

In accordance with the request for input that came out of the September 12th meeting of stakeholders in regard to recreational land use, the following are my submissions for the Land Use Planning Commission's consideration. The first regulation I would like to address is what usage is allowed in the MGN district. Secondly, I would like to address the regulation concerning the size restrictions of recreational lodges and campgrounds in the MGN district.

Just to share a bit about me, I have been living in Rangeley for 25 years. My interest in your commission's work relates to the fact that I am considering establishing a youth camp in the Rangeley area. The proposed camp would focus on traditional wilderness activities, such as: canoeing, extended canoeing/camping trips, fishing, hiking, map and compass instruction, animal behavior education, track identification, plant identification, hunter safety instruction, archery, etc.

The Rangeley area had several of these kinds of youth camps in the 1960's. They were both popular and highly regarded; however, as businesses go, they eventually were replaced with residential subdivisions.

The two site requirements for a youth camp of this type are water frontage and a remote or semi-remote wilderness area. Large parcels of land like this do not exist in the town of Rangeley. In the surrounding plantations, relatively large, semi-remote, waterfront parcels are zoned MGN as governed by what has formerly been known as the Land Use Regulation Commission. As you know, youth camps are not currently on the list of permitted uses. This might have simply been an oversight when the zoning was created, as sporting camps and campgrounds are allowed.

So to begin, I'd like to address the types of recreational lodging and activities that could plausibly be allowed in the MGN district.

I think the most important factor that determines whether or not a recreational lodge is permissible in an MGN zone is whether or not the activity requires a remote wilderness setting. Fishing, hunting, canoeing, wilderness education, etc., all do require a wilderness setting. A hunting camp complete with guides, bird dogs, and good woodcock and grouse habitat probably wouldn't do well in a heavily populated area; therefore this type of activity does require a remote wilderness location.

I don't think sprawling shore front resorts in the remote north woods is something any of us want to see, but I do believe there should be zoned lands in all northern Maine counties that support the establishment of businesses which require wilderness locations.

Therefore, I am proposing that in addition to sporting camps and campgrounds, recreational camps that are based around wilderness activities should be permitted as well. These activities should include, for example, fishing, hunting, hiking, canoeing, wilderness education, youth camps, camping, and cross country skiing, etc. A limited number of short-term cabin rentals (as recreational outposts) should also be permitted in the MGN zone; however, the sale of or creation of

condominiums should not be permitted because this type of activity closely resembles a subdivision, which is not the intent of the proposed usage.

Now I would like to address the regulations concerning the size restrictions of recreational lodges and campgrounds in the MGN district. At the present time, campgrounds are allowed regardless of size. Specifically, there are no restrictions on the size and number of campsites allowed in the MGN zone. Therefore, a campground of ten campsites has the same regulations as a campground of 500 sites. On the other hand, recreational sporting camps are restricted to 10,000 square feet of structure. I assume that when regulations were initially created, any restrictions were established in an effort to minimize impact on shorefront, wilderness areas. I propose that impact can be regulated in other, more effective ways that do not arbitrarily impose building size restrictions.

There are essentially three areas of impact. They are the following:

1. Environmental impact: water quality – phosphorous run-off into bodies of water being the main consideration, as well as impact on fish and wildlife.
2. Visual impact: visibility of the structures, cleared areas, and docks from the water and surrounding area.
3. Noise impact: people camping, kids playing, boat motors, and generators create noise.

In essence, it's all about impact and how to minimize it.

- An increase in the number and size of structures causes an increase in impact.
- An increase in the area of clearings, driveways, and parking areas causes an increase in environmental impact, such as phosphorous run-off into the water body.
- An increase in distance between structures and water body causes a decrease in visual, environmental, and noise impact.
- Retaining a wooded, vegetated buffer and increasing the width of that buffer causes a decrease in environmental, visual, and noise impact.

The above statements hold true for the following types of recreational use: campgrounds, sporting camps, or recreational camps.

Recreational camp owners have expressed that they need more room to accommodate their guests. They have said that 10,000 square feet of structure is not enough. I think it is possible to be flexible - to allow an increase in size of structure and still minimize impact. Therefore, I propose the following:

For NEW CAMPGROUNDS IN THE MGN ZONE:

- No permanent structures are allowed within the 250' setback of a water body.
- Total allowable square footage of structures is 5,000 square feet.
- Only ten campsites are permitted within 50' to 150' of the water.
- Fifteen campsites are permitted between 150' and 250' of the water.
- Twenty campsites are permitted at or beyond 250'.
- For every campsite less than ten sites in the 50' to 150' setback, you are allowed an additional four sites in the 250' setback or two additional sites in the 150' to 250' area.
- For every one site in the 150' to 250' setback, less than 15, you are allowed two additional sites in the 250' or more area.
- The same tree and vegetative cutting regulation that applies now within the 100' setback from a water body will apply to 250'.

