

LURC Reform Commission

October 20, 2011 – MDOC Regional Office – Ashland, ME

DRAFT Meeting Minutes

LURC Reform Members in attendance: Duane Lander, Gary Lamb, Bill Beardsley, Lynda Quinn, Tom Rumpf, Chris Gardner, Hank McPherson, Durward Humphrey, Sarah Medina, Don White, Elbridge Cleaves

DOC Staff in attendance: Dan Burke

Members of the public in attendance: Tom Abello (TNC); Bob Dushesne (H. Dist. 13); Fred Hardy (Franklin Cty. Commission); Ruby Hardy; Gordon Mott; Patricia Dickey; Alexandra Fields (Environment Maine); Lindsay Bourgoine (AMC); Steve Tatko (NRCM); Ashley Gorczyca (ME Audubon); Beth Michaud; Cathy Johnson (NRCM); Steve Wight (Mahoosuc Land Trust); Bill Ferdinand (Eaton Peabody); Buzz Lamb; Pat Strauch (MFPC); Roger Sherman (Sen. Dist. 34); Elgin Turner (H.C. Haynes, Inc.); Jeff McCabe (H. Dist. 85); Ted Johnston (Wagner Forest Management); Carlie McLean (Governor's Office); Tom Gardner (Gardner Companies); Edmund Aylward (CWA & Lake Street Real Estate); Peter Edgecomb (H. Dist. 4); Roy Lamoreau; Gary Boone; Terry Hayes (H. Dist. 94)

Bill Beardsley

- Called meeting to order, welcomed participants and members of the public. Introduced Billie McLean (LURC regional representative) and Paul Underwood (Aroostook County Commissioner)

Billie McLean

- Northern region office serves 126 townships and houses LURC, the Maine Forest Service and Bureau of Parks and Public Lands.

Presentation by Paul Underwood

Paul Underwood

- 6700 sq. miles in the county. Roughly 2.5 million acres of UT in the county, about half the land mass. Ashland may be the geographic center of the county, but it is not the population center. There are roughly 1650 people living in the UT portion, but this number is trending down.
- Aroostook was the first county to adopt charter.
- The county provides numerous services, mostly through contracts: road maintenance, animal control, grant administration, sanitary districts, recreation programs, fire protection, EMS support, polling, cemeteries, libraries, streetlights, elder services, housing revitalization, road closures, tax abatements. These services are paid for through property taxes. Education is also paid for by property taxes. Roads are straight and the soil is rocky. There are no services in many part of Aroostook. This is not conducive to development.
- As for LURC's functioning in Aroostook, anyone needing a permit has to come to Ashland. If you want to appeal: get on agenda, go to meeting down in Bangor. The appeals process is not right, not reasonable.
- LURC planning premised on preservation with little regard to property rights. There is no economic charge, no charge to accommodate people. LURC has done a lot of good but it has gone overboard.
- Aroostook's evaluation in 2000 was \$405 million. In 2010 it was \$480 million. Only 45 new buildings were built and the cost of providing services has increased 66% during the same time period. In short, there is not enough growth to accommodate the increased costs.
- The Northern Maine Development Commission – recognized by Grow Smart America for approach to regional economic planning. There is a strategy to build a green economy. However, with half of the UT marked for preservation, it is no wonder Aroostook is having trouble.
- County officials have asked what could be improved? Local control was an issue, but there are broader regional concerns. Landowners did not want counties creating rules and inconsistencies, but did want access to local outlets for small projects. Projects big enough for DEP involvement should be left to DEP. Forestry issues, to MFS. Any project falling below the DEP threshold should stay at a county level.

Volunteer planning and appeals board could be set up. These entities could adopt the CLUP as an initial plan. From there, they could alter if some things didn't apply to a particular county.

Gary Lamb

- Large landowners have said they don't want county by county planning. But you said you wanted county by county adoption of the CLUP?

Paul Underwood

- Counties wanted a centralized board to pull out things of the CLUP that they didn't want in their county, windmills for example.

