questions about this matter, please feel free to contact me via phone or e-mail.

Sincerely,

Agnieszka Pinette, Senior Planner  
Planning & Administration Division

Enclosure: Application fee reimbursement (\$50)

xc: File Copy, Tracking No. 39574