



WASHINGTON COUNTY
COMMUNITY GUIDED PLANNING and
ZONING PROCESS

Public Outreach Meeting Minutes
TRESCOTT TOWNSHIP
6-8 PM September 20, 2016



Whiting Community Center - Whiting

Attendees:

<p>Community Participants (Apologies for any misspellings – note a few people did not sign in so this list is not fully representative of the attendance numbers below)</p> <p>John Sutherland, Lubec Jane & Robert Bell, Edmunds Diane & Ted Griffith, Trescott Suzanne & Michael Smith, Trescott Rob and Marcia Chaffee, Trescott Robert Judd, Lubec Heidi Hertzberger, Trescott Barbara Fox, Trescott Mary-Alice Look, Whiting Kate Jans, Trescott</p>	<p>Convenors/Facilitators Judy East, Washington County Council of Governments Sarah Strickland, Strategic Wisdom Partners Dr. Tora Johnson, University of Maine at Machias GIS Service Center and Laboratory</p>
	<p>Land Use Planning Commission Staff Samantha Horn Olsen, Land Use Planning Commission – Planning Manager, Augusta</p>
	<p>UT Planning Committee Members John Hough, Edmunds Susan Hatton, Sunrise County Economic Council Betsy Fitzgerald, Washington County Manager Dean Preston, Supervisor, Unorganized Territories James Martini and Virginia, Marion Twp Al May Trescott Twp, Maine CDC</p>

A revised Powerpoint presentation was created for this meeting to change the approach from the first 4 meetings. It is posted on the Community Outreach page <http://www.wccog.net/community-outreach.htm>

The approach of the last 2 meetings shifted from seeking a community vision statement to a deeper dive into the differences between prospective zoning (where changes are made to the printed zoning maps), the adjacency principle used by the LUPC, and floating zones. A revised handout, “What is a Floating Zone”, for the meeting providing a detailed description of these differences is also posted with the meeting materials on the Community Outreach page.

Judy started with a description of Community Guided Planning and Zoning and some context into why we are doing this now. Community Guided Planning and Zoning is planning for where development will locate given full consideration for where there are natural resources constraints & supporting infrastructure. When LURC formed in 1971 zoning on 10 million acres was based on existing development. In Washington County there are 800,000 acres in the UT and 2/3rds of that land area is in the General Management zone – essentially supporting forestry and agricultural activities.

The LURC Reform Commission of 2012 changed the name to the Land Use Planning Commission (LUPC) (among other things) and gave a directive to staff to **give local voices more influence in decision making** – hence this effort in Washington County (the 3rd statewide after Aroostook County and the Western Mountains region).

We had significantly better attendance than in late August:

All Attendees	
Trescott: 10 Edmunds: 3 Marion: 2 Lubec: 2 UT Planning Committee: 7 LUPC Staff: 1 Conveners/Consultants: 3 Business Owners: 3	
Trescott Attendees	Edmunds Attendees
Property owners in Trescott: 9 Full time residents in Trescott: 5 Seasonal residents in Trescott: 4	Property owners in Edmunds: 3 Full time residents in Edmunds: 3 Seasonal residents in Edmunds: 0
Marion Attendees:	Cathance Attendees:
Property owners in Marion: 2 Full time residents in Marion: 2 Seasonal residents in Marion: 0	Property owners in Cathance: 0 Full time residents in Cathance: 0 Seasonal residents in Cathance: 0

Community participation / volunteerism among those in attendance included:

Eastern Area Agency on Aging: 2
Firefighter: 1
4-H Club: 1
Showing up at this meeting – all present

In response to the question of *Why did you come to the meeting this evening*, responses included:

- Concerns about what this all means
- Believe in citizen participation
- Saw the publicity
- Seeking clarification on relationship of this process with wind energy development
- Recent experience with permits in the General Management district relative to natural resources impacts and the time it took to get the permit

Revised Agenda (from 1st 4 meetings):

- What is Community Guided Planning & Zoning?
- Introductions – who is here?
- Meeting Goals, Background & Timeline
- Current Zoning and New Tools
- GIS Mapping – Suitability Analyses
- Questions, Concerns and Next Steps

Same Meeting Purposes as in 1st 4 meetings:

For the Planning Committee/LUPC:

- Understand each community’s vision for future development – your balance between growth and conservation

For Community Participants:

- Understand what exists & the types of zoning tools available
- To be heard & to participate in a meaningful way

See Powerpoint for slides on:

- Project Background & Document structure
- Timeline
- Survey Input Summary (to be finalized for document in mid-October)

The presentation described the difference between conventional zoning and how the adjacency principle is used in the LUPC rules to review zone change requests (see slides 9-13 as well as detailed description on the first page of the “What is a Floating Zone” handout (revised 9-20-2016) posted on the Community Outreach page.