Tom Rumpf

- What is the track record in organized towns in terms of economic development?

Paul Underwood

- Under LD 1, the UT's growth factor in Aroostook is 2%. The town factor is 6-6.5%. But counties don't track municipal growth.
- At the last census, Presque Isle increased. Resource based jobs have come but only one large mill operates in the county. There are two veneer plants on the border with New Brunswick. The reason they built there was EPA emission rights.

Hank McPherson

- Assuming changes are made to the existing law, there has been a lot of talk about counties having trouble with permitting and compliance.

Paul Underwood

- Counties would have to gear up. Aroostook has looked at this.

Discussion

Hank McPherson

- Need to look at the purpose statement.

Bill Beardsley

- Worried about dangers of wordsmithing. Need to move into discussion of details of structure, function, and process. The purpose statement can be changed afterwards.

Don White

- Understood need to move on, but emphasized need to look at purpose statement soon.

Lynda Quinn

- Suggested working backwards. Go on with the agenda, but look back at the mission later.
- Suggested decommissioning LURC altogether and starting from scratch.

Bill Beardsley

- Proposed that the group start with that premise and look at the structure.

Lynda Quinn

- Structure needs to be focused around county government.

Tom Rumpf

- Asked if group was looking to get a unanimous decision or a majority/minority report for its recommendations.

Bill Beardsley

- Suggested group come up with the two most serious attempts at reform.

Tom Rumpf

- Noted that group only needs to bring recommendations to the table.

Bill Beardsley

- Commented that in order to get to recommendations, the issues need to be discussed first.

Gary Lamb

- Asked if group is now going with the “replace” philosophy, rather than a “repair” philosophy.

Chris Gardner

- Group was charged with coming up with solutions. All this group is going to do is recommend. The detail work will be done at by the ACF committee.

Hank McPherson

- Expressed agreement with Lynda Quinn’s idea of starting from scratch.

Bill Beardsley

- Noted that this meeting is the time to flesh some ideas out.

Don White

- Each component of any recommendation is contingent on another. Noted that aspects of a county approach make him uncomfortable. So many of these issues are interrelated. Suggested that group follow the original legislation (the Gifford Bill), and see what might be palatable about it.

[Missed comments here due to TV News]

Elbridge Cleaves

- Expressed concern about the outcome of any changes on the literal landscape.

Tom Rumpf

- Noted the two proposals circulated to the group. Asked if there were parts of those proposals that could work.

Hank McPherson

- There were three bills to abolish LURC. Using the Gifford Bill as a structure is fine. The group would not be here if LURC was not egregious.

Sarah Medina

- Noted that the two proposals were not an attempt to end run people.

Duane Lander

- Stated that he has asked a lot of people about LURC’s fate. Every one has said to get rid of it.
- Believes there is no reason a county cannot implement a permitting system. Supports a bi-level system with large projects going to the DEP and small jobs go to the counties.
- Does not like the assumption that local people cannot do things without technical support from Augusta.

Chris Gardner

- Elbridge’s concern over the landscape leads to an assumption that a state agency is needed to help conserve it. Local people and entities can do that. hat we need to fix the landscape.
- Suggested a third option – keep LURC staff in place but have it answer to an elected commission comprised of county representatives. We are the government. We cannot be afraid of putting control back in the hands of the people.

Don White

- Expressed concern over group's progress. Suggested taking one of the proposals and moving ahead.

Sarah Medina

- Agreed with Don. The conversation has focused on permitting, but also needs to focus on planning and zoning.

Hank McPherson

- Followed up on Gary's comment. The group's job is not to flesh out each recommendation. They can be debated but the group does not need to come up with legislation.

Durward Humphrey

- Agreed with Hank. These meetings are about the journey – the process of development in the UT.

Elbridge Cleaves

- Noted that there is a lot of agreement about the problems and that LURC is too overwhelmed to fix them. The disagreement arises on how to solve the problems.

