

Maine Land Use Planning Commission  
Recreational Lodging Facilities Stakeholder Input  
Meeting Three  
Draft Meeting Report  
Thursday, December 13, 2012  
Penobscot County Courthouse, Bangor



Good Group Decisions

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*This report is organized by topic, not necessarily the order in which things were discussed.*

## **About the Meeting**

This meeting was the third in a series of three meetings designed to gather stakeholder input on new Land Use Planning Commission (LUPC) regulations for recreational lodging in the unorganized territories of Maine. LUPC staff considered comments received via the first two meetings (and some by e-mail also) and prepared, for this meeting, a new framework for categorizing and regulating recreational lodging facilities in LUPC's jurisdiction.

## **Overall Project Objective**

At the end of the entire project, including stakeholder input, rule making, and Commission approval, our objective is to have in place a set of rules that efficiently and effectively regulate recreational lodging in LUPC's jurisdiction for the benefit of facility owners, visitors, and Maine residents, striking an appropriate balance between private enterprise and resource protection.

## **Meeting Three Objectives**

1. Shared understanding of LUPC's role with regard to recreational lodging facilities and of this stakeholder input process.
2. Shared understanding of the emerging proposal for new rules intended to regulate recreational lodging facilities.
3. Stakeholder input on categorization of facilities with particular attention to the following questions:
  - a. Is the general categorization framework reasonable?
  - b. Is the list of factors to be used appropriate? If not what needs to change?
  - c. What should the details/parameters for each factor and category be? Are we in the right ballpark, if not what is?
4. Stakeholder input on any other aspects of the Meeting Three Discussion Items document of December 6, 2012.

## **Attendance**

- Jason Bouchard, Chandler Lake Camps
- Harvey Calden, Tim Pond Camps
- Eliza Donoghue, Natural Resources Council of Maine
- Bob Duchesne, Unaffiliated
- Joe George, Rangeley Planning Board
- Cathy Johnson, Natural Resources Council of Maine
- Don Kleiner, Maine Professional Guides Association
- Don Lamson, Chewonki Foundation
- Matt Libby, Libby Camps

- Doug McCafferty, Maine Sporting Camp Association
- Sheralyn Morris, Chandler Lake Camps
- John Rust, Maine Sporting Camp Heritage Foundation
- Greg Shute, Chewonki Foundation
- Alan Theriault, Eagle Lake Sporting Camps
- Gloria Theriault, Eagle Lake Sporting Camps
- Barbara Veilleux, Penobscot County
- Bryan Wentzell, Appalachian Mountain Club
- Durward Humphrey, Commissioner, LUPC
- James May, Commissioner, LUPC
- Tim Beaucage, LUPC
- Hugh Coxe, LUPC
- Rod Falla, LUPC
- Jean Flannery, LUPC
- Samantha Horn Olsen, LUPC
- Nick, Livesay, LUPC
- Craig Freshley, Good Group Decisions
- Kerri Sands, Good Group Decisions

## ***Opening Remarks***

Tim Beaucage of the Maine Land Use Planning Commission welcomed the group with the following remarks:

- Thanks for joining us today, good to see some familiar faces and some and new faces
- This is a great time to see what progress we've been making
- This is the final of our stakeholder input sessions for recreational lodging
- We have hired a third party facilitator, Good Group Decisions, to make sure the meetings are productive

## ***Agenda and Ground Rules***

Craig Freshley, Facilitator, reviewed the planned agenda (see Appendix A), explaining that there were two primary objectives for the day: making sure we fully understand the concept behind the new regulatory system being proposed, and getting input.

Craig reviewed the following ground rules, things to keep in mind for a productive and efficient meeting:

- **All views heard** - We want to hear from everyone
- **Please be recognized to speak** – We want to make sure everyone gets a chance to say what they want to say in response to this document
- **Staff are a resource** – LUPC staff are here to clarify things – not give their opinions on what the new rules should be

- **Differing views welcome - No need to agree** - We want to hear those different points of view. Let's critique ideas, not people. It's not personal.
- **How should it be in the future?** – Of course we'll tell a few stories about things that have happened, but let's not get bogged down in the past.
- **Private enterprise AND resource protection** – Keep balance in mind; we want businesses to thrive in the unorganized territory, but we also want to protect the resource
- **A few laughs won't hurt us** - We can lighten up a little, although it's a serious topic
- **Neutral facilitation and report** – My role is neutral, I am not here to bring ideas or make suggestions; I'm not an expert in land use planning; I'm here to manage the process

## **Context**

Tim Beaucage provided a brief overview of LUPC responsibilities and the goals of this project.

- LUPC deals with issuing permits for land uses in the unorganized territory of Maine
- We make sure proposed uses are appropriate and neighbors' uses are compatible
- Some of you may have recently tried to get a permit to make a change or build new property in the unorganized territory. If so, you have come to the LUPC (formerly LURC, the Land Use Regulation Commission)
- We noticed that the same issues around the same recreational lodging standards kept coming up, so this process is helping us identify and resolve the issues
- Our Commissioners agreed that this is a priority; however, we have many priorities so their guidance to us was to focus on this and get done what we can by end of the year. We've come a long way, but this is a reminder that we may have to set a few things aside if we can't resolve them by the end of the year.
- Some issues are around pre-identified use-listings for recreational lodging that were out of date; they were made before certain types of backcountry huts, rental cabins, resorts, youth camps or the evolving needs of clientele.
  - Our rules got in the way where we didn't intend them to.
  - In some cases they were too specific; sq. ft. limits adequate at the time may be less appropriate now.
  - Our system tried to define each use, and each of you has facilities that are different from each other.
- We started in September with a full day session – we received great feedback and input.
  - We got confirmation of issues we knew about and learned about some new issues.
- We considered input, gave you a product, and discussed that in October
  - We got more great feedback and input, then we took on this rather monumental task of proposing new rules.

Craig Freshley reviewed what was discussed and concluded at the first and second stakeholder meetings.

## **Meeting One – September 12**

### Key Topics

- Identified key issues for Large, Medium and Small Facilities
- Discussed how to categorize facilities

### Guiding Principles – Conclusions

#### 1. Categorize facilities based on impact.

How they impact the resource and how they impact traditional uses.