For EXISTING CAMPGROUNDS IN THE MGN ZONE:

- All existing structures are grandfathered.
- Maximum total square footage allowance for all structures is 5,000 square feet.
- All new structures must be set back 250' from the water body.
- Any existing structure that does not meet the 250' setback may be enlarged 30 percent in square feet or volume on the back of the structure, away from the water body. No lateral and forward expansions are permitted. The structure may not increase its existing height.
- The same regulations apply for density of campsites for existing campgrounds as for new campgrounds.
- No new campsites can be added if the existing total number of campsites is 45 or greater with the exception of trading campsites for those further from the water body (see below).
- All existing campsites are grandfathered.
- Existing campsites within 250' setback from the water body may be traded for additional campsites at a greater distance to the water body.

- The same cutting restrictions would apply for existing campgrounds as do for new campgrounds. No structures shall exceed 25' in height.

For NEW RECREATIONAL WILDERNESS LODGING IN THE MGN ZONE:

- Total square footage of structures between the 100' shore and 250' setback from shore is limited to 5,000 square feet.
- Total allowable square footage of structures beyond 250' shoreline setback shall be 15,000 square feet. Exception: property owner may trade any portion of the allowable 5,000 square feet within the 250' of water setback for (2x) twice the amount of square footage beyond the 250'.
- No structures shall exceed 25' in height.
- The same cutting regulations that are in effect now within the 100' setback will apply for the area within the 250' setback of the shore. Exception: a maximum of 25,000 square feet total clearing to be allowed for structures, driveway, and paths between the 100' setback and the 250' setback.

For EXISTING RECREATIONAL LODGING IN THE MGN ZONE:

- All existing structures are grandfathered.
- Total square footage of structures within the 250' setback from shore is limited to 5,000 square feet.
- New structures are not allowed within the 250' setback if the square footage of existing structures already exceeds 5,000 square feet.
- The total allowable square footage of existing and new construction is 20,000 square feet.
- Existing structures within the 250' setback may be added on to up to 30 percent of existing square footage or volume (which ever is less) as long as total square footage of all structures do not exceed 20,000 square feet. Lateral and forward expansions are not permitted. The structure cannot increase in overall height due to the expansion.
- In lieu of the 30 percent expansion of an existing structure within the 250' setback, twice that square footage can be constructed if constructed beyond the 250' setback. This is in addition to the 20,000 square foot rule.
- Any structure that does not meet the 250' setback may be replaced for twice the square footage if reconstructed at or beyond the 250' setback. This square footage is in addition to the 20,000 square foot maximum.

- No structure shall exceed 25 square feet in height unless it already exists. This includes additions to existing structures.
- The same cutting restrictions that apply for the 100' setback will now apply for the 250' setback.
- Cleared area between the 100' setback and the 250' setback is limited to a total of 25,000 square feet.

The above-proposed regulations reflect my suggestions based on thinking about what makes sense. The quantities, square footage values, and setbacks are talking points and certainly worthy of discussion.

I also believe that revegetation of existing cleared areas should be addressed in the regulation. Camp and campground owners should be encouraged (rewarded) for revegetating existing cleared areas that exceed the allowable square footage within the 250' shore front setback.

Further, I understand that most zoning regulations cannot be written to be 100 percent equitable and cover all possible development variables. I believe that zoning regulations are essential, but there are always exceptions to the rules that don't fit the regulations, and most regulations also have weak areas that create opportunities for potential loop holes that allow unintended activity to occur.

Beaucage, Timothy

From: John Rust <rust@gwi.net>
Sent: Wednesday, October 10, 2012 11:14 AM
To: Beaucage, Timothy
Subject: Rec lodging

Tim:

Here are a few comments regarding the summary of the Rec lodging meeting. Sorry to be a bit behind schedule, but I am tied up replacing my leach field.

There seems to be a whole lot of low-hanging fruit that you could implement quickly and without controversy. This would help businesses, the permitting and enforcement staff, and then free up the discussion for more difficult (controversial?) items.

John Rust
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Overall:

It was hard to separate things into the "large-medium-small" categories as there was much overlap. Since all these are some type of lodging facility, maybe total occupancy might be better, somewhat similar to fire code occupancy limits. But consider that human impact is not just about occupancy, but includes activities and timing. Many facilities can be compatible even when close together when activities are managed and "time-shifting" is considered. Sometimes "time-shifting" allows a given facility to serve totally different sets of customers – for example, a summer youth camp operation could become a fall hunting lodge (check out Chewonki's search engine advertising).

