

LURC Reform Commission

November 17, 2011 – American Legion Hall – Greenville, ME

Meeting Minutes

LURC Reform Commission members in attendance: Lynda Quinn, Bill Beardsley, Chris Gardner, Tom Rumpf, Elbridge Cleaves, Duane Lander, Hank McPherson, Don White, Judy East, Sarah Medina, Gary Lamb, Don Kleiner

DOC Staff in attendance: Dan Burke, Jeanne Curran

Members of the public in attendance: Jeffery Gifford; Keith Smith; Chris Cote; Ashley Gorczyca; Alexandra Fields; Lisa Pohlmann; Tom Abello; Lindsay Bourgoine; Steve Tatko; Wendy Weiger; Jeff McCabe; Jennifer Ritch-Smith; Gordon Mott; Bob Duchesne; Patrick Strauch; Bill Ferdinand; Buzz Lamb; Bob Guethlen; Diane Guethlen; Sean Mahoney; Karen Foster; Suzanne Auclair; Kevin Miller; Brad Moulton; Peter Kliem; Jennifer Rooks; Chad Diamond; Annie Stillwater Gray; Loren Ritchie; John Guerin; Mildred Kennedy-Stirling; Anne Ehringhaus; Eric Ward; Shannon LeRoy; Gary Dethlefsen; Anthony Soychak; Brian Kent; Steve Wight; Doug Balfour; Betty Ryder Jonathan Pratt; Marilyn Tourtelotte

Bill Beardsley

- Opened meeting and called for approval of Nov. 3 meeting minutes.
- Opened discussion on revised Purpose and Scope section.

Sarah Medina

- Read through revisions.
- Group discussed several additional revisions.
 - First Paragraph:
 - Questioned use of “uniformly” in the lead in clause. Voted to delete.
 - Thought “inappropriate” and “detrimental” in 5th clause was redundant. Voted to delete “inappropriate.”
 - Thought “proper” in 5th clause was too subjective. Voted to delete.
 - Thought “discourage” was a better than “prevent” in 6th clause.
 - Thought “inappropriate” was too subjective in 8th clause. Voted to replace with “detrimental.”
 - Thought “preserve” was too strong a word. Voted to replace with “conserve.”
 - Second Paragraph:
 - Inserted “including conservation” in first sentence, after “to encourage the well-planned and well-managed multiple use ...”
- Group unanimously approved revisions to Purpose and Scope.

Bill Beardsley

- Opened discussion on draft revisions to Title 12.

Gary Lamb

- Expressed concern about discussing draft legislation at this point. Suggested coming up with issues and problems to be addressed.

Bill Beardsley

- Suggested group work through Judy East's proposal.

Eight items on the proposal.

Item 1 – Independent Agency:

- Retain a jurisdiction-wide land use agency
- Hold meetings in or close to the UT
- Move central offices to Bangor.
- Change the name from LURC to ??
- Adopt the revised Purpose and Scope

Group had discussion on several points:

- Moving central offices of renamed agency to Bangor.
 - There will be losses and costs associated with moving staff out of Augusta.
 - Several group members noted that these losses and costs should not be the central focus in determining a location. That focus should be on proximity to the people being served.
 - There was some reluctance to recommend a location for the central offices. Many thought that level of detail should be left to the legislature.
- Retaining a jurisdiction-wide land use agency.
 - Some members hesitated at this notion. The hope is that land use planning gets distributed across the jurisdiction at a regional/county level.
 - Jurisdiction-wide authority would provide input and guidance to counties that want to opt-out and do their own planning.
- Changing the name.
 - Much of the group saw LURC as a bad word and thought it needed to be changed.

Item 2 – Commission Membership

- Group had discussion on membership and appointment process:
 - Commissioners should be appointed by county commissioners.
 - The onus would then be on the county voters to elect good county commissioners, creating local control of planning functions.
 - Initial discussions had a 9 member commission: 5 appointed by the 5 largest UT counties (Penobscot, Piscataquis, Washington, Aroostook, and Somerset) appointed by the county commissioners of those counties; 1

appointed by the MCCA (to accommodate the smaller UT counties); and 3 appointed by the Governor, subject to approval of the legislature.

- There was discussion on how to include the smaller UT counties.
- Final agreement that CC's would appoint six commissioners (added Franklin County) and Governor would appoint three commissioners; Governor's appointments only would be subject to legislative review and approval.

The group decided to move that agreed-to items be typed up on screen and voted upon.

See separate "LRC Nov 17 Agreements" document.

Items 1 and 2 were unanimously approved, with move to Bangor dropped for lack of interest.

Item 3 – Staff and Training

- Discussion revolved around striking original subsections (a), (g), (h) and adding "and other needs" to original subsection (b) regarding staff customer service training.

Item 3 was unanimously approved with the abovementioned edits, and with 5(g) added into 3(d) so that concept plan approval requirements and standards would also be reviewed and revised..

Lunch from 12:00 to 12:35

Item 4 – Planning and Prospective Zoning

- Group added "and encourage" to subsection (a) so it read "Allow and encourage counties . . ." Incorporated subsection (c) into (a).
 - Changed "must" to "should" in subsection (c) and added "draw on expertise from" in paragraph (i) instead of "include."
- Deleted reference to proposed MFPC revisions to Title 12 in subsection (a).
- Struck original subsection (b).
- A provision for the county opt-out was added as new subsection (b), with a provision that it not be operational until three years after implementation of the proposed changes to the statewide regulatory body (above).

Item 4 was unanimously approved as amended.

Item 5 – Permitting and Regulation

- Group moved to accept as written, incorporating section (g)-concept plans-into section 3(d) which talks about reviewing regulatory standards to make them more clear.

Item 5 was unanimously approved as written, with deletion of (g).