Look at:

- i. Overall size
- ii. Number and type of buildings
- iii. Amount of use (number of people)
- iv. Type of use
- v. Location

Consider looking at performance-based impact rather than regulated-use-impact, with specific attention to human impact (number of people)

2. Facilities should be regulated based on impact (bullet #1 above) AND where they are located (Development, Management, or Protection zone)
3. Provide predictability AND flexibility
  - a. Assess impact by looking at a facility's long range development plan
  - b. Allow flexibility and trade-offs between activities and uses that result in more or less impact
  - c. Within categories, allow for easy changes
  - d. Fewer restrictions on private facilities than public facilities
4. Relax regulations in light of new technology, new customer demands, and other realities, yet balanced with protecting the resource and traditional uses
  - a. Relax the 10,000 square foot maximum cap
    - i. Simplify and improve the fairness of how it's counted
5. Preserve the tradition of sporting camps by allowing them to rebuild on traditional sites and consider separately regulating their non-traditional uses
6. It's really helpful when LUPC staff have an attitude of "we're here to help you plan" rather than "we're here to regulate you."

### **Meeting Two – October 17**

### Key Topics

- Explored performance-based impact  
( Activity Weight X Number of Annual Person-Days = Impact Score )
- Discussed how to categorize facilities – multi-vote
- Discussed top factors to be used for categorization – table discussions

### How to Categorize Facilities – Conclusions

The LUPC should consider the following prioritized factors in light of the environmental conditions and resource protection goals where it exists.

1. Overnight occupancy capacity - number of beds/pillows/campers

2. Type of use (such as)
  - a. Motorized or not
  - b. Group activity or not
  - c. Managed or not (guided or led)
  - d. Onsite vs. off site
  - e. Resource dependency
3. Footprint of buildings
4. Noise / Intensity of Use
5. Proximity to other facilities
6. Amount of on-site use area
7. Visibility
8. Square footage of living area
9. Management structure (onsite oversight)
10. Set back from water
11. Solid waste disposal
12. Footprint of clearing

### Conceptual Solutions for Specific Issues – Conclusions

- A. Commercial Sporting Camps
  - a. Relax the square footage cap
    - i. Consider raising the cap to 20,000 sq.ft. in areas where appropriate but not in all areas. The cap should be different in different areas, sensitive to local factors.
    - ii. The max applies to the most developed areas and not all areas
  - b. Specify how to calculate
    - i. General agreement with the proposal
    - ii. Consider counting “non-principle” “accessory” buildings if over a certain size.
  - c. Consider the zone in which each facility exists, adjacency, and sensitivity of the resource
  - d. Allow existing, traditional uses to continue
- B. Outpost Cabins
  - a. Outpost cabins traditionally used by existing, traditional sporting camps should be able to be rebuilt no matter how far from the main lodge
  - b. Outpost cabins should not count toward square footage if they are ½-hour travel time or less (by foot, road, water) from the main lodge
- D. Change of Use
  - a. Changing to allowable uses within the zone and for your category of facility, should be allowed
- E. Conversion
  - a. Changing use that causes the facility to be in a different category, requires a conversion
  - b. Consider listing “incentivized uses” in advance where conversion would be more streamlined
    - i. Recognizing that incentives would be fairly minor
- F. Accessory Uses
  - a. Allow incidental retail and define it along the lines proposed

- b. Clarify that this would apply to sporting camps and campgrounds
- c. Need to be careful that retail stays “incidental” and not a primary activity
- G. Transient Occupancy
  - a. The current 120 day standard should stay in place and apply to campgrounds
    - Trailers/campers need to move off a particular campsite after 120 days
      1. Alternative 1 - the trailer/camper may stay elsewhere on the property for longer
      2. Alternative 2 - the trailer/camper must leave the property after 120 days
  - b. Ask campgrounds about standards

## Stakeholder Input on Proposed New Framework

For the December 13 meeting, LUPC staff provided two documents (a complete Staff Response, and an Executive Summary) proposing the new framework and items for discussion. The documents included sections on categorizing uses, definitions and standards, and conceptual new subdistricts. (See Appendix B for conceptual table from the Staff Response document). For each section, the group first heard an explanation from Tim Beaucage and other LUPC staff and then stakeholders were invited to ask questions and make comments.

### Summary

#### Clarifications

- A facility’s “highest factor” determines it’s category.
- These rules will apply to LUPC regulation of recreational lodging facilities, but other regulations apply to such facilities also. Other permits can also be applied.
- New sub-districts are proposed in order to accommodate cases where less impact can be demonstrated.
- Clarified that bunkhouses should not have plumbing (running water including an outside faucet).
- LUPC wants to make sure that traditional sporting camps are protected yet there is flexibility for sporting camps and others.
- There are currently provisions for reconstruction of non-conforming structures and conforming structures.
- If a sporting camp get condominium-ized, it would not constitute a change of use.
- There are no size limits on either of the two new proposed sub-districts. Size is up to the applicant to propose.

#### Comments

- Consider allowances (allowed to do something on the “next category”) for seasonal or one-time activities.

- More flexibility for fuels sales.
  - Perhaps allow level B and level C facilities (perhaps all facilities) to do incidental fuel sales
  - Consider a distinction between propane and gas/diesel
- Like the way fuel sales are currently handled in the table, but mindful of location.
- Sea plane access should be allowed for all categories of facilities.
- LUPC should consider exceptions to the rules in cases where the applicant can demonstrate no additional “impact.”
- Set backs are important for visual impact, water quality, and wildlife habitat.
- Clarify that “cabins” in the definition of Commercial Sporting Camp facilities include housekeeping and other types of cabins.
- Consider have a separate regulatory category for traditional sporting camps.
- Outpost cabins should be much farther away from the Main lodge than proposed.
- Consider being open to performance-based standards in more instances IF the burden is on the applicant to develop, defend, and monitor such standards and activity, AND the standards are replicable.
- Consider requiring conservation balance and conservation considerations in the newly proposed D-PR sub-district.
- If you have categories, allow some gray areas between each category.
- It would be good if there were some parts of the jurisdiction where some things weren’t allowed.
- We shouldn’t allow “big resorts” such as Disney Land, The Balsams, the old Kineo House in the jurisdiction.
- The new sub-districts should be not allowed everywhere.
- There should not be limits on what types of facilities should be allowed in certain areas.
- There should be more limits on new developments than existing developments.
- Consider protections of traditional travel routes.
- There was general approval and encouragement of the categorization framework.