Prospective zoning in the LUPC rules is the product of a CGP&Z process where existing (mostly) General Management zones are changed to Development Zones to allow future growth. In these cases the zoning maps are changed and the new “prospective” zones are permanently depicted on the map. This was described with a section of the Trescott existing zoning map.

We then turned to a different tool – the floating zone. This type of zone is not drawn on the map until a zone change and permit is granted. It exists in the rules as a flexible opportunity to allow various types of rural business growth that are essentially unknown at present. A floating zone “lands” on the map when a permit is granted. This zoning tool allows for future options for small business while protecting the rights of neighbors. We used maps of Trescott and Edmunds to demonstrate how and where such a floating zone might “land” (see slides 14-16 and the second page of the “What is a Floating Zone” handout (revised 9-20-2016) posted on the Community Outreach page.

A floating zone called Development – Rural Business (D-RB) was developed in the Aroostook County CGP&Z process and adopted into the LUPC rules in May of 2016. See slides 17-22 for its purpose, the scale and intensity of the 3 Categories of rural small business, and the criteria for where it can be located in Aroostook County. The Planning Committee in Washington County is considering applying this type of zoning in the Washington County UT and seeking input from these public meetings about how and where to do so.

Here is Slide 22 that summarizes the 3 Categories of Rural Business that will help with the following description of the comments and questions:

3 Categories of Scale			
NOTE: Can be different in Washington County			
	Natural Resource-Based	Retail/Restaurants/Offices	Manufacturing/ Construction/ Service
Factors	Category 1	Category 2	Category 3
Size	Up to 4,000 sq ft gross floor area; 3 acres site area	Up to 2,500 sq ft gross floor area for commercial activities	Up to 20,000 sq ft gross floor area
Distance from a public road	1 mile	¼ mile	½ mile

Comments and questions from the group included the following. **Please note** some of this may have been said later but I am trying to get it down as my notes and memory serve...and as they relate to the subject in the presentation.

- **Comment/question:** So a floating Rural Business zone makes it allowable or easier to get a permit for a small business when you are located further than 1 mile by road of similar businesses or concentrations of development?
 - Yes, currently the adjacency principle assumes that locating new development (within 1 mile) of existing public services and other development preserves existing communities and is cheaper for the taxpayer.
 - The adjacency principle has been in use for 40 years but it is a blunt tool and, if your proposed zone change/permit request is on land grater than 1 mile by road from existing concentrations of development then your request is most often denied.
 - The Floating Zone is *intended to allow more flexibility* in some areas (as defined by these public conversations) for future rural business opportunities that are generally defined but essentially unknowable now.