Item 6 – Appeals

- Discussion revolved around striking original subsection (a) as being unnecessary because of the agreed upon membership of the commission (See Item 2).
- Group agreed to strike original subsection (a).

Item 6 was unanimously approved as amended.

Item 7 – Performance Goals and Oversight

- Motion to accept as written.

Item 7 was unanimously approved as written.

Item 8 – Maintain Statewide Values

- Group tabled discussion of this item until next meeting.

Public Listening Session at 2:35 p.m.

Sandra Neily

- Spoke about the money that recreational activities bring to the State each year.
- Presented a map of public ownership in the area. The public owns the lakes, rivers, streams, and wildlife. All of these assets should be overseen by a common agency, not counties.
- Recommended having an economist on staff of LURC who could provide input and give a better understanding of green infrastructure.
- See handout under written comments.

Bob Guethlen

- Believes LURC is local because the commissioners live and work in the UT.
- Believes LURC has been timely on permitting projects. Large scale projects take longer because they are more complex.
- LURC's job is to protect the public. To that end, "demonstrated need" and "adjacency" should be kept. They prevent sprawl which destroys a sense of place.
- Recommended adequate funding. Believes county planning will result in a hodgepodge of zoning and substandard development.

Peter Kliem

- See handout under written comments.

Betty Ryder

- Cares very much about water, air, wildlife – all belong to the people of Maine. We are stewards. Decisions made today play on into the future.

Shirely Lamoine

- Represents wilderness maine guides

- Wants to see LURC stay a statewide agency. Needs to be uniform regulation across the UT. LURC does not have the staff to cover such a huge area. Commission needs to be more flexible and recognize that tourism is a major industry and develop high volume, low impact activities.
- Recommends more local representation on the commission.

Mildred Kennedy Sterling

- Has had a good experience with LURC. Current planning is adequate, but recognizes that the system needs tweaking.

Anthony Soychak

- Owns a camp in Moose River. Was denied a permit for 15 years before it was finally approved. Then LURC said his land was illegally subdivided before he purchased it. Was not allowed to build.

Anne Ehringhaus

- Asked if a county would handle Mr. Soychak's situation any differently. Has dealt with Somerset County Commissioners about the Rockwood Transfer Station. Stated that the current contract for the station cannot be found. Believes that if this is an example of how county governments work, any planning and permitting functions could be very frustrating.
- Recommended appointing commissioners and hiring staff that had professional planning and resource management training.

Doug Balfour

- Wants to see LURC remain, even though it has had problems.
- Recommends permanent staff in field offices with construction and site experience.
- Recounted experience with stream bed on his property. Riprap would have prevented banks from washing out. Any one with a construction background would have recommended this, but LURC said no.
- LURC needs consistent application and enforcement of its regulations that are consistent with building and construction standards.

Meryl King

- Bought land for retirement purposes. Concerned about subdivision regulations being too onerous and taking too long.

Wendy Weiger

- Permitting process for camp was quick and straightforward.
- Believes weakening LURC would be a disaster. The UT is vital to the environmental and economic health of the state. The people of Maine own the water and wildlife. The North Woods should be managed by the state, which represents the people. If counties had authority, the result would be tangled and complicated. It would increase costs. Predictability would decrease.

Rodney Folsom

- Believes developers employ a lot of people and increase tax rolls while developing projects. His permits have averaged two to three years.
- Thinks “adjacency” and “demonstrated need” should be abandoned. The free market will take care of demonstrated need. Believes sprawl could be a good thing.
- LURC has an issue being too subjective. Regulations need to be black and white. Time and money mean nothing to government employees.

Sen. Doug Thomas

- Hopes that LRC gives power back to the local people. There is a long and proud history of local control in Maine. The economy has gone downhill since the 70s. There used to be young families in northern Maine. Like to see it go the other way soon.

Loren Ritchie

- Wary of the abolishment of LURC. Believes the changes discussed today should be implemented.

Brian Kent

- Principal of Kent Associates. Worked for LURC putting the first CLUP together. Acts now as a private consultant to many developers. Produced two of the Concept Plans approved.
- Recommends retaining statewide land use authority; maintaining planning principles; implementing prospective zoning; assuring fairness, predictability, professionalism and timeliness; providing regional input and control based on logical regions; providing adequate funding.
- Recommended overall planning offices in Bangor by professional director, staff, and Commissioners with regional planning around 5 service centers.

Joan Marie Wisher

- Recommends strengthening LURC. Wants protection from overdevelopment and increased taxes, and environmental degradation. LURC is the only board that has the necessary expertise.

Eric Ward

- A Piscataquis County Commissioner.
- Counties do not have an excess of people. It would be cost prohibitive for counties to take over. LURC has not created the jobs problem. Manufacturing has declined and that seems to be the real problem. Developing camps and residences will not make the area prosperous. Taxes have tripled in the region. The cost of services strip away all of the profits from residential development.
- Recommends not dumping it on county governments.

Buzz Lamb

- Pointed out that his analysis shows that only 21% of the owners of tax parcels in Piscataquis County actually live in the county. What does this mean with respect to “local control”
- See handout in written comments.

Rep. Bob Duchesne

- LURC implements state law. But it is also quasi-judicial. Group needs to look at political consequences of commission membership and appointment procedure.
- The county opt-out option funding needs to be looked at. It is a tax shift in some cases.

Gary Dethlefsen

- Represents the AMC which is involved in tourism and forest products. Believes a statewide agency is needed.
- Challenges with LURC come from problems with the rules and regulations.

Gordon Mott

- Endorses repairing and maintaining the LURC standards in place.
- Has reservations about placing county representatives on commission – it might not be more representative than it is now – commissioners are elected by and large by the municipalities in the counties, not the UT population.

Adjourn at 4:00 p.m.