## ***Discussion***

- **Categorization of uses**
  - LUPC Staff: We developed a proposed list of factors to help categorize facilities – based on the work this group did. We have tried to include everything we could in our new guidelines.
    - Factors:
      - Overnight occupancy capacity - number of beds/pillows/campers
      - Type of use (such as)
        - Motorized or not
        - Group activity or not
        - Managed or not (guided or led)
        - Onsite vs. off site
        - Resource dependency

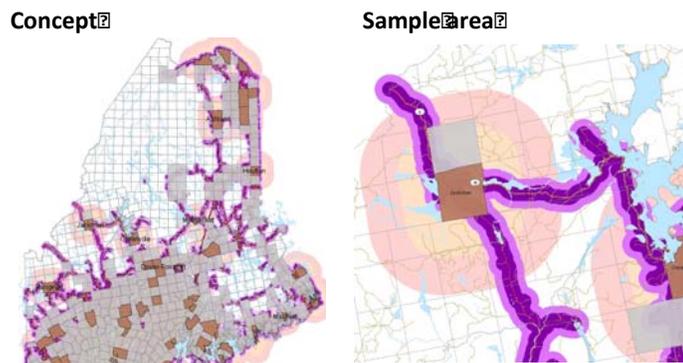
- Footprint of buildings
- Noise / Intensity of Use
- Proximity to other facilities
- Amount of on-site use area
- Visibility
- Square footage of living area
- Management structure (onsite oversight)
- Set back from water
- Solid waste disposal
- Footprint of clearing
- Conceptual table [see Appendix B]
  - Five different levels of facilities A through E
  - Intensity of use grows: A – small; E - big
  - This is not yet set in stone
  - We had to find a way to make sense of lots of different facilities, i.e. how do you categorize a campground with a 4-wheeler track?
- Question: Is location included on list of factors? That's very important.
  - Response: Yes, it is incorporated elsewhere
    - For example, we might want to make sure a Level C facility is allowed in the Gen Mgmt. Zone
    - Once we have the categories and use-districts defined, THEN we can think about where it's appropriate to locate each category
    - If table is set up to describe the "average" location there will be some places where we need to be more careful and also places where someone should get a "bonus" - because they are located in an ideal place, from a planning perspective
    - Some of these facilities won't be appropriate in every location - some will be appropriate in many locations
- Question: Are categories distinguished by things that are inclusive or exclusive?
  - Response: Inclusive – each one lists the things you CAN do there
- Question: Are facilities categorized by the most intensive factor? For example, if I just have a small retail store and I want to sell gas...?
  - Response: Selling gas would make you a Level D although the rest of the facility would be a Level B otherwise.
    - If you do just ONE of the things in the higher category, your whole facility is in that higher category.
- Question: What about if a higher-level use is seasonal? If you sell something just in winter or for one event?
  - Response: We are not sure yet. We could use the term "incidental" or could define it by gallons of gas or money from gas.
    - We tried to make it flexible, and clear for facility owners to determine what category they'd be in if they added or changed a particular thing
      - Rather than just saying "I'm a sporting camp; check."
    - This does have a little bit of judgment in it, though we do want to minimize it

- This table looks really complex – we know that. It’s in this format so we can discuss it and see how specific types of facilities would be affected by it.
  - In the actual rules it would be simpler
- Question: I see sq. ft. as a factor in the sporting camps, but don’t see incidental fuel sale – why not?
  - Response: We were comfortable with a system that allowed us to put any Level C facility in the MGM.
    - Fuel sales needs more discussion about whether it’s appropriate ANYWHERE in the MGM or whether there are specific areas.
- Way up north there are some facilities that are down at the A or B level but they are so far up there that by the time you arrive you are out of gas.
- Gas and diesel are different than propane. Propane is not as much of an environmental concern.
  - Response: While a facility might not be defined as having retail fuel sales or having dining available to the public, they could seek a permit to sell gas or have a larger store or whatnot. We are not saying you can’t do that.
- Question: So you are saying that gas would be acceptable in ALL these categories if we were to get a permit for it?
  - Response: You could come to us for a permit for fuel sales as a separate use.
- Question: So, it’s permitted subject to the permit, so to speak?
  - Response: If you are in a subdistrict that does not allow gas stations, there are more steps that must be taken.
    - We are hoping that the table at the end describes most circumstances well enough that you can see which category you are in and what’s allowed. There may be a few items that are just not able to be handled in the table – like gas sales. However, if there are 10 other things in the same boat, then maybe we need to revisit the table.
- Question: What is the use that incidental gas sales would be conflicting with? If this is a question of competing uses I just can’t visualize what the conflict is.
- This table doesn’t adequately address the large undeveloped corridor of the north woods. You have suburbanized the north woods – it changes the character. Gas and convenience stores change the fundamental feeling. I’m worried about this approach of treating all the MGM the same.
- Just because everyone could have a store in the MGM doesn’t mean they will. The markets will take care of assuring we don’t have suburbanization of whole north woods.
- Not everybody wants to be a gas station – but it’s a necessity. You need to sell aviation fuel, propane, diesel for generators, etc. We sell incidental fuel to people who are unprepared as well as our regular customers. We don’t WANT to be a gas station.
- If it’s well known that gas is available everywhere, then that will change the character. Right now people don’t go into the north woods assuming they can buy gas anywhere.
- I’m concerned about the lack of examples of which regions things would be allowed in.
- Clarification: Once you get into Level D facilities, there will be fewer subdistricts where you can put those facilities. They will be primarily development zones.
  - For two additional districts, we waive adjacency but look more carefully at location issues.