- Unknowable = future landowner choice (both to have a business or not); future technological change; future natural resource-based opportunity
 - Samantha noted (I know she said it later but it helps now!) that the LUPC will still have review authority and will always make sure that basic requirements are met: no wetlands, capacity for septic, etc. But because of this CGP&Z process the LUPC will have fewer criteria to review and will assume that basic thresholds are met; this speeds up the review process and the time it takes to get a permit.
- **Comment/Question:** What does the community give up when it gives up the adjacency requirement?
 - Applying the adjacency policy keeps new development near existing development but the policy is not very flexible
 - A floating zone provides the community with a more tailored system
- **Comment/Question:** If a floating zone “lands” on a property further than 1 mile from concentrations of development haven’t you now made it easier for other properties to meet the adjacency threshold?
 - No, Samantha clarified that if/when a zone change and permit is granted pursuant to a floating zone this does not provide an advantage for other types of zoning changes relative to the adjacency principle.
- **Comment:** Generally in favor of the concept but need to know where would it apply and would like to see a map of the eligible areas.
 - Judy noted that the earlier “What is a Floating Zone” handout did have a map of where the floating zone applies in Aroostook County but it was confusing because it made it seem that all the areas where the floating zone *could* apply had been changed already (from General Management to Development–Rural Business).
 - This map confuses the concept of a floating *possibility* of a Rural Business Zone that does not actually become such the zone until a landowner has a) an idea/proposal, and b) receives a zone change, (and only then does the floating zone “land” on the map).
 - Such an idea/proposal from any particular landowner may never happen or may happen in 3, 5, or 10 years.
 - Tora indicated that she could produce a map that depicted this concept better than the one from Aroostook County that caused such confusion (& I have every confidence that she can!)
- **Comment:** The types of Rural Businesses in Categories 1 and 2 may make sense in Trescott, or in portions of Trescott but some are too intense like Category 3; is it all or nothing?
 - Samantha and Judy both noted that the 3 Categories within the Rural Business floating zone apply now only in Aroostook County – whether and how they will apply in Washington County is entirely flexible; and determining whether, where, and how they will apply is the very purpose of this CGP&Z process.
 - Forest City for instance was not interested in allowing the Rural Business floating zone in any part of Forest City; they see all 3 use Categories as too intensive and out of scale for their community.
 - Trescott may choose to only allow Categories 1 and 2 to “land” and to do so only along major roadways.
 - Baring Plantation on the other hand may be interested in all 3 Categories; Category 3, the largest and most intensive use, is already consistent with the development along the Route 1 corridor in Baring Plantation.
- **Comment:** The Bold Coast Scenic Byway is designated along some of the primary public roads where the 3 Categories of a Rural Business floating zone might “land”. I am concerned that if we make these Categories of Rural Business allowable or easier to get approved it would harm the scenic qualities of the Byway.

- Samantha noted that this is a very good way of looking at this issue. Consider the *impacts* of the use, not the specific use itself.
- So for Category 2 businesses that could have a lot of foot traffic and need to be visible and near the road – include good design standards in the rule that ensure development is in keeping with the scenic character of the Byway
- Alternatively, Category 3 business uses have a bigger physical footprint and could be noisier so include standards in the rules that address screening, greater setbacks or perhaps not allowing them at all in certain areas.
- **Comment:** Al May noted that if we are considering Rural Business on primary roads in Trescott (like Route 189 and Route 191), both are on the Bold Coast Scenic Byway (BCSB) but some portions of the Byway are more scenic than others. Thus Route 189 as the connecting interior corridor between Whiting and Lubec might be a good choice for the Rural Business Categories. However Route 191 has greater scenic and recreational assets given its proximity to the coast and the conservation lands that attract tourism.
 - As noted above – it is entirely possible to allow all 3 Categories of the Rural Business zone to “land” along one road (eg. the Route 189 portion of the BCSB) but only Categories 1 and 2 to “land” along another (eg. Route 191 of the BCSB)

A new Floating Zone:

Development - Recreation Services Business or Development – Tourism and Recreation

The presentation then turned to an entirely new Floating Zone that is under consideration by the Planning Committee in Washington County: a Development – Recreational Services Business floating zone. The floating zone concept is the same but the use is different. In this case we are talking about small commercial businesses that would fit near recreational assets such as trailheads, boat launches, conservation lands with public access. Examples include canoe/kayak rental; bicycle rental and/or repair; sandwich shops or trailside snack bars.

This idea came from LUPC staff. They explained to the Planning Committee that there is currently no LUPC zone that allows these kinds of recreational support businesses without also allowing far more intense commercial development. The Planning Committee has indicated they think the idea has some merit. The public meetings are intended to find out if residents and property agree. If so we are starting from whole cloth. Where should they be allowed? What types of recreation, What would be their look and feel and How would they work?

Slides 23 -26 describe this Recreation Services Business floating zone as well as maps where such a floating zone might “land”.

After reviewing this concept the meeting opened up for full comment, questions and conversation. This is captured in part above (after the Rural Business Floating Zone discussion) and also below. Some comments relate to the Recreation Services Floating zone, some to the entire CGP&Z process, and others to the permitting process. The questions at right were posted in the presentation to get the conversation started:

**Floating Zones:
What do you think?**

What benefits could be created by the floating zone idea?