Sarah Medina

- Need to look at big picture things – spinning off large projects to DEP.

Tom Rumpf

- Not opposed but LURC should have the responsibility for zoning the underlying land. DEP does not do planning and zoning, nor should it.

Bill Beardsley

- Noted that Patty Aho at DEP and Doug Denico at MFS have been asked to look into absorbing large projects and forestry matters in their respective outfits. It seems very doable to them. Just pulling these matters out could solve many of the problems.
- From there, the issues seem to be: Who should develop the planning? Who should implement the planning? Who should deal with the permitting? Who should look at the appeals?
 - Suggested that counties be responsible for coming up with a prospective plan, either separately or in conjunction with another.

Tom Rumpf

- Expressed concern about eliminating past planning. Suggested using the 2010 CLUP as a starting point.

Hank McPherson

- Stated that counties will not want to go get their plans approved by a statewide agency.
- Whether a project would trigger Site Law or NRPA review should be the threshold for DEP jurisdiction.

Chris Gardner

- That threshold works for the municipal model under Title 30-A.

Gary Lamb

- Expressed interest in regional or county appeals under the rubric of statewide planning and zoning.

Chris Gardner

- There is such an overreaching standing issue. Because of the way LURC is set up, projects get squashed by outside interests. Those in Portland should not have input on projects that are proposed up in Aroostook County.

Bill Beardsley

- Part of that issue is resolved if you structure the LURC board to include county representatives. Also if you add an appeals board with county representation decisions could be reversed. This is significant input and control from a county level.

Hank McPherson

- Appeals should be separate. You shouldn't appeal to the body that denied you.

Durward Humphrey

- In favor of letting the counties tweak the CLUP as long it doesn't have to get approved by a larger state agency. As for appeals, it needs to be totally independent. Like at the municipal level. Every county should have its own independent appeals board.

Bill Beardsley

- Who should control and guide and approve the final CLUP? How is it modified? How should the board be comprised?

Chris Gardner

- A statewide board, comprised of county commissioners, could meet and override county planning decisions.

Tom Rumpf

- Expressed concern about appealing planning decisions without statewide standards.

Chris Gardner

- Appeals would be based on a philosophy present in UT.

Tom Rumpf

- There would still need to be statewide standards.

Don White

- Expressed concern about rogue counties that don't want to plan or create outrageous plans.

Chris Gardner

- Asked what the guidelines for municipalities are.

Lynda Quinn

- There should be a state wide mandate that sets out broad guidelines.

Chris Gardner

- Asked whether the state would be setting standards for the entire state, or jus the UT.

Elbridge Cleaves

- Back to Don's point, there is a body of scientific information – the CLUP.
- Concerned about the municipal model. It might be absolutely broken.

Hank McPherson

- Suggested a statewide board having responsibility for zoning and planning. No one seems to be against a statewide board that deals strictly with zoning and permitting.

Don White

- The group should decide if zoning and planning should be at a statewide level.

Tom Rumpf

- Asked if there would be no statewide permitting except when NRPA or the Site Law is triggered.

Chris Gardner

- Suggested a statewide board made of county commissioners from ten UT counties, its function would be to approve each county's plan. That board would also sit to hear appeals.
- Once the land use plan is approved, the counties have the authority to implement it.

Bill Beardsley

- Asked if the law would establish limits on development.

Chris Gardner

- Each county should do that, with sound planning and zoning, the statewide board would have oversight.

Gary Lamb

- Counties should not be forced to come up with a new comprehensive plan.

Chris Gardner

- Start with the CLUP. Counties are as capable of planning as a state agency.

Hank McPherson

- As far as who implements things, there is law that already covers most of it.

Bill Beardsley

- Asked if there would be no statewide guidance at all.

Tom Rumpf

- Expressed concern over the process used by the group. The discussion seems like a free for all.

Hank McPherson

- There is no accountability. Landowners want consistency. Consistency would come if zoning and planning would happen at the UT level.