- Question from LUPC staff to the group: If we were to allow incidental gas sales at each place, is there a point at which it should trigger a higher level of categorization?
  - Responses:
    - We need to learn more about how these would be applied
    - Just because the regulation is adjusted it's not going to drive people to sell gas. I imagine that people wouldn't sell it if they didn't have to.
- Question: I see that noise is a factor for Levels A and B. Do seaplanes count as unreasonable noise? I can think of several Level A and B facilities that need to be accessed by seaplanes. But we should also not limit C, D, and E from being accessed by planes.
  - Response: This is a good point to consider.
- **“Bonus system”**
  - LUPC Staff: We want to be able to reward facilities that are located more appropriately or sensitively
  - A reward for doing “the right thing” rather than just hemming people in
  - The MGM zone varies - it is different near Chesuncook Lake than just outside Millinocket
  - For example, if a facility was located near other services, or has an extra setback, maybe the facility would be allowed some extra sq. ft. or some other “bonus”
  - This is an idea that was generated by the group
  - The concept is that as you get further back from the water, for example, the impacts that are dealt with by the setback lessen, so you can do more or can be larger
- Question: Regarding setback, is there a ratio of visual impact vs. water quality impact? Are there ways to mitigate if you ARE closer to water?
  - Response: Yes. The idea of setbacks is based in science, and the setback amount is used as proxy to achieve same result as could be proved via scientific data.
    - We figure that proving impact scientifically would be an undue burden for smaller facilities.
- Question: If we could produce the data, could we get an exception? For example, if we were able to demonstrate that we were handling water quality issues?
  - Response: If a lodging facility could make the case and demonstrate that they are having less impact than what is implied in the category, then an exception could be made.
    - This is covered in one of the new subdistricts – not to say it's not worth considering for other districts.
    - We heard from this group that performance-based measure might be better than strict setbacks, etc. However, the bigger the project, the more difficult it is to have the specialists come in to prove the case.
- Question: Regarding the bonus in areas in close proximity to service areas, are you considering a new subdistrict for those? Changing the zoning?
  - Response: No, not necessarily. It would be part of the categorization system – how we list the uses.
  - For each subdistrict there are uses allowed without a permit, uses allowed with a permit, uses allowed by special exception, and uses not allowed at all.

- One way to implement a bonus would be to be allow a certain use in a certain area, by special exception, if it met the special criteria.
- Part of the issue is that throughout the MGM areas are not the same. Which parts of the MGM are close together and have more intense use? Make it so the easiest regulatory path is to site a bigger, more intense facility near a service center.
- Setbacks should consider water quality and visual impact, also wildlife habitat.
- Question: One possible factor for granting a “bonus” is locating a facility within 5-10 miles from towns, or ½ to 1 mile from public roads. Are you able to show a visual of what this would look like in the jurisdiction?
  - Response: Yes.
    - LUPC Staff showed the following slide (below) and explained that:
      - There are not a lot of public roads in the jurisdiction
      - This concept might be generous in one way and restrictive in another
      - There is already a bonus for Level 2 subdivisions – we are taking that and extending it for recreational lodging
      - This is a way to think about what areas are ideal for development and should therefore get a boost

### **Bonus: Geographic Factor**



- **Definitions and Standards**
  - LUPC Staff: Any rules need to have definitions. By law if something is not specifically defined, we must go with commonly used definition.
  - We have given thought to these issues; some are clarifications, some are more substantial
  - Examples:
    - Adding a “residential campsite” definition
    - Placeholder definition for outpost cabins
    - Different categories of lodging facilities – draft conceptual definitions
- Question: I see that housekeeping is crossed out – why? I’m in favor of keeping it in.
  - Response: In trying to envision how sporting camps fit into the new categories, the definition would now matter less. We’d use the table.

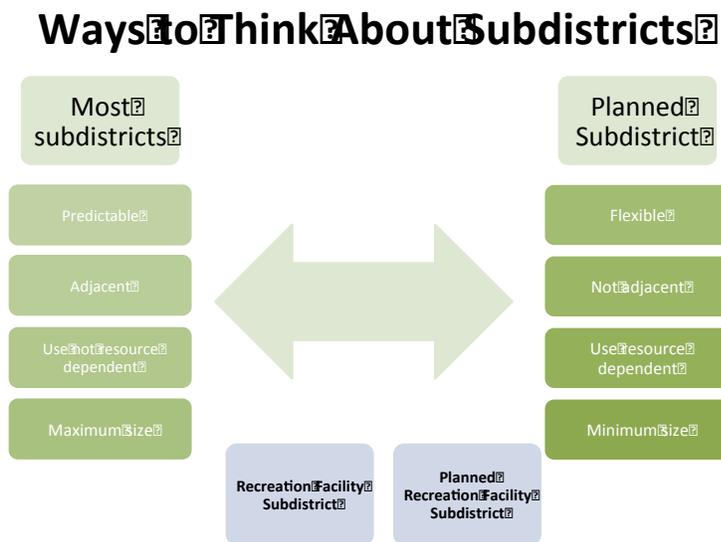
- If you were to expand or change the sporting camp, then we would look at these definitions. The only time it would matter, technically, would be at the time of reconstruction.
- There are some facilities that used to market themselves as sporting camps but due to economic cycles they now have different types of services, or year round attendance. But they might bring those sporting camp features and services back. I would hate to see them lose a classification and their ability to rebuild because of what amounted to temporary changes in services.
- This definition has seasonal implications. In some weeks, in summer and fall, we are housekeeping. But most of the year it works differently.
  - LUPC staff response:
    - If we move towards a system where all types of recreational lodging are intermixed and flexible, and it's more about how big the place is and how much noise is generated, then it becomes important to distinguish what makes sporting camps different than all other types of facilities. What is unique about it? This is important because of that statutory protection for sporting camps.
    - Even with this new system, there will be places wanting to use the sporting camp definition as a loophole to get special privileges for reconstruction.
    - We want to protect sporting camps' ability to rebuild in same location and we don't want people who are not sporting camps to call themselves that just to get that ability.
- A lot of camps do both housekeeping and non-housekeeping. There are good reasons for keeping it in the definition.
  - LUPC staff response:
    - "Cabins" include "housekeeping cabins", and all kinds of cabins – we were trying to be more flexible.
    - Also, what IS a housekeeping cabin? Some places say "rental", some say "cottage".
- Could say "including cabins (such as, but not limited to, housekeeping, etc.)" to suggest that it's inclusive of all types of cabins.
- Question: Regarding bunkhouses, what is the definition of plumbing?
  - Response: Generally speaking, a cabin with a kitchen, toilet, etc. – if it has pressurized water going to it.
    - There shouldn't be any kitchen/bath in a bunkhouse, strictly speaking – it's for sleeping.
    - You can have an outdoor faucet on a garage, but not really a bunkhouse
- Question: If you had a bunkhouse with a sink where someone could brush their teeth, etc. it's not considered a bunkhouse?
  - Response: Correct. If there is well water plumbed in, you are getting into residential use.
    - In many cases a lot will only allow one principal dwelling. So if someone wants extra space, we can permit the building of a bunkhouse, but once they put plumbing in, we can't allow that.
- Question: Why not allow indoor plumbing in bunkhouses in the smaller facilities?