Are there criteria that make you nervous (location, size, uses)?

Can we articulate criteria to address your concerns?

Comment: The benefits I see are that floating zones afford opportunity to have small businesses start in the future in a way that is adaptable to change. This seems true for both the Rural Business and the Recreation Support Business zones – they offer flexibility.

Comment: I understand that the rules would include ways to buffer neighbors who are mostly residential. I like that. My nervousness stems from the change this would pose to a neighborhood that is currently quiet, rural and private. It introduces some instability to what exists now.

Comment/question: If someone were seeking to get a floating zone permit to “land” as you say on a secondary road how would anyone in Trescott know or have any input?

- Samantha indicated the there is still a review process with the LUPC; there are fewer criteria that must be met (as described above) and yes it is easier for a zone change to be granted.
- However abutters still receive notice (currently out to 1000 feet) and the permit is always open for public comment through notices in the newspapers.
- There may not be an actual public hearing.

Comment/question: Sometime impacts go beyond the abutters. Could the notice provisions cast a wider net? How about extending notice to a half mile?

- Samantha: Yes, if Washington County wants they can recommend in this CGP&Z process that any new rules include additional notification provisions, say out to 2500 feet.

Comment: What if the business that is permitted goes out of business?

- Permits and zoning run with the property. A new owner would have to apply to change the zone back to General Management (if that is what it had been).

Comment: It is not that we don't want small business; it is just that there are not enough people for these businesses to be sustainable. There is no foot traffic on our road. Primary roads would be OK for the rural businesses that have foot traffic; secondary roads would be ok for the kinds of businesses that do processing of natural resources. But there is very little economic activity. How can any new business be supported?

- Judy reiterated the discussion on this issue from the Edmunds meeting (**Note** – the following goes into more detail than was said on Sept 20 but is instructive to the comment):
- Need to avoid discussion of the market viability of the businesses that would be allowed because zoning is not about evaluating market potential – legally and morally
- Zoning is about limiting the overall impact of development uses on natural resources; achieving that balance, thus:
 - Any regulation that allows an open-ended # or intensity of uses will be restricted in the number of places it can go
 - Vice-versa, regulation that limits uses in both variety and intensity can be allowed in more places
- The LUPC is not in the business of anticipating what the economy will do and wants to provide flexibility for new types of economic development that are not yet known.
 - Any rules we recommend can only provide flexibility that can then respond to changing circumstances and innovation

Comment: There are some cottages on Route 86 – they are small cottages now. We can't predict what people might want in the future. This floating zone idea gives flexibility to the next generation; we need to allow flexibility as needs change over time. We can't imagine or know what is needed in 50 or 75 years.

- Judy noted that the customary timeframe for this kind of planning process is 5 to 10 years. So the prospective zone changes made in this process or any floating zones that are adopted

or developed can be reviewed and revised or even tossed out as our experience with them takes place. They are not written in stone.

- Yes the adjacency principle has been in use for 40 years but these CGP&Z efforts are intended to refine that principle and add new tools to the toolbox.
- To this point, the CGP&Z process is being supported by the TIF funds from the wind developments in northern Washington County. TIF funds will continue for another 25 years. So this CGP&Z process can be updated in 5 to 10 years.
- Samantha noted that during the recent update to the LUPC Recreational Lodging Rules *focus was placed on impacts not types of uses*. The recreation of the 1970s and 1980s is not the same as the recreation of today. Change happens fast and we cannot predict what will be going on in the less developed areas of the UT. So the rules focus on impacts: # of beds, amount of noise produced etc. Thus the rules can flexibly apply to whatever the use is now or in the future.

Comment: Very glad to hear that the planning horizon is 5-10 years. Trescott has no village or central focus. Our “village” is Lubec. That is where we rely on retail, restaurant, and other services and we have a vested interest in keeping Lubec viable. Recreational Support Businesses on the other hand are a good idea for Trescott; just make them look good.

Comment/Question: How does a floating zone affect the tax assessment?

