



JOHN ELIAS BALDACCI
Governor

MARTHA E. FREEMAN
Director

July 22, 2010

Kenny Daye, Codes Enforcement Officer
Town of Lubec
40 School Street
Lubec, Maine 04652

Dear Mr. Daye,

The State Planning Office wishes to thank the Town of Lubec for submitting its proposed amended comprehensive plan for review for consistency with the Growth Management Act (the Act) in accordance with our Comprehensive Plan Review Criteria Rule (the Rule).

The first stage of our review process is a comment period, during which we invite other state agencies, surrounding municipalities, your regional planning organization and members of the public to submit written comments on the plan. We received comments from the Maine Department of Inland Fisheries and Wildlife (MDIFW) and the Maine Department of Transportation (MDOT). Those comments are attached to this letter.

The next stage of the process is our review of the plan's "completeness". During our review for completeness, we consider the consistency with the Growth Management Act of all sections of the plan, with the exception of the Future Land Use section. We have now concluded our review for completeness and have found that there are **two missing elements** that will need to be added in order to make the plan complete.

The **first missing element** relates to some of the Conditions and Trends data used in the Transportation section. Tallies of roadway miles cited in I-1 appear to conflict with information cited in the text. Also, there appears to be a factual error in the text regarding MDOT authority over the URIP funding formula as it relates to snow plowing. The Comprehensive Planning Committee can provide this missing element by amending the plan's Transportation section to address these two concerns as presented in the attached MDOT comments.

Second missing element is an implementation strategy to require developers to map, and propose measures to protect, critical natural resources on properties which they proposed to develop. Natural resource protection measures and accurate, site-specific information on which to base those measures are both fundamental pieces of any responsible development plan. This will be particularly true of plans for development within the proposed West Lubec Mixed Use and the Floating Industrial districts. As noted in the attached comments from MDIFW, both of those proposed districts include and are immediately adjacent to significant wildlife habitat. The Comprehensive Planning Committee can provide this missing element by adding the following minimum strategy from the Rule's natural resources section:

Through local land use ordinances, require subdivision or non-residential property developers to look for and indentify critical natural resources that may be on site and to take appropriate measures to protect those resource, including but not limited to, modifications of the proposed site design, construction timing, and /or extent of excavation.

With the submission of the two elements described above, we will find you plan to be complete and commence the final stage of our review, which is focused on the Future Land Use section and map.

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Although additional changes are not required in order for us to find your plan to be complete, we urge the Comprehensive Planning Committee to consider making revisions to address some or all of the concerns cited in the agency comments and the following concerns of the SPO staff:

Rural Residential district minimum lot size. We applaud the town's desire to preserve affordable housing options, however allowing 20,000 square foot house lots in the Rural Residential district could, over time, have the unintended consequences associated with development sprawl (e.g. greater automobile dependency, wildlife habitat fragmentation, destruction of rural character, higher costs for municipal services, etc.). There are a number of ways that the Committee reduce the potential for sprawl and still preserve the option for the creation of some small rural lots. We would be happy to discuss these options with the Committee or its consultant.

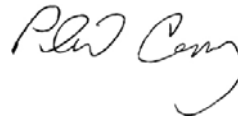
Accessory Apartments. Again, we were glad to see support for affordable housing options, in this case the accessory apartment. We suggest that specifically citing accessory apartments as a typical use in the description of the various land use districts will clarify and strengthen the Committee's recommendation that they continue to be allowed.

We hope that the Committee and, ultimately, the citizens of Lubec will find the inclusion of the missing elements and our suggested changes to the plan to be reasonable. According to the Rule, the Town has 90 business days from the date of this letter in which to submit the elements needed to complete the plan. That means we can accept your submission any time through **December 3, 2010**. Any additional changes that the Committee wishes to make should be submitted along with the missing elements.

We're confident that, working in concert with the Committee and its consultant, we will be able to issue a Finding of Completeness and move on to the final stage of our process – the review of the Future Land Use section and the overall Plan's consistency with the Growth Management Act.

Please let me know if you have any questions or if there is anything I can do to be of assistance.

Best wishes,



Phil Carey
Senior Planner
Planning and Land Use Program

Cc (via email): Judy East, Washington County Council of Governments
Jeremy Gabrielson, Washington County Council of Governments
Liz Hertz, SPO Planning and Land Use Program Director