- Response: We are trying to reserve Category A for only the barest bones remote rental cabins. It has to do with outpost cabins.
    - If they have plumbing, they are Category B.
- Question: Has the Commission ever done study to see what's out there now? We have 400 sq. ft. cabins with bathrooms that are 32 ft. from the water that have been there 100 years. All this stuff you are talking about exists today. Many of us in this room have done something for our entire lives and have never had an issue. Shouldn't you know what's out there before rewriting the rules?
  - Response: We are doing this so that many facilities can continue to operate and so that the things that you just described can continue to happen under the new regulations.
    - We are trying to catch the rules up with what's happening so we are not turning blind eye to a violation, and so that we are not issuing penalties for things that aren't actually causing any harm.
- It's scary to think of applying for a new permit and being forced to comply with all new rules – we couldn't do it.
- Question: If a facility is already exceeding what they are supposed to be able to do in the PGP, how can the new regulations allow business to expand?
- I am just trying to keep up a 100-year-old sporting camp. I would think the intent is to keep these 100-year-old places thriving. We don't want to be Disneyworld; we just want our log cabin.
  - LUPC staff response:
    - We are hearing from people who are dedicated to keep traditional sporting camps alive. We are also hearing from people saying the market is changing and they need to do innovative things to keep their places going; what they've been doing isn't viable anymore.
    - We are trying to design a system that is flexible enough to allow people to innovate with out losing protection for traditional sporting camps.
- My use of the property is long standing and may not fit the new mold – what do we do about that?
  - Response: Good question. We need to make sure we are not disadvantaging traditional operations yet build in flexibility. We may need to deal with really different stuff in a customized way.
- So, rather than regulate a traditional Maine sporting camp, protect them. Don't create a subdistrict, put them in their own category. They could be regulated separately on their own.
  - Response: the downside is if they wanted to temporarily or permanently change what they do, it could be problematic.
- It could be an opt-in system – if they didn't want in, they would have to meet all the new regulations.
- Question: Traditional sporting camps seem like a finite resource. Why doesn't LUPC know what's out there?
  - Response: There is great interest in being able to know what is on the landscape – sporting camps and everything else. Who calls themselves a sporting camp, and then who is a sporting camp according to our rules.

- We have attempted to inventory sporting camps but we don't have the resources to go out and visit them all.
  - We have been trying to provide flexibility and protect sporting camps. We have had to shoehorn a few places in because we didn't have room in our rules.
- I would think that before you tried to address this issue you would have boots on the ground to identify what's a sporting camp and which ones have been there 100 years vs. ones that are more modern. The health inspector in northern Maine has been visiting camps for 30 years.
- Actually, LUPC folks did come to my camp and asked, "What do you need?" and "Why do you need it?"
- Question: Is there anything that talks about rebuilding a dining hall in same spot?
  - Response: Our rules talk about non-conforming structures. There was already more than we could tackle in recreational lodging.
  - A special permit may be worth considering but we may need to focus in on something that has a relatively easy solution.
- There are regulations that specify a limited window for reconstruction. I'd be concerned if I'm not allowed to rebuild the dining hall.
  - Response: I don't see anything that excludes rebuilding the dining hall.
- Definition of outpost cabins – they must be far enough away to not walk over for dinner; a mile or whatnot. Should be farther away.
- Question: "Conversion" or "change of use"? How does it get interpreted?
  - Response:
    - Change of use, in this context, would mean for example moving from a youth camp to a sporting camp. If it's all within same Level (A or B etc.) it won't matter anymore. Its' allowed to be fluid.
    - Conversion would be when you go outside that – make camps into private residences or condos or something.
- **Proposed New Subdistricts**
  - LUPC Staff: Some subdistricts are focused for protection, some focused for development.
  - Many of your facilities are located in at least one.
  - Currently, each subdistrict tells you what uses are allowed – so if you want to do something that is not allowed you need to either find another location or ask for rezoning
  - This zoning system allows us to look at things on a landscape scale – vs. permitting, which is just about the individual facility
  - Currently each subdistrict has a process for applying for rezoning
  - Most subdistricts:
    - Are predictable – you can see what uses are allowed
    - Are near compatible development
    - Are not necessarily dependent on resource – i.e., they can go anywhere
    - Have a maximum size
  - Planned development subdistricts

- Are more flexible
- Do not have a compatibility requirement
- Are dependent on a resources – like a ski mountain, for example
- Have a minimum size, because there is an extra workload to set each on up, it needs to warrant that

- The following slide illustrates the concept:



- We hope this categorization tool (the new table) will solve a majority of issues you’ve recently encountered – but we know it won’t solve all. We thought we could add a couple more menu items: two new subdistricts.
  - If you want to site a facility, and the concept is along the lines of Level A, you put it almost anywhere.
  - As you work up, you have fewer places to put it. But still many.
  - At Level D, you run into many more restrictions. The use is more intense. It’s probably in a Development Zone, according to criteria, near existing compatible development. One reason: not putting new intense stuff where the county has to provide all kinds of resources.
  - So there’s an inherent conflict: If you have a recreational lodging facility, you can’t put it near other development; you are looking for qualities that exist farther away from development.
  - We recognize that what is on the books today does not work well for Levels D and E.
- So we came up with two new zones – Recreation Facility (D-RF) Subdistrict and the Planned Recreation Facility (D-PR) Subdistrict