Elbridge Cleaves

- The problem with the current zoning is that it was done in 1971. That's just not right and needs to be fixed.

Don White

- Proposed a grid that might relieve some of the confusion/frustration.

Break from 12:00 to 12:35

Bill Beardsley

- Mentioned the two proposals floated to the group. Asked if there was a consensus as to starting with one of these proposals.

Don White

- Need to answer who is on the statewide board. Suggested that majority ought to be made up of county commissioners from counties with a majority of UT.

Elbridge Cleaves

- Asked who would be doing the planning and zoning in Bill's proposal.

Bill Beardsley

- Answered that a statewide board elected by county officials would ultimately be responsible. With the counties starting with the existing CLUP, they could then modify it. Any modifications would be approved by the statewide board. There is an assumption that small permitting projects could move on to a county level. This puts the clout of the LURC commission in to the counties but provides some amount of consistency for big landowners.

Chris Gardner

- Spoke with Bill Ferdinand during lunch about Title 30-A, the State's Growth Management Act. In essence, the statewide planning is already in place. It lays out principles of sound planning.

Bill Ferdinand

- In 1987, the Growth Management Act was enacted to make towns create comprehensive plan. It made them focus on key issues and was meant to control sprawl. It developed a process to develop these plans. If a town completed a plan, it must be consistent with the GMA. Towns could submit their plans to SPO for consistency, but are not required to do so. Otherwise, a plan that is inconsistent could face a potential lawsuit.
- Key issues and factors could be used to implement this regional planning effort. A lot of these questions have been addressed and could be applied here. It would be a good starting place for this group to look.

Chris Gardner

- Maybe look at the 1997 CLUP as a starting point for the planning process.

Tom Rumpf

- But the 2010 CLUP went through a process and this group cannot ignore that process.

Lynda Quinn

- Does the CLUP dovetail with the Growth Management Act.

Tom Rumpf

- Asked if there was general agreement about having planning start with a CLUP.

Don White

- The 2010 CLUP was based on a mission statement that was flawed. The 1997 CLUP was better.

Bill Beardsley

- Noted that the fewer things the group looks to change, the more likely those changes are to get traction.
- Suggested planning should work off of the 2010 CLUP with a requirement that the CLUP be updated within a year.

Elbridge Cleaves

- If a county is incapable of fixing the CLUP, then they are incapable of doing everything else.

Don White

- Stated that the transitional phase is what scares him. Right now, the transition is the 2010 CLUP. On Day One, if the county is lazy and does not do its own planning, the 2010 CLUP rules.

Chris Gardner

- It is reasonable to assume that a county might not change the CLUP. But the statewide board could come back and say that the CLUP needs to be changed.

Bill Beardsley

- A majority of the statewide board would be appointed by the counties, a few members would be appointed at large.
- We are not suggesting a new regional planning effort.

Chris Gardner

- Suggested that the statewide board's function be to approve the plans of counties. Their next job would be to act as an appeals board for permitting decisions.

Don White

- Noted it would be a perfect check and balance.

Chris Gardner

- Suggested staffing dollars should go to the counties who are implementing these plans. There might even be some savings.

Hank McPherson

- Concerned about rulemaking. If the counties did their own planning, they would have to make their own rules. For example, when would Site Law review and NRPA review kick in.

Chris Gardner

- Those standards are already built into the respective statutes.

Don White

- Concerned about having multiple sets of rules and regulations. There would be no consistency.

Duane Lander

- Agreed that rules should be statewide and consistent.

Sarah Medina

- Need to look at what is good for the resource, not just the county. Special rules that apply to special situations should be developed. This statewide board could have that ability.

Don White

- The point of creating rules is to prevent something from happening. If rules are different between counties, other counties should have some input. Extremely uncomfortable with county level rulemaking.

Durward Humphrey

- On board with Chris and Hank. Not impressed with make up of statewide board.

Chris Gardner

- Need to address the composition of the statewide board.