- Judy noted that tax assessment is based on highest and best use; until a zone change is requested and a permit granted the floating zone does not “land” so the zone has not changed. There should be no change in tax assessment until and unless the existing zone (usually General Management) has actually changed.
- Samantha noted that valuations are based on the zone you have; she has not seen potential zone changes have a property tax impact.

Comment/Question: Concerned about loss of value to property if a floating zone is allowed on the main road but not on a side road nearby; why not allow it? It is not fair and could reduce property values. We should keep the window open to anyone who wants to have the new zoning opportunity.

- Samantha noted any proposals from this process will only increase development opportunity; none will decrease the opportunities that are available today. Landowners may wish they were in the areas designated for a floating zone but the proposals here will not erase any opportunity that is available today.

Comment: This CGP&Z Process does not have any bearing on grid scale wind development yet the earlier documents refer to wind energy development as establishing a context for this work. Can this be corrected in the text given that we are discussing ways and means of reducing the burden and time in obtaining permits? This language could provide an opening for high paid legal assistance to justify proposals for wind development.

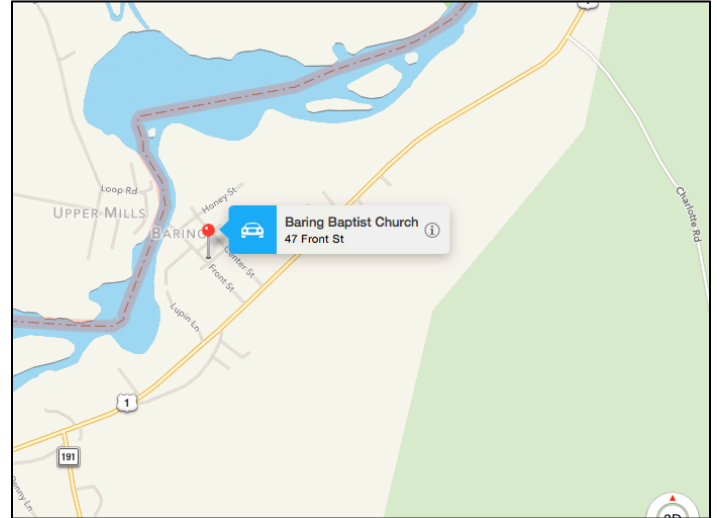
- Couple of thoughts here: Judy agreed that the three areas in which this work is proceeding were written 18 months ago, did refer to wind development, and should be revised given that the review authority of such developments is entirely out of our hands due to the 2009 act of the Legislature to allow expedited review of wind – so this will be corrected.
- Trescott is also one of the UTs that petitioned successfully to be removed from the expedited review process for grid scale wind energy development
- Samantha answered the question of “if a UT is out of expedited review, then what?” She noted that only one zone in the LUPC rules allows grid scale wind development: the Planned Development Zone; changing any current zones to a Planned Development Zone would require LUPC review. She further noted that it is fairly unlikely that any wind developers will apply for such a zone change after a UT has obtained a successful petition to be removed from expedited review. For more information on this process see the LUPC web site on wind power expedited review petitions:

http://www.maine.gov/dacf/lupc/projects/wind_expedited_area/wind_expedited.shtml

Comment: Wish to make is clear that I/we are not hostile to development as long as it does not infringe on the rural character and values we love about this place.

Meeting started and adjourned with announcements about further input:

- The last public meeting is in Baring on Sept 27 from 6-8PM at Baring Baptist Church (47 Front St Baring
- Note any UT residents can attend in Baring; there will be Baring-specific content but the concepts (prospective zoning, adjacency, floating zones) are relevant to all the UTs and Plantations
- Also (Judy said this at the outset) the Planning Committee (next meeting October 18 from 5-7PM; Torrey Hall Rm 228 UMM) will be making recommendations based on public input received in these 6 meetings.
- The current schedule is to take those recommendations to the County Commissioners prior to them going to the LUPC.
- It is entirely possible to hold another public meeting so that people can review and comment on the final set of recommendations.
- Judy and Sarah were discussing this on the ride home and pictured a presentation of recommendations at one large meeting in a venue like the lecture hall in Science 102 at UMM so that we cold get final comments and input from landowners and residents. Stay tuned.



Respectfully Submitted
Judy East