- **D-RF**
  - For a moderately intensive facility who can't be near other development
  - Adjacency requirement waived
  - Very different than how today's zoning works
  - If you are successful, and you build there, it does not serve as adjacency for other facilities and does not necessarily mean your property can be converted (such as condo-ized)
  - It would allow you to do any of the things in Levels A-D
- Question: You would submit an application for rezoning that would go to the Commission?
  - Response: Yes.
- Question: How big can it be?
  - Response: Depends on what makes sense for that place.
- Question: Could it be as big as a township?
  - Theoretically, though that seems unlikely, standing here today.
- Question: How would you determine what was "the right place" for something?
  - As proposed, it can't go near development, it can't interfere with existing uses (agriculture, fisheries, etc.) and it can't increase the demand for public services.
- **D-PR**
  - LUPC Staff: If you think about a Level E facility – like a resort, really intense – we need some way to handle that
    - Sometimes people say, "I have a great idea for a resort" and we tell them they will need a rezoning. They could go through our Planned Development process, but the minimum requirements are big – sometimes too big.
  - We have no way to handle these requests. We need a middle ground with less submission requirements.
    - These projects would be well-sited and bigger than the new D-RF subdistrict
  - We have given people an option to try some performance-based standards
    - There is an adjacency requirement only for facilities that have to be near a particular resource
  - So overall, think of this new system like a gradation. Or a scale.
    - For small projects, just go to the chart. Most will be in the MGM.
    - For Level D, you either find adjacency or you petition for a zone change.
    - For Level E, you come in for this middle ground process.
- Question: How big can the D-PR be?
  - Response: Like other rezoning, think about what the use is going to be. For a corner store, you don't need 40 acres but you should go bigger than a half acre.
- Question: Requirement to demonstrate public benefits, etc.?
  - Response: If I am development person I'm not required to do any conservation balance, but I have to show why this is the only spot I can realistically build something. It must be tied to a particular landscape element.
    - A way to take opportunities across a large area and move them around in a way that makes sense.
- Question: What if I want to build a resort focused on water sports? It's water dependent, but there are 3,000 lakes in the zone. Could I do a D-PR?

- Response: No, but you could make the argument that you want to do a four-season facility and you have to be near a ski mountain AND a lake.
- Question: There is flexibility and opportunity to use performance-based standards in this new district. Why is it different in this case from the smaller facilities?
  - Response: It will take a fair amount of investment on the part of the applicant. They will need to have scientific expertise to prove their case and ongoing monitoring. We can't proactively develop applications with applicants.
    - For the first few projects where we do this, it will be heavily applicant led and driven. LUPC can't walk them through it.
- Question: Is LUPC open to performance-based standards if it's clarified that the burden is on the applicant to prove it? For example, if I want to reduce noise and fossil fuel use and it requires photovoltaic which would then need to be in a non-conforming area? Or replace flush with composting toilets?
  - Response: We would approach that by saying that it has to be replicable. We can't do it onesie-twasie.
    - If you have a concept in mind we could consider trying some things on a trial basis.
- Question: How does the new categorization relate to location? In the table, there is interplay between what factors, and what limits are on each factor?
  - Response:
    - Level A is really reserved for distant, remote facilities
    - Level C would probably include what we would think of as a traditional sporting camp
    - Level E is a resort
    - There is some malleability to that and we will continue to have discussions about this
- This still doesn't avoid the problem I'm worried about, which is sprawling development all over the Northeast. It's scary that some things can go anywhere in the MGM – these categories do not address the location issues for me. If you are going to have a big resort under the biggest category – why did you not consider having conservation balances and tradeoffs? Without that balance – it's a no-brainer that it's a problem.
- Question: If you are asked, "Can I put 10 rental cabins up along my ridgeline with a view of Katahdin?" is the response, "Yeah, sure it's MGM. Go for it."?
  - Response: No, that's not what we envisioned. We still need to work on these details.
- Conceptually the table makes sense. It's a straightforward method to use. But the devil is the details. And we don't have the time here to have the discussion about what's appropriate at various levels. But I'm in on the framework concept.
- What's another way to do it if they don't have categorization? The current way of listing uses by location – there too, the devil is in the details. Would we rather THAT system?
  - No. Use the categorization.
  - I like the categorization, but it needs work. Some of the cutoffs are subjective. But it would work for most applications.
  - You are on the right track.

Craig asked the group if anyone would prefer to keep the old system and just change the details? No one spoke up in favor of this.

Craig then asked participants to help ferret out any concerns, nervousness, or reservations about the new categorization framework.

- Any time you set the categories – the more you have, the more gray areas you have. It’s important to be able to shift up and down and get permits for different uses.
- The details will always be there – for when someone is between one category and another. The bonus system can help here. Flexibility.
- It doesn’t deal with landscape scale location issue. This system could address by making certain areas in the MGM where some things aren’t allowed. I would like to see what those are - and then I could pass judgment on the new system.
- LUPC staff response:
  - We were trying to show bookends. We can ask - Are there places in the MGM where we should have more hesitation? For example: high value, accessible, undeveloped lakes.
  - Right now our system says there is a density calculation
  - We have been struggling with the “bookends”. If we allow a 10,000 sq. ft. development in the MGM, is there a point where you get close enough to the lake and you negate the point of the zone? Is there a way to identify resource goals within the MGM?
- That’s a good idea – if you make it easier in some places, make it harder in some places. That concept is missing here.
- The lakes are discreet resources and this doesn’t get at the whole core area.
- Whether it’s inside or outside a 500-ft. setback, a facility will still affect an area tremendously. Everyone is still fishing the same waters. The setback might or might not have the intended effect – the only difference is visibility.

Craig asked the group whether they generally liked the idea of the “bonus” system. There was general approval of the concept.

Craig proposed that LUPC should take away a sense that this new framework is better than the old system, but participant are anxious about the details and eager to see them before signing off. There was general agreement.

Craig solicited specific ideas to pursue regarding things that should NOT be allowed in certain areas in the jurisdiction:

- Leave Disneyland in Florida
  - Nobody wants to see big resorts on the lakes in far northern Maine
  - Big resorts = The Balsams?
    - Yes, even if they are 500 feet back, you know they will do lots of clearing and have lots of activity.
  - Big resorts = The old Kineo House on Moosehead?

- Yes
  - If we all agree on this than Level E needs to be dropped down significantly. We need to figure out where the line is.
  - Identify townships that are primarily MGM where Level D and E, and the two new zones, would NOT be allowed – the bigger things.
    - Maybe there could be a corridor defined
- I am NOT looking to draw a line. When our place was built in 1889 it was a “massive development” and it’s not so much so today – we need to be careful.
- “The Line” for me is with new development vs. renovation of existing facility
  - There are many old camps that could use some TLC
- I don’t know how much disagreement there would be if we were all looking at a specific proposal.
- Often the large stuff gets dealt with on a custom basis. Is it a fundamental disagreement about where a large project should go?
- There are a lot of existing traditional routes, like canoe routes, that connect places. For example, the West Branch to the Allagash. Large scale development would totally change the nature of the experience people would have in those areas. Could we identify some of these areas? There aren’t that many.
  - However, when you are traveling down the Colorado River and you reach a developed area, it’s really nice to be able to stop and use the phone.