Sarah Medina

- Writing at the easel:
 - “The Board”
 - Nine members
 - 4 biggest UT counties (Ar, Pi, So, Wa) get 1 representative
 - 2 from other counties (appointed by MCCA)
 - 3 appointed at large.

Chris Gardner

- One of the at large commissioners should be a resident of the UT or live near it.
- Asked whether it is the counties responsibility to sue for a violation?

Sarah Medina

- Suggested looking at permitting before looking at enforcement.

Bill Beardsley

- Suggested counties could petition to take over permitting if they wanted.

Chris Gardner

- Could be able to put a cost savings spin on this. Money could be raised by the municipal cost component. There are a lot of things that don't need to go before the statewide board.

Tom Rumpf

- There should be statewide involvement in permitting.

Bill Beardsley

- As counties decide that they want to take over permitting. LURC already has offices, if counties take it over, then they decide where the permit offices are located.

Durward Humphrey

- If you gave permitting responsibility to the counties, they would need a process to get their own facilities.

Don White

- Concerned about confusion during the transition period. There should be a permitting process in place until the counties are ready to take over.

Sarah Medina

- Moved discussion towards enforcement.
- Suggest not having enforcement done by the people doing the permitting.

Gary Lamb

- Do not put enforcement with the statewide board.

Chris Gardner

- Implementation means permitting and enforcement.

Bill Beardsley

- Moved discussion to staffing. Asked whether the executive director should be dismissed only with the approval of the commission.

Hank McPherson

- The director should work for the commissioner, the administration. Serve at the pleasure.

Hank McPherson

- Asked whether a director is even necessary, especially if the staff is moved out into the counties.

Bill Beardsley

- Suggested a central staff would provide help with the planning process, coordinating rulemaking, etc..

Chris Gardner

- Asked if that staff could just be DOC employees.

Tom Rumpf

- There is plenty for a director to do for 10.5 million acres of land.

Bill Beardsley

- Invited Rep. Peter Edgecomb to address the group.

Peter Edgecomb

- By law, ACF needs to hear from the group.
- Suggested a meeting further north in Caribou.
- Looking forward to meeting on Oct. 27th. The group will present and answer questions.

Gary Lamb

- Asked for burning questions needing answers.

Peter Edgecomb

- How far away are the recommendations from what is in place now?
- Most people feel that there are some issues that need to be handled by the state but some issues should be handled on a local level.
- There are almost continuous horror stories about LURC. The ACF committee will be receptive to any recommendations. We need to improve upon the system of LURC.

Break from 2:20 to 2:35

Public Comment – 2:35 to 4:00 p.m.

Rep. Bernie Ayotte - Caswell

- Represents nine towns along the St. John River. Much of his jurisdiction is under the jurisdiction of LURC.
- Stated that he cant think any one organization that he has heard of more problems with. Some stories are almost ludicrous.
- Asked group to please train the LURC staff in diplomacy. Educate with common sense. They shouldn't make applicants feel like they are breaking the law. There should be uniform rules. This should be handled at the county level. LURC needs to work for the people, instead of against it.

Tom Gardner – Gardner Companies

- When the CLUP was up for review, LURC sought comments across the state, but at the end of the day, nothing changed. Attended several of the meetings, heard the horror stories, and thought that something would come out of that. That tells you the system is broken.
- The CLUP has got to go. Commissioners hide behind the CLUP. They should be accountable and have a better attitude. UT residents count.

Sarah Medina

- Asked about substantive changes.

Tom Gardner

- Increase land zoned for development. Suggested up to 30%.

Bill Beardsley

- The theory was that the UT is a breadbasket for mills outside of the UT.

Tom Gardner

- There are plenty of areas in the UT that could be developed without changing the amount of wood.

Senator Leo Keiffer – Caribou

- Is not opposed to some amount of reasonable regulation.
- Big concern should be getting decision making at a local level.
- Personally owns 435 acres. Tried to build a camp on his own lot, but the problems with LURC are just not worth it. Thinks employees do the work they are instructed to do. Need a more local, flexible regulatory authority. It doesn't all fit in a one-size fits all regulatory framework.

