

July 31, 2006

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Agnieszka Pinette, Senior Planner  
Planning and Administration Division  
Land Use Regulation Commission  
Department of Conservation  
22 State House Station  
Augusta, Maine 04333-0022

**RE: Plum Creek**

Dear Aga:

Thanks to you and Catherine for meeting with Plum Creek on July 19, 2006. You both provided helpful guidance on the information you need from Plum Creek in response to your June 29, 2006 letter.

The Commission has received the processing fee. I like your suggestion that you and I meet with Peggy to discuss upcoming quarterly payments. Please let me know what date works best for you and Peggy.

Plum Creek has not yet received responses from any officials evaluating the Plan's impact on infrastructure or services. As soon as any communication is received, I will forward it to you.

Plum Creek has submitted Appendix P and the erosion control piece (Appendix R). Appendix B (Infrastructure and Community Impact Analysis) is being prepared by Eastern Maine Development Council. I have been advised that it should be ready for submittal by August 18, 2006. The Form Easements (Appendices F and H) are almost complete. It is Plum Creek's goal to have those documents submitted by August 18, 2006. I understand that these are an important part of the application and Plum Creek is working diligently with the easement holders to finalize them (Item C(1)).

A copy of the redlined version of proposed land use standards against LURC's existing Chapter 10 is enclosed (Item C(2)).

The redlined versions of the conservation easements will be submitted with the Form Easements on August 18, 2006 (Item C(3)).

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The information regarding the resorts as discussed in our July 19 meeting is also enclosed (Item C(4)). Plum Creek looks forward to meeting with you to discuss this topic further and specifically to address if you require additional information.

The affordable housing piece is not complete. We intend to submit it by August 18, 2006 (Item C(5)).

Enclosed is a CD with the maps that you requested in Items C(6) and C(7) as they relate to the development envelopes. As we discussed, we have not mapped existing utilities that are not relevant to any proposed development.

Plum Creek will retain the Conservation Framework and the acreage it encompasses as part of its Concept Plan. The Conservation Framework is not offered as conservation to offset or balance development. The Conservation Framework is included for several critical reasons. First, the Conservation Framework is the type of long-range, landowner-initiated approach to conservation encouraged in the CLUP. The Petitioner believes that the future use of the land area the Commission is being asked to rezone is not only relevant, but critical to the Commission's decision making process. Second, the public is entitled to know the Company's future plans for the land area that is part of the Plan Area. Third, the opportunities created by the Conservation Framework provide benefit to the public.

The Framework Easements contain the important details regarding public access and use of the land. I understand that public benefit (beyond a thirty-year, no-development provision) is dependent upon the Framework being implemented. I anticipate that in the next month or two I will have additional information on that point; however, I cannot provide you with any documents other than the Form Easements as the documents are highly confidential and proprietary. The conservation partners have not agreed to release them. Again, I believe that the Form Easements provide helpful information. If after you have reviewed the easement language you have additional questions, please give me a call so we can figure out a way to provide answers without violating the confidentiality provisions (Item C(8)).

Again, thank you for your guidance.

Sincerely,



Virginia E. Davis

VED:pjn  
Enclosures

**Preliminary Draft Response to Item C(4) relating to  
Land Uses at the Proposed Resorts in LURC's Letter of June 24, 2006**

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The resorts are defined by the number of accommodations anticipated and by a listing of probable amenities and ancillary buildings.

*Response to Questions (in LURC's June 24, 2006, letter)*

**Terms**

*"clubhouse"* – a facility associated with a resort, suitable for public, semi-public, and/or private gatherings, meetings of similar functions; it may include meeting room(s), dining and reception areas, kitchen, bar, restrooms, office, and accommodation for a resident manager; it also includes facilities related to recreational amenities such as a golf course.

*"outdoor education facility"* – a building, or series of buildings, including equipment and storage facilities suitable for students and visitors attending daily, weekly, or longer instruction classes relating to outdoor activities and/or study. (An example might be an Outward Bound-type facility.)

*"hut"* – in the context of the Big Moose resort, "hut" refers to a specific type of hut, the model for which is being developed for a Mahoosuc to Moosehead "hut-to-hut" trail system. It is understood that these huts are designed to accommodate about 40 people in dormitories and rooms; such a hut would also have a kitchen and dining area and storage rooms.

*"employee housing"* – any rooms, apartments, lodges, or cabins developed specifically to house resort employees on the resort grounds.

*"resort accommodations"* – Short or long-term occupancy units associated with resort development, including hotel rooms, suites, cabins, cottages, dwellings, and other occupancy units, whether rented, leased, let, or owned under a unit-ownership regime. Resort accommodations do not include employee housing. Resort accommodations may also include apartments, townhouses, and/or houses that are privately owned or held under a condominium arrangement.

**Types and Numbers of Structures and Uses &  
Type and Amount of Commercial Development**

- The total number of resort accommodations is capped at 250 at Lily Bay Resort, and 500 such units are proposed at Big Moose Mountain Resort.
- The range of residential-type structures is defined under the "resort accommodations" and "employee housing," above.
- Other non-residential types of uses and structures, including commercial structures, for each resort are listed below; in addition, the Plan stipulates (in Section 10.25, T (page 68)) that all resort facilities "shall be developed in such a manner so that they complement, but do not replace, services in the established service centers of Greenville, Jackman, and Rockwood. The Sustainable Tourism Guidelines also support this goal.