## Closing Comments

Participants had an opportunity for brief closing comments; perhaps reflections on the meetings or lingering hopes or concerns.

- Thanks, you did a great job.
- Thanks for participating. We would appreciate your comments on the details.
- Thanks to the LUPC staff; I don’t envy their job right now!
- Appreciate the opportunity for input.
- What everybody wants is a remote camp, but a remote camp for everybody is a remote camp for nobody.
- Thanks to everyone for coming her and giving their thoughts – don’t be shy about giving more feedback.
- Regarding the 500-ft setback discussion, it may actually make a structure more visible. You have to look at the other tradeoffs, for example, if you are going back up a ridge. Consider why something is allowed and why there is a setback at all; otherwise we are looking at carrying capacity & water quality.
- On page 15, 3. A. you have not included hunting and trapping – why would you exclude hunting and trapping?
  - Response from LUPC staff: This was not intentional. Of course those activities are allowed, it was just an oversight.

- I'd like to second the comment about nobody having a remote camp. That's the core issue. I want to be clear that I have no problem with people running facilities and making reasonable improvements. I just want to avoid creating a loophole that will open the window for something that will ruin the North Woods.
- Impressed with everyone's respect for each other.
- My door's open if you want to run a scenario by me – give me a shout in Greenville.
- Thanks to the staff and facilitators. You have responded to all the thoughts we've given you. Good luck!
- Thanks to the staff. Tremendous work. You guys listen. Thank you. You're going in a good direction.
- Thanks for all the work and for the facilitating. It's not easy to listen all the time to criticisms. The meetings went well, and we're going in the right direction.
- Thanks for the opportunity to be here.
- This was very entertaining. I have been in the same conversations on a number of issues – “how can I get the change I want while preventing others from getting the change they want?”
- Predictability and flexibility are enemies.
- I appreciate how much work you put into it – you distilled it into something we can talk about.
- Would be nice to have clarity about the process from now through the comment period to the new regulations, so all of us with constituencies can tell them how to weigh in.
- This has been an experiment for us. Glad to hear that it was helpful for a number of you – it was certainly helpful for us. It's been really beneficial. If you have process comments for us, i.e. what you would like to see replicated in the future, it will help us.
- This has been a different process; it's been great but a big unknown was how much dedication we would get from stakeholders - coming to three meetings and providing comments. We would NOT be as far along as we are without you. And that's one of the things I love about Maine.
- I agree with all that – it's absolutely clear that we would not have ended up in such a productive place without your help.

## Next Steps in the Process

Participants were informed of three things they could do to continue to participate:

- Call or write LUPC and ask for clarifications
- Call or write LUPC and provide comments
- Participate on the Volunteer Sounding Board
  - A sign-up sheet was circulated for those who wished to participate on a Recreational Lodging Facility Sounding Board – people who agreed to be available to LUPC staff to help them with technical questions as they continued drafting new rules.

**E-mail or call LUPC staff members Tim Beaucage, Hugh Coxe, or Samantha Horn-Olsen with questions or comments by December 31, 2012.**

Tim Beaucage explained the following steps in the process:

- Even if you are not on the Sounding Board list that went around the table, if you want to submit additional comment on our new framework but not be bugged with extra questions, that would be really helpful.
- The LUPC staff will figure out where we go from here and we will be reporting to the Commission about this process.
- Before we do any formal rulemaking there will either be a formal public hearing or a written comment period.
- This facilitated process is wrapping up, but the revision period is not.
- February through April is when we are really bringing stuff to the Commission. If there is a public hearing, it would be during that time.
- This goes quicker with more details – so please provide your feedback.

## **Other Issues to Discuss**

During a break in the meeting, participants were invited to list on a chart the recreational lodging regulation items they would like to discuss. “Big picture” items would be addressed by the group, and participants were invited to call or email LUPC staff directly to discuss more specific detailed items.

The following items appeared on the written list:

- Reconstruction – Boat house
- Reconstruction – laundry room
- Location of development across landscape
- Expansion of a non-conforming structure (business limiting if not possible)
- Trade-offs – solar replaces generator
- New zones – distinctions b/w existing zones

## Appendix A: Planned Agenda

### Maine Land Use Planning Commission Recreational Lodging Facilities Stakeholder Input

### Meeting Three Agenda

Thursday, December 13, 2012

Penobscot County Courthouse (3rd floor), 97 Hammond Street, Bangor

#### Overall Project Objective

At the end of the entire project, including stakeholder input, rule making, and Commission approval, our objective is to have in place a set of rules that efficiently and effectively regulate recreational lodging in LUPC's jurisdiction for the benefit of facility owners, visitors, and Maine residents, striking an appropriate balance between private enterprise and resource protection.

#### Meeting Three Objectives

5. Shared understanding of LUPC's role with regard to recreational lodging facilities and of this stakeholder input process.
6. Shared understanding of the emerging proposal for new rules intended to regulate recreational lodging facilities.
7. Stakeholder input on categorization of facilities with particular attention to the following questions:
  - a. Is the general categorization framework reasonable?
  - b. Is the list of factors to be used appropriate? If not what needs to change?
  - c. What should the details/parameters for each factor and category be? Are we in the right ballpark, if not what is?
8. Stakeholder input on any other aspects of the Meeting Three Discussion Items document of December 6, 2012.

#### Agenda

- 1:00            **Opening**  
                  Welcome  
                  Maine Land Use Planning Commission staff  
                  About the Meeting

Craig Freshley, Facilitator, Good Group Decisions  
Introductions

- 1:15      **Context**  
About LUPC and this Project  
Tim Beaucage will provide a brief overview of LUPC responsibilities and the goals of this project focused on revising regulations pertaining to recreational lodging facilities.  
Review of our Process and Findings to Date  
Before getting into today's discussions, Craig Freshley will review what was discussed and concluded at the first and second stakeholder meetings. There will be a chance for questions and clarifications.
- 1:35      **Understanding What's Proposed**  
LUPC staff have done their best to consider comments received via the first two meetings (and some by e-mail also) and prepare a new framework for categorizing and regulating recreational lodging facilities in LUPC's jurisdiction. Before giving opinions about the new framework, let's make sure we fully understand how it might work.  
  