Danny Devoe – Cyr Plantation

- Asked the difference between unorganized townships and plantations. Plantations have limited forms of government, and in that sense, they are organized but still under the jurisdiction of LURC. To that end, LURC assesses a fee on plantations for planning services.
- Supports local control.

Tom Rumpf

- Asked if Cyr Plantation had ever considered withdrawing from LURC jurisdiction.

Danny Devoe

- Stated that his community does not want to apply for grants and cannot and does not want to pay for a staff.

Al Murphy – Nashville Plantation

- Worked as a forestry consultant and installs bridges/culverts for forest management.
- Stated it has been difficult working with LURC. The staff is not trained. LURC adds to the costs of projects with unnecessary requirements and conditions. Permits are too complicated.
- Nashville Plantation has voted to leave LURC and still working on it.
- Stated that before LURC came about, there were deer yards in working forests. Now that LURC has zoned them as DWAs, there are no deer in the area.

Tom Rumpf

- Asked for a sense of what is required to withdraw from LURC.

Al Murphy

- Need maps. LURC maps are usually not accurate. Also need a comprehensive plan that is approved by LURC.

Hank McPherson

- Asked if the permit-by-rule system is adequate.

Al Murphy

- Though permit by rule generally works well. It could be expanded.

Rep. Bob Duchesne – Old Town

- Here to see what the group comes up with, but wanted flag some things for consideration. Some functions are administrative like permitting and compliance. Zoning and planning is very political. County governments are not very political. Their duties are ministerial. If someone really hates something, it would be much easier to sway the county commission, more so than state legislature.
- Asked if it would be a good idea for the legislature to intervene on the CLUP process? Keep in mind that most people who would vote on this don't live in the UT, or even near it.

Rep. Terry Hayes – Buckfield

- Spoke to the voting capabilities of the chair of the proposed board. If the chair can't vote, that would disenfranchise the people who sent that commissioner there.

Edmund "Tate" Aylward – Lincoln

- Reiterated that the CLUP is a whitewashed document. The public hearings don't get to the commissioners. They only hear a staff summary. The Governor and legislature don't have a say.
- Suggested that to say that NRCM or TNC controlled the CLUP process.
- Cultural and regional differences require local control across the UT.
- This is not an impossible task, but it won't be perfect. There are other ways to go – much of these things could be privatized.

Don White

- Asked if permit-by-rule would be a good tool.

Cathy Johnson

- NRCM never sponsored any LURC meeting.

Don White

- The hearing in Portland was not sponsored by NRCM. They held a wine and cheese event the same night, but did not sponsor the hearing.

Paul Underwood

- LURC is a creation of the legislature. It answers only to the legislature, which means WE created a monster. There is no answer to the people.
- Local folks cannot talk to members of the board. LURC is not a board of peers. There is no opportunity for direct input by local people.
- The CLUP does not include economic development.
- Counties are more together on this than the legislature or even this reform commission. Counties want to partner up.

Hank McPherson

- Asked if the CLUP should be totally redone by the counties.

Paul Underwood

- There should be a common starting place. There is always something growing on the forest floor. The people in Aroostook County are really no different than those in Cumberland.

Gordon Mott - Lakeville

- Expressed thoughts on qualifications of board. Planning knowledge, natural resource stewardship, and economic development knowledge. Landowners need representation. Maybe one position could be chosen by the landowners.
- Elected representatives should be doing the planning, zoning, and appeals. Problem is they don't always represent the UT, they don't always live there.
- Urged group to continue to give regard to 32 organized plantations and towns within the jurisdiction. They treasure the jurisdiction and are a source of participation.

Ken White

- Began working in ME in early seventies. Started out as a LURC hater. LURC has to roles to play – developer and preservation of natural resources.
- Finds that he would rather have LURC intact. Rules are consistent now.