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Accessory uses / camp stores -- consider the degree of use by non-guests

Gas/oil -- Fishing, boating, ATV and snowmobiling relies on gas availability. Typically, so does hunting these days. Every lodging facility needs to maintain a supply for certain uses by guests. The degree of use by non-guests might be used to set up a different category for "Gas Station". However, ATV and snowmobiling non-guests might not be even possible if not for some gas availability.

Supplies/services — Every lodging facility will offer certain items for the convenience of guests – souvenir clothing, boat registration/licenses, bait, ice, etc. This should be allowed as part of the basic business permit. Sales to non-guests, as if a convenience store, could be allowed and restricted by a limitation of retail space square footage.

Guides -- Remember that guide services sold by lodging facilities or booked through other outfitters is a common commercial activity in the jurisdiction. By statute, guides "assist" recreationists in certain regulated recreation activities and are not to be confused with commercial resource extraction activities (commercial fishing and hunting for instance).

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Signage - any restrictions?

Signs are crucial to businesses. The restrictions should be differentiated between off-site/roadside "advertising" signs ("here we are, here's what we sell) and internal customer informational signs ("boat rental office", "dining room", "We sell XYZ Here for \$ABC.00").

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To reiterate – "Use listings and conversion ideas are one and the same. You are looking at the impact of one facility vs. another on the district. The human capacity is one aspect – more so than the activity. You can have a lot of people in an

area in a managed, structured, way and it can actually have a lot less impact than residential homes. Very focused, managed tourism activities. It seems that there are few uses that would be incompatible if managed properly. A neighbor might not like snowmobiles coming and going or a speedboat business next door but that's not a jurisdiction thing."

Conversion

There is major difference between conversion and simple diversification or adaptation to changing economies and market preferences. Businesses must make a profit in order to reinvest in the buildings. If profit and adaptability are not considered, the commercial success of each facility will be in jeopardy. The result might become a forced conversion to a completely different use, with the worst case being a run down, or even abandoned, eyesore.

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Recreational lodging use listings / There should be more categories

Destination / Itinerant - One factor is the primary purpose for the facility.

Some are destination-types, where customers' primary mission is to stay and recreate there for several days or more. Their services include lodging, meals and leisure activities (recreation). The impacts of customers on the area are quite predictable and well controlled (perhaps "contained" might be a better term). These include:

- Sporting Camps (oriented toward fishing, hunting, boating, wildlife, peace & quiet)
- Sporting Lodges (similar to sporting camps, but typically offering higher-end/luxury services)
- Nature Lodges (
- Recreation Resorts (offering multiple services including rafting, atv, snowmobiling, hiking, biking, zip lines, management retreats and instruction courses)
- Campgrounds
- Rental Cabins
- Youth Camps

Other facilities are more oriented to short stays, are more often located nearer to service centers, and which create more local vehicle traffic. These might include:

- Motels (ie, Moosehead Motel in Rockwood, Moose Mountain Inn in Greenville Jct)
- RV campgrounds

Built/Natural Infrastructure

Some facilities could be segmented based on the amount of built recreational facilities as opposed to "natural" surroundings. Some considerations, obvious and not so obvious:

- Alpine ski area (obvious)
- Nordic Ski "Center" (not obvious, but would have more concentration of dedicated trails than would a hut-to-hut trail system)
- Marina/Boat Launch (very different when a campground/sporting camp has a short dock and rustic launch ramp, vs a network of boat slips and a concrete ramp)
- Shooting Range (Some might be used for regular training and have a significant amount of back and side berms vs a small target range used to check sights at a hunting camp)

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10,000 sq. ft. size

It must be clear that this applies to human occupied space (lodge, guest cabins, caretaker cabins, dining, etc.), and does not include support structures (woodsheds, generating sheds, workshops, boat storage, basements, etc.)

The history behind the 10,000 sq. ft. indicates it was not a very scientific number. If the the Maine Sporting Camp Association had said 12,000 back in 2000, then that would probably be where the limit would have been set. So this limit seems quite flexible.

Remote cabins as part of the square footage limit

Consider the amount of interaction with the main facility. If there is no shared activity, then they shouldn't count towards the limit. This would clearly be the case for camps on other lakes. On the same lake, is the main facility used by the remote cabin guests for access, dining or other services? If the access is separate, then the camp should be considered as separate and not included in the main facility's size.

Camp Replacement Setbacks

When a cabin is destroyed by fire, it should be allowed to be rebuilt. Without this provision, the factors leading to the business' viability might be jeopardized, and the property might be forced to convert its use at some point.

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