



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

AGENDA

FOR THE COMMISSION'S MAY 27-28, 2008 DELIBERATIVE SESSIONS
IN THE MATTER OF ZONING PETITION ZP 707

PLUM CREEK MAINE TIMBERLANDS, L.L.C. AND PLUM CREEK LAND COMPANY

(Adopted by the Land Use Regulation Commission on May 7, 2008)

1. PROPOSED DEVELOPMENT AREAS

Will the review criteria for concept plans be satisfied if the Commission accepts Plum Creek's proposal to rezone each of the following areas for development, considering, among other things, their locations, sizes, resources, character, and existing uses:

- A. Beaver Cove
- B. Upper Wilson Pond
- C. Lily Bay
 - Residential area
 - Resort-related area
 - Lily Bay Mountain "low-impact" area
- D. Big Moose Mountain
 - Big Moose Mountain
 - Moosehead Lake -- Deep Cove
 - Burnham Pond
 - Indian Pond "low-impact" area
- E. Moose Bay Village
- F. D-CI Commercial Zone
- G. Route 6/15 Corridor
- H. Rockwood/Blue Ridge
- I. Brassua Lake
 - Brassua Lake south peninsula
 - Brassua Lake northeast shore
- J. Long Pond
 - Northwest shore
 - Northeast shore
 - Southeast shore
 - Southwest shore

2. PROPOSED LAND USE ZONES AND STANDARDS

- A. Are Plum Creek's proposed development zones consistent with the review criteria for concept plans? Are the lists of uses (including uses allowed without a permit, uses allowed without a permit subject to standards, uses requiring a permit, or special exception uses) within (1) each development area, and (2) the lands proposed for conservation, consistent with the review criteria for concept plans?
- B. Is Plum Creek's proposal to freeze the boundaries of protection zones located within development areas for 30 years consistent with the review criteria for concept plans?
- C. Is Plum Creek's proposal to freeze certain land use standards for the 30-year term of the concept plan in return for a grant of permanent conservation lands consistent with the review criteria for concept plans?
- D. Is Plum Creek's proposal to modify, add or delete portions of the Commission's otherwise applicable regulations (e.g., scenic impact standards, subdivision layout and design standards) consistent with the review criteria for concept plans?

- E. Is Plum Creek's proposal to include certain land use standards in homeowner associations' declarations of covenants, conditions and restrictions consistent with the review criteria for concept plans?
- F. Are any additional or modified review processes and/or land use standards necessary for Plum Creek's proposal to satisfy the review criteria for concept plans?

3. TOTAL NUMBER OF UNITS WITHIN THE 30-YEAR TERM OF THE CONCEPT PLAN

Is Plum Creek's proposal to develop up to 975 residential dwelling units, 1050 resort accommodation units, affordable housing, employee housing, caretaker/manager housing, and other non-residential development consistent with the review criteria for concept plans, considering both area-specific and cumulative impacts?

4. "BALANCE" CONSERVATION EASEMENT

- A. Do the (1) location and (2) amount of land included in the proposed "Balance" conservation easement satisfy the review criteria for concept plans, including for:
 - Waivers of adjacency (comparable conservation);
 - Mitigation to prevent undue adverse impacts to existing uses and resources (e.g., recreational resources, wildlife resources); and
 - Publicly beneficial balance?
- B. Do the provisions contained in Plum Creek's proposed "Balance" conservation easement satisfy the review criteria for concept plans? These provisions include, *inter alia*, those addressing:
 - The type, intensity and location of permitted structures and uses;
 - Forest practices standards;
 - Subdivision;
 - Enforcement; and
 - Entities proposed as easement holder and third party.
- C. Are any additional provisions not contained in Plum Creek's proposed "Balance" conservation easement required to satisfy the review criteria for concept plans (e.g., stewardship/monitoring fund)?
- D. Does the proposed timing for execution of Plum Creek's proposed "Balance" conservation easement satisfy the review criteria for concept plans?

5. CONSERVATION FRAMEWORK

Are any components of the Conservation Framework (i.e., the Moosehead Legacy conservation easement, fee sale of the Roaches Tract, and fee sale of Number 5 Bog) required to satisfy the review criteria for concept plans? If one or more components, in whole or in part, is required:

- A. Has Plum Creek proposed the necessary, enforceable provisions and terms to satisfy the review criteria for concept plans?
- B. Does the proposed timing for execution of these components satisfy the review criteria for concept plans?

6. ADDITIONAL CONCEPT PLAN ELEMENTS

- A. Do the additional plan elements proposed by Plum Creek, in combination with the proposed development and other offset provisions, satisfy the review criteria for concept plans? These additional plan elements are:
- Peak-to-Peak trail easement;
 - Hut-to-Hut trail easement;
 - ITS trail easement;
 - Vehicular road access easements;
 - Affordable housing; and
 - Community stewardship fund.
- B. Do the conditions imposed by the Maine Department of Transportation's Traffic Movement Permit satisfy the review criteria for concept plans as they relate to traffic congestion and safety?
- C. Is Plum Creek's proposal to permanently conserve any remaining land in proposed development areas on which development has not occurred by the end of 30 years (as part of the so-called "Balance Easement) consistent with the review criteria for concept plans?

7. CONCEPT PLAN IMPLEMENTATION MECHANISMS

- A. Are Plum Creek's proposed concept plan provisions governing amendment consistent with applicable review criteria?
- B. Are Plum Creek's proposed concept plan provisions governing implementation of the plan by LURC, including, *inter alia*, administration, enforcement and the proposed role for the Homeowner Associations' Covenants, Conditions and Restrictions in plan implementation consistent with applicable review criteria?
- C. Are Plum Creek's proposed planning and review processes at development application stages consistent with applicable review criteria?
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