Bill Beardsley

- This group has talked about sending forestry issues to the MFS. Asked if there was a preference for this or staying at LURC.

Ken White

- Preference would be to have it handled by MFS and those with technical education.

Elgin Turner – HC Haynes, surveyor

- Disgusted with rulemaking procedure. Called the process scary. The procedures are cumbersome, expensive, and complicated.
- Thinks the current system is broken and expressed agreement with the direction the group is headed. From a landowner standpoint, it is scary to see what happened at the LURC meeting in Lincoln.

Elbridge Cleaves

- Asked if he had attempted a project under the Site Law.

Elgin Turner

- No.

Bill Beardsley

- Asked about LURC hearing in Lincoln on Bowers Mountain.

Elgin Turner

- There was public concern about impact on wilderness experience, viewshed, and lake users. The scales tipped to favor those folks. These people don't own the land. They weren't even abutters. LURC seems to be favoring their interests over the interests of the landowners.

Chris Gardner

- Just to clarify, because of LURC's regulations, your company doesn't even try to send in applications for subdivisions or other projects.

Elgin Turner

- Correct.

Bill Beardsley

- The LURC commission has a lot of discretion. The criteria are very subjective.

Gary Boone – Presque Isle

- Retired geology professor. Stated that he felt like a bit of an outsider at this meeting.
- Owns a Camp on Shin Pond. Used LURC to build a boathouse. Agrees with the comment about not euthanizing the patient, but just doing surgery. Wishes the patient well and the surgeons too.

Bill Beardsley

- Asked about mineral resources in Aroostook.

Gary Boone

- Stated that developing mines requires expensive tinkering with the environment. Every mining situation would have to be considered individually.

Don White

- Asked if a mine could ever be developed in ME.

Gary Boone

- Potentially, in the case of certain precious metals, a mine might be economically feasible with prices as high as they are now.

Don White

- Clarified question – he was referring to the regulatory process. Asked if anyone would even attempt it.

Gary Boone

- Responded that anyone who did who have to be “rather cherry” to attempt it.

Maureen ___ – Lakeville

- A selectman in Lakeville. Stated that things can be improved but that the group should take a hard look before anything is undertaken.
- LURC services in Lakeville cost the town \$11,000 per year. Having the town do its own planning would be very difficult. There is no room in budget for planning staff.
- Expressed concern that future costs would increase with local control but still open to recommendations for change.

Hank McPherson

- Asked how many permits have been filed.

Maureen

- More than 50. Mostly camp applications. Lakeville is one of the most active in terms of permitting.

Break from 4:05 to 4:35

Work Session

Bill Beardsley

- Asked about inviting more speakers to next meeting. Suggested Pat Strauch from MFPC.

Elbridge Cleaves

- Expressed desire to get input on the Growth Management Act and Title 30-A. Wanted insights from transitioning from Title 12 to a Title 30-A based system.

Tom Rumpf

- Suggested someone from the AG's office.

Don White

- Suggested Mike Lane (Preti Flaherty) or Bill Ferdinand (Eaton Peabody).

Hank McPherson

- Suggested Ed Bearor (Rudman and Winchell).

There was general group consensus as to hearing from a land use attorney.

Bill Beardsley

- Changed topics to the ACF update on Oct. 27. Asked what materials the group wanted to present. Suggested the revised purpose and scope.

Sarah Medina

- Concerned about passing that around if the group has not agreed to it.

Bill Beardsley

- Suggested presenting it, but with a draft watermark.

Sarah Medina

- Reiterated concern. Should not pass it around until there has been further discussion.

Bill Beardsley

- Things to go to ACF: 1) consensus statement and 2) an outline of the group's process. Anyone who can make will be there to engage in dialogue with the committee.

Hank McPherson

- ACF will want to know what this group is going to do about the accountability aspect as well. They seem concerned about the horror stories coming from the public.

