



STATE OF MAINE

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GOVERNOR

DEPARTMENT OF CONSERVATION
LAND USE REGULATION COMMISSION
18 ELKINS LANE – HARLOW BUILDING
22 STATE HOUSE STATION
AUGUSTA, ME 04333-0022



PATRICK MCGOWAN
COMMISSIONER

Staff Recommendation

August 29, 2007

TO: Commission Members
FROM: Agnieszka Pinette, Senior Planner, Land Use Regulation Commission
SUBJECT: Staff recommendation regarding public hearing schedule and venue in the matter of Zoning Petition ZP 707; Plum Creek Maine Timberlands, L.L.C. and Plum Creek Land Company Petition for Rezoning to implement a Concept Plan in the Moosehead Lake region

Background

On April 27, 2007, Plum Creek Maine Timberlands, L.L.C. and Plum Creek Land Company (hereafter, the petitioner) submitted to the Land Use Regulation Commission an amended Petition for Rezoning to implement a concept plan on its ownership in the Moosehead Lake region. LURC staff conditionally accepted for processing the amended petition on May 18, 2007 and informed the petitioner that the conditions associated with the staff's acceptance for processing of the amended petition had been met upon the petitioner's May 31, 2007 submittal of certain materials.

At the June 6, 2007 Commission meeting, LURC staff discussed with the Commission a provisional schedule for certain pre-hearing actions pertaining to Plum Creek's amended petition, which identified October 29, 2007 as the first conceivable start date for public hearings in this matter. The target hearing date in that provisional schedule was premised on Plum Creek responding in a timely manner to all LURC requests for additional information deemed essential by LURC staff in reviewing the petition.

Public Hearing Schedule

LURC received comments from the petitioner, requesting that public hearings be held consistent with the LURC staff's provisional hearing schedule. LURC also received comments from certain intervenors and interested persons requesting a change to the due date for filing of pre-filed direct testimony and a reconsideration of the public hearing schedule. These parties requested modifications to the hearing schedule for several reasons, including concerns that parties would not have adequate time to address issues arising from both information submitted by the petitioner after July 23rd and from information requested by LURC staff and consultants that the petitioner has chosen not to submit to date. Chair Harvey responded to these requests in an August 7, 2007 pre-hearing Directive (enclosed).

Public Hearing Venue

LURC received comments from members of the public and certain parties to the proceeding regarding the appropriate venues for gathering oral public and party testimony in this matter.

From April 27 to August 27, 2007, approximately 490 written public comments were received by LURC on this matter (correspondence enclosed). Most members of the public who commented requested that the Commission hold public hearings in southern and central Maine, as well as in Greenville and Bangor. A number of members of the public requested that the Commission hold public hearings statewide. Specific locations cited by members of the public included Augusta, Bangor, Bar Harbor, Belfast, Coastal Maine, Ellsworth, Farmington, Gorham, Greenville, Lewiston-Auburn, Midcoast Maine, Portland, Presque Isle, Rockland, and Windham. Some members of the public also requested that the Commission schedule more sessions for public testimony.

Certain parties to the proceeding also submitted comments to LURC on this matter (enclosed). In summary, the petitioner commented that hearings should be held in Greenville, Jackman and Bangor; three parties commented that hearings should be held in the Moosehead Lake region; and four parties commented that hearings should be held in Augusta, Bangor, Greenville and Portland.

Staff Recommendation

Based upon the information available to LURC staff to date, and after consideration of the concerns and requests raised by parties and members of the public, LURC staff recommends the following hearing schedule and venues for gathering public and party testimony in the matter of Zoning Petition ZP 707:

Public Testimony	Sunday	November 4	Greenville
	Saturday	November 17	Augusta
	Sunday	November 18	Portland
Party Testimony	Week of November 5		Bangor/Orono
	Week of November 12		

LURC staff further recommends that the specific times for public testimony, and the specific dates and times for party testimony within the weeks of November 5 and 12, be finalized by LURC staff in consultation with the Chair, upon review of all pre-filed testimony filed by parties and consideration of the structure and order of party testimony.

To date, LURC has not received the pre-filed direct testimony from parties, which is presently due on August 31st or, for certain specific topics, September 10th. Should significant new information be provided by the petitioner or other parties as part of pre-filed direct testimony, or otherwise, which the Chair determines (1) would unduly burden parties in responding to pre-filed direct testimony by the due date established for pre-filed rebuttal testimony, and (2) cannot otherwise be adequately addressed within the proposed pre-hearing timetable, LURC staff will request that the Commission reconsider this recommendation at its October Commission meeting.

Enclosures: Pre-hearing Directive from Chair Harvey, dated August 7, 2007
Party comments regarding public hearing schedule and venue
Public comments regarding public hearing venue

XC: Zoning Petition ZP 707 file