**Representative Non-Residential Uses & Structures Permitted at Both Resorts**

- Clubhouses and meeting facilities.
- Public safety facilities (e.g., fire substation, EMT facility).
- Maintenance and operations buildings and offices (e.g., garages, equipment sheds, storage buildings, etc.).
- Solid waste treatment facilities.
- Resort facilities ancillary to accommodations, such as recreational amenities, reception areas, meeting rooms, dining and kitchen facilities, restaurants, spa, indoor pool, gymnasium, small stores (under 5000 square feet), golf course, tennis courts, and other resort amenities.
- Boathouse for small boat (canoe/kayak) amenities and boat storage facilities.
- Warming huts (associated with Nordic skiing).
- Conference center (large meeting facility with dining and kitchen services).
- Rail station or rail platform (Big Moose Resort only).

**Non-Residential Uses & Structures *Not* Permitted at the Resorts**

- Gas and/or service stations.
- Automobile sales.
- Amusement or theme parks.
- Industrial or manufacturing facilities.
- Offices and office buildings unrelated to resort functions.
- Transfer stations and/or waste disposal facilities.
- Municipal and government buildings.
- Casinos.

**Residential Lots Within the Resort Envelopes**

- Residential lots may be located within the resort envelopes; residential dwellings placed on such lots shall be counted as resort accommodations; each dwelling unit shall qualify as a single accommodation.
- The number of such lots and their locations have not been determined and will only be determined at the concept, master planning stage.
- The number of lots will be determined, in part, by soil conditions, slopes, availability and proximity to sewage disposal facilities, market conditions, and project phasing.

**Residential Types, Size, Layout, and Standards**

- As indicated above, all kinds of dwelling types are allowed uses within the resort envelopes; this includes: single-family houses, duplexes, townhouses, apartments, cabins, condominium units, cottages, hotel rooms, dormitories, and the like.
- The size and layout (design) of these facilities has yet to be determined, and cannot be specified in this rezoning application.
- The scenic protection guidelines outlined earlier in the Plan, relating to building materials and outdoor lighting, would apply as described in Chapter V.G (page V-8 and V-13).

### Additional Parameters

- The Plan sets a 4-story height limitation on the resorts.
- The Plan stipulates that the core facilities at the resorts be within easy walking distance of most units; this is described as within a 1-mile radius at Big Moose resort.
- The Plan sets a maximum building footprint limit of 5% of the Big Moose Resort, i.e., 130 acres.
- The applicant reserves the right to move shoreland or backland lots into the resort envelopes

### Review Process

The Plan proposes a review process for resort areas similar to the review process that currently exists for proposed planned development projects in the D-PD subdistrict. To facilitate the comparison between the two processes, the proposed resort review standards have been redlined against the D-PD review process. The primary differences between the existing D-PD review process and the review process proposed for the resort envelopes in the Plan are (i) the rezoning phase has been replaced with a conceptual site plan review that incorporates many of the same review criteria but does not result in a rezoning of the affected property, and (ii) modifications have been made to accommodate the specific type of development contemplated (i.e. resort development) and to address phased development over time, rather than all at once.

As with the D-PD process, the resort review process contains three stages of review: (i) preapplication conference, (ii) conceptual site plan (similar to the preliminary development plan stage of the D-PD process), and (iii) final development plan (in this case, for each phase of the proposed development).

Just as with the D-PD process, the preapplication conference is designed to flag any items of concern to LURC staff, such as the proposal's fit within the natural environment and any potential undue adverse impacts.

The conceptual site plan stage is based on the preliminary development plan stage of the D-PD process. A public hearing is required at the conceptual site plan stage, at which the public and other interested parties are given essentially the same opportunities for review, comment, and participation as with the existing D-PD process. At this stage the applicant is required to provide a general overview of the project, the proposed uses, construction plans, environmental impact analyses, anticipated phasing, ownership structure, and other documentation and information necessary for the commission to form an opinion regarding the design, suitability and impact of the project.

The final development phase is designed much like the final development phase of the D-PD process, and is intended to ensure that the final proposal conforms to the conceptual approval granted by the commission. Changes in use or other material deviations from the approved conceptual site plan would require an amendment to the conceptual site plan approval, triggering the same level of review as at that stage.

It is important to note that approval of the concept plan does not amount to approval of a resort facility, sight unseen. Because the land use standards proposed for the Concept Plan adopt, without change, the current approval criteria for permit applications, no resort development application could be approved unless the commission decides, among other things, that the proposal fits harmoniously within the existing natural environment, and has no undue adverse impact on existing uses, scenic character, or natural or historical resources. These determinations are not made upon approval of the Concept Plan, and the commission has the ability to review and analyze the specific effects and impacts of any resort proposal once the details of the same have been formalized and an application submitted. Based upon that review and assessment, the commission may approve, approve with conditions, or deny any such applications.

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