

Community Guided Planning and Zoning (CGPZ) Meeting Minutes May 21, 2014

Attendees: Mark Draper, Cheryl St. Peter, Bill Patterson, Ked Coffin, Paul Bernier, Kathy Mazzuchelli, James May, and Jim Nadeau

Others present: Tom Abello, Nick Livesay, Hugh Coxe, Jamie Francomano, Billie MacLean,

Welcome and Introductions

Meeting opened at 9:10 with Mark Draper, Chair offering a welcome and introductions.

New Member

Paul Bernier-County Public Works Director was welcomed as a new member.

Minutes of April 16, 2014 meeting

Meeting minutes of the April 16th were approved, with the following amendment by consensus.

Kathy Mazzuchelli was not in attendance.

Guest Speaker- Nicholas Livesay Chapter 10 Overview

Nick provided an overview of the LUPC's development review process. Nick indicated that the LUPC's rules work a lot like land use ordinances in municipalities but that Zoning Petition or "ZP" process recognizes that LUPC zoning maps have not evolved to the same level of detail as in some municipalities. The rules ask the same questions as in organized towns:

- "What does the property owner want to do?"
- "Where is the activity proposed?"
- "In what subdistrict (i.e., zone) is this area located?"

The LUPC development review process contains both municipal-like standards (e.g., dimensional requirements, shoreland zoning) and state environmental review (e.g., NRPA), unless project is large enough to trigger DEP permitting. Nick also indicated that the applicant is asked "Does the use, as proposed, meet all applicable standards?" Section 10.24 contains statutory review criteria from 12 MRS § 685-B(4)

- Compliance with environmental laws
- Solid waste, odor, water supply
- Financial and technical capacity
- Traffic, parking
- No undue adverse impact
- Soils, septic

Nick then provided an overview of a typical review and indicated the type of potential changes that could be made to Chapter 10.

Hugh Coxe discussed the Recreational Lodging Rulemaking process that recently took place. Hugh indicated that the goal of the rulemaking process was to 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. There was significant stakeholder feedback throughout the process which indicated that facilities should be regulated based on impact (to resources and traditional uses) and their location. Regulations should also be relaxed in light of new technology, new customer demands, and other realities. And finally regulations should provide predictability and flexibility and allow for easy changes.

In the end, the following changes were made:

- New definition (10.02) – *Recreational Lodging*
- Change to some existing use listings (10.21 - 23)
- New zones (10.21) – D-PR & D-RF
- New and revised standards (10.27,Q)
 - •Recreational Lodging Categories
 - •Floor Area Adjustment
 - •Geographic Allowance Area

Permit Activity Review

Jay presented a review of permit activity from 1972 to 2013. He indicated that:

- Permitting activity provides a good historic perspective of what has happened in the unorganized townships and plantations but is less helpful in identifying what did not or could not happen.
- NMDC staff will complete a more thorough review of the data from 2000 to present. Data older than 2000 will not be reviewed.
- According to the LUPC staff, in the past Advisory Rulings (AR) were more of a “Yes, go ahead with what you want to do and you don’t need a permit (or you do need a permit)” rather than a determination of what couldn’t be done.
- NMDC and LUPC staff will complete a more specific identification of where development occurred in Connor, Winterville, and Cary to determine if there is a pattern. NMDC has tax map information for those plantations. Specific map and lot data will not be identified but rather if development occurred along major transportation corridors, around major resources, or were scattered throughout the community, etc.
- There has been no subdivision activity in the region in the 2000s with the exception of the subdivision around Glenwood Plantation in 2010 or 11. This may be more indicative of the economic condition in the region and not a land use issue.
- Connor and St. John are considered bedroom communities to their Service Centers (Caribou and Fort Kent). This may be indicative of a property tax (lower in the Plantations) issue rather than land use as each Service Center has townwide zoning ordinances in place that are, in some cases, far more stringent than the LUPC’s standards.

- NMDC staff will complete a more thorough review of Zoning Petitions and Zoning Petition withdrawals in the region. This review will be limited to a change in development patterns as opposed to a change in protection districts.

Visioning Session

Jay will work with the sub-committee to discuss what a visioning session should look like. At this time, the CGPZ committee would rather continue to gather information.

Overview of Process to Date

The committee still feels that, at times, “we are spinning our wheels” and that a topic or product has not yet been identified. Guest speakers have provided good general information but have been light on how land use and land use regulation impacts that sector. This may be the case of them not knowing that answer. While the general consensus was that the process is slowly working, the pace should be picked up a bit.

The next meeting will be June 18, 2014 at County Commissioners Office in Caribou.

The meeting adjourned at 12:31 PM.

Respectfully submitted

Jay Kamm
Senior Planner