Using some examples, we will work through various situations in order to understand how the new proposed framework might be applied. Stakeholders are encouraged to ask questions and make comments as we go.
- 2:40      **Break**
- 3:00      **Stakeholder Comments**  
With a baseline understanding of what's proposed, stakeholders are invited to make specific comments and suggestions for how the proposal should be altered and improved. Although all comments on all aspects are welcome, LUPC staff is most interested in hearing comments about the categorization of facilities, in particular:  
a. Is the general categorization framework reasonable?  
b. Is the list of factors to be used appropriate? If not what needs to change?  
c. What should the details/parameters for each factor and category be? Are we in the right ballpark, if not what is?
- 4:45      **Closing Comments**  
This is a chance for brief closing comments; perhaps reflections on the meeting or lingering hopes or concerns.
- 5:00      **Adjourn**

## Appendix B: Proposed Initial Categorization Table

This table is a portion of the Staff Response document prepared by LUPC staff for the meeting of December 13.

### Part A. Initial categorization

\*\* Unless otherwise noted, factors were identified by stakeholders; **bolded** factors represent the top six factors as prioritized by stakeholders. \*\*

Factors	Recreational Lodging Categories				
	Level A	Level B	Level C	Level D	Level E
Facility Elements <i>(factor added by LUPC staff)</i>					
<i>Dining</i>	• none	• private/self-serve dining facilities	• private/self-serve and/or common dining facilities	• private/self-serve and/or common dining facility; and/or • dining facility available to public on incidental basis	• private/self-serve and/or common dining facility; • dining facility available to public on incidental basis; and/or • restaurant available to public
<i>Utilities</i>	• no public utilities • no indoor plumbing	• may have public utilities • may have indoor plumbing	• may have public utilities • may have indoor plumbing	• may have public utilities • may have indoor plumbing	• may have public utilities • may have indoor plumbing
<i>Other features</i> <i>Retail</i>	• none	• incidental retail ≤100 sf	• incidental retail ≤200 sf	• incidental retail ≤300 sf	• incidental retail ≤500 sf
<i>Fuel sales</i>	• none	• none	• none	• incidental fuel sales, 1 pump	• fuel sales, 2 pumps
<i>Recreation – Services</i> <i>(equipment rental, guiding services, rafting base)</i>	• none	• ≤100 sf of indoor or outdoor space	• ≤200 sf of indoor or outdoor space	• ≤200 sf of indoor or outdoor space	• ≤500 sf of indoor or outdoor space
<i>Recreation – Activity</i> <i>? How do/could sports fields fit?</i>	• none	• none	Low impact activities:	• Medium impact activities:	• High impact activities:
<i>Noise/odors inherent in activity</i>	NA	NA	<i>Little or none</i>	<i>Occasional</i>	<i>Routine</i>
<i>Likely visibility from waterbody/trail used by public, or neighboring properties??</i>	NA	NA	<i>None or low</i>	<i>Occasional</i>	<i>Very likely</i>
<i>Utilized by non-guests</i>	NA	NA	<i>No</i>	<i>Incidental use by others</i>	<i>Routine use by others</i>
<i>Examples include but are not limited to:</i>	NA	NA	<i>climbing wall, ropes course, etc.</i>	<i>small shooting range, low-development paintball, etc.</i>	<i>large shooting range, highly developed paintball, waterpark, motorized sports track, etc.</i>

Factors	Recreational Lodging Categories				
	Level A	Level B	Level C	Level D	Level E
<b>Dimensional Factor</b> (floor area or footprint of principle buildings)	≤1,000 sf	≤8,000 sf	≤12,000 sf	≤20,000 sf	>20,000 sf
<b>Overnight occupancy capacity</b> (# of beds/pillows/campers) <i>?consider #/acre of waterbody?</i>	≤X Possibly 60-80?	≤X Possibly 60-80?	≤X Possibly 70-100?	≤X Possibly 90-120?	>X Possibly >150?
Footprint of clearing					
<500 feet from waterbody	≤X Possibly <2-4 times the dimensional factor (see above); may depend whether or not the greater than and less than 500 feet from the waterbody clearing factors are additive.				
>500 feet from waterbody	≤X Possibly <4-6 times the dimensional factor (see above); may depend whether or not the greater than and less than 500 feet from the waterbody clearing factors are additive.				
<i>The following <b>examples</b> are provided only to aid in discussing this conceptual Use Categorization Table. These ideas are currently thought of as 'book ends'; most of our discussion will need to focus on how to deal with the middle ground.</i>					
<i>Examples</i>	<i>Remote campgrounds, remote rental cabin</i>	<i>Campground, rental cabins (few), outpost cabins</i>	<i>CSC, campground, rental cabins (mod. #), backcountry huts</i>	<i>Rental cabins(high #), CSC, youth camp, campground, backcountry huts</i>	<i>Hotel, motel, resort, large youth camp, large backcountry hut, very large campground</i>
<i>Allowed with a <u>permit</u></i>	<i>Management subdistricts and certain protection subdistricts</i>	<i>Most likely examples: M-GN; D-RS?</i>	<i>Most likely examples: M-GN; D-GN; D-CI</i>	<i>Most likely examples: D-CI; D-GN; New Rec</i>	<i>Most likely examples: D-CI; D-GN; New Rec; D-PD</i>
<i>Allowed by <u>special exception</u></i>	<i>Certain protection subdistricts?</i>	<i>Most likely examples: D-RS?</i>	<i>Most likely examples: P-FP; D-GN3; D-ES?</i>	<i>Most likely examples: M-GN?; D-GN2; D-RS?; P-FP; P-SG [only limited accessory uses, structures (e.g. rock climbing etc.)]</i>	<i>Most likely examples: P-FP; P-SG [only limited accessory uses, structures (e.g. rock climbing etc.)]</i>
<i>Likely Subdistricts, of concern / specifically <u>not allowed</u></i>	<i>Most development subdistricts</i>	<i>Most likely examples: D-CI; D-MT</i>	<i>Most likely examples: D-MT</i>	<i>Most likely examples: M-GN?; P-GP2; P-AL; D-MT; D-RS2; D-RS3</i>	<i>Most likely examples: M-GN; P-AL; P-AR; P-GP2; D-MT; D-RS</i>