



STATE OF MAINE

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DEPARTMENT OF CONSERVATION
LAND USE REGULATION COMMISSION
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AUGUSTA, ME 04333-0022



PATRICK MCGOWAN
COMMISSIONER

Memorandum

September 16, 2008

TO: Commissioners
FROM: Agnieszka Pinette, Senior Planner, Land Use Regulation Commission
SUBJECT: Written materials for the Commission's September 23-24 deliberative sessions in the matter of Zoning Petition ZP 707 – Plum Creek's proposed Concept Plan for the Moosehead Lake region

Please find enclosed with this memorandum the following materials for the Commission's September 23-24, 2008, deliberations in the matter of Zoning Petition ZP 707 (Plum Creek's proposed Concept Plan for the Moosehead Lake region):¹

- Notebooks containing staff/consultants' discussion and recommendations in response to the June 4, 2008, Commission-generated amendments to the core elements of Plum Creek's Concept Plan proposal**
 - Notebook 1: A reproduction of the June 4th Commission-generated amendments document, but with a new appended column labeled, "Sept. 2008 Discussion" -- this column includes a number referencing relevant sections in Notebook 2.
 - Notebook 2: Numbered sections containing (a) relevant excerpts of Plum Creek, intervenor, interested person, and governmental agency comments, (b) staff/consultant discussion, and (c) staff/consultant recommendations on those June 4th Commission-generated amendments that generated specific comments by parties.

Staff/consultants have attempted to organize these two notebooks in a manner to allow Commissioners to efficiently review party comments filed in connection with a particular amendment immediately prior to reviewing staff/consultant discussion of those comments and any recommended revised amendments. Every effort has

¹ Commissioners previously received, in two separate mailings, comments filed by parties and members of the public in response to the July 11th deadline.

been made to reproduce those comments verbatim. However, those comments that were stated in general terms or were referencing a particular amendment² have not been reproduced in the two notebooks, but are nonetheless contained verbatim in the party's comments that Commissioners received in their complete form several weeks ago in a separate mailing. Similarly, comments on purely procedural issues also have not been reproduced in this document³. Consequently, these notebooks are not intended to serve as a substitute for a comprehensive review of all party comments.

Also, while staff/consultants have carefully reviewed and considered all public comments filed on the Commission-generated amendments, those comments are not reproduced here. They were provided to the Commission in their entirety on August 29th

2. Plum Creek's submission in response to staff/consultants' request for additional information regarding Plum Creeks July 11th filing, and subsequent comments from parties in response to Plum Creek's submission

- Plum Creek's response to LURC request for additional information (9/9/2008 filing)
- Comments on Plum Creek's 9/9/2008 filing from:
 - Forest Ecology Network and RESTORE: The North Woods (9/12/2008 filing)
 - Maine Audubon and Natural Resources Council of Maine (9/12/2008 filing)
 - Moosehead Region Futures Committee (9/12/2008 filing)
 - Native Forest Network (9/12/2008 filing)

In preparing recommendations for the Commission's consideration during the September deliberations, staff/consultants have taken into account information submitted by Plum Creek on September 2, 2008, including information regarding the size and configuration of the proposed Lily Bay development zone. In its additional information request staff/consultants sought information from Plum Creek relating to its basis for asserting that this development zone should contain approximately 1,800 acres in order to accommodate up to 404 units while adequately protecting the area's natural resources. The parties were given an opportunity to submit objections to and comments on Plum Creek's submission, and two objections and one set of comments were received on September 12, 2008. Staff/consultants have taken into account and addressed these comments in relevant sections of Notebook 2. The Chair has not yet had an opportunity to rule on the objections, and to the extent his ruling precludes consideration of Plum Creek's submission or the comments filed on it, staff/consultants will be prepared to revise their recommendations accordingly.

Please contact me if you have any questions in advance of the September 23-24 deliberations. Thank you.

XC: Zoning Petition ZP 707 File

² For example:

- FEN-RESTORE's listing of objections to LURC-generated amendments (Appendix, 7/11/08 filing)
- GrowSmart Maine comments regarding energy efficiency and greenhouse gas emissions (p. 2, 7/11/08 filing)
- MA/NRCM (appendices, 7/11/08 filing)
- MRFC's comments regarding the criterion of demonstrated need (pp. 1-2, 7/11/08 filing)
- NFN's comments regarding the criterion of demonstrated need (7/11/08 filing)

³ Procedural concerns and objections were raised by the following commenting parties:

- FEN-RESTORE (pp. 2-10, 7/11/08 filing)
- MA/NRCM (pp. 4-10, 14, 28-31, 7/11/08 filing)
- MRFC (pp. 1-3, 6, 11, 7/11/08 filing)
- NFN (pp. 1-2, 4-6, 7/11/08 filing)