Don White

- Suggested items for the next agenda: 1) discussion of purpose statement and 2) whether LURC should be a quasi-independent agency.

Gary Lamb

- Stated that being quasi-independent would give the resulting agency more autonomy.

Hank McPherson

- But the role would be clearly defined in statute.

Bill Beardsley

- Stated that Patty Aho (DEP Commissioner) will have a brief rundown, in writing, of how DEP can absorb large projects by the next meeting.

Durward Humphrey

- Stated that rules and regulations now existing hinder the majority of landowners who are decent people and just want some amount of reasonable development to increase value to their homes and businesses.

Tom Rumpf

- Commented that is how regulation comes about. The effects of a minority of bad actors lead to the creation of regulations which then affect everyone, including those who try to do things right. .

Elbridge Cleaves

- There is a need to set a threshold, in regulation, beyond which landowners can develop and operate successfully.

Hank McPherson

- Developers want to go where they can develop, where there is a market. When you spend thousands of dollars on experts and lawyers, have an application go down to Augusta, have a lot of time go by and ultimately end up with a denial, developers are not going to spend that time or money on anything. There will be no market.

Bill Beardsley

- Stated that the purpose statement of the existing law essentially locks the UT up for preservation. This has burned a lot of people and is a reason this group exists.

Hank McPherson

- The problem is that LURC has decided that some uses are more preferable than others.

Bill Beardsley

- Related story about the paintball course and leasing of a sugar orchard. Both went before the full LURC commission. There has got to be a local method of dealing with those.

Durward Humphrey

- The journey of getting to a positive result is too arduous. It shouldn't take 6 months to build a bunkhouse or woodshed on residential property.

Elbridge Cleaves

- Stated that sometimes a denial is appropriate.

Durward Humphrey

- But that is hard to say when so much is subjective and left to LURC's interpretation.

Hank McPherson

- Stated that an applicant should be able to determine what the answer is at the outset.

Bill Beardsley

- Asked why, in concept planning where a developer is already concentrating development, LURC can require donating more land to conservation.

Hank McPherson

- Stated that that doesn't happen often, but it is because land values are so low.

Elbridge Cleaves

- One of the largest hits on landowners was the lakes classification. Concept plans were meant to take the sting out of developing near protected lakes. The problems is that small landowners have nothing to trade and concept planning is not helpful to them.

Duane Lander

- The people of the UT have suffered economically, and it extends to all landowners, big and small. The group needs to take this opportunity to change that.

Hank McPherson

- The current process does not seem to care about working class people. They have been curtailed by the CLUP. The cry this legislative session has been about that type of person.

Public Comment Session – 5:30 to 7:10 p.m.

Mabel Desmond - Mapleton

- Asked to speak by NRCM in Augusta. She is a former school teacher, former legislator, former member of the state board of education.
- Stated that northern Maine is clean, natural and beautiful. LURC has long worked to preserve those qualities while curbing overuse. The state needs to sustain this but keep itself economically viable.
- Planning and oversight is critical. Local people need and deserve a voice.

Dan & Silvia Bridgston – Mapleton

- LURC jurisdiction is diverse. Aroostook and Washington Counties are very different from each other and these differences should be recognized. The UT is 90% privately owned, yet the LURC process is dominated by people from away. There needs to be more local control.

Chuck Johnson – Presque Isle

- Relayed personal experience with LURC over the years. Generally thought he was treated fairly and that the outcomes were reasonable. The staff listened.
- Thought forestry oversight was not controversial.

Don Tardie – Ashland

- Submitted written comments.
- Gave a brief history of Pinkham Lumber Co. since the 1960s. Noted that Pinkham probably could not have done what he did if he had tried today. Start up took only 17 months back then. Who know today?
- Believes LURC drives logs into Canada. The process is subjective, the CLUP is always expanding. The regulatory process should help business, not be a barrier. There should be a mechanism for conflict resolution.
- The NH DEP and DNR proactively helps businesses set up shop.

Adjourn at 7:10 p.m.