



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
BUREAU OF RESOURCE INFORMATION & LAND USE PLANNING
93 STATE HOUSE STATION
AUGUSTA, MAINE 04333

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

June 4, 2019

Mr. Fred Stocking, Chair, Comprehensive Plan Committee
Town of Lamoine
660 Douglas Highway
Lamoine, ME 04605

Dear Ms. Stocking,

The Department of Agriculture, Conservation & Forestry thanks the Town of Lamoine for submitting its 2019 Comprehensive Plan for review for consistency with the Growth Management Act in accordance with our Comprehensive Plan Review Criteria Rule (the Rule).

As soon as your plan was accepted for review, we invited other state agencies, neighboring municipalities, and your regional planning organization to review it and submit written comments. By the end of the comment period, we had received written comments from the Maine Departments of Agriculture Conservation & Forestry (DACF), Health & Human Services (DHHS), and Environmental Protection (DEP). Those written comments are attached to this letter.

With the close of the comment period, we began our review of the plan's "completeness". This is the point at which we determine whether the various elements of the plan, aside from the Future Land Use Plan, sufficiently address requirements of the Rule. In the case of Lamoine's plan, we have found **one missing element** that will need to be added or corrected before we can continue:

Missing Element: Natural Resources – As noted in the attached comments from the DACF and DEP, some natural resource information found in the plan is inaccurate, out-of-date, or absent. We recommend you refer to those comments for guidance on developing revisions, and feel free to address any questions directly to the agency commenters.

Additional Recommendations All the agency comments contain suggestions for improving and strengthening the plan. In addition to revisions needed to address the two the missing elements, we urge the Comprehensive Planning Committee to consider how the plan might be revised to incorporate other suggestions found in the comments.

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Closing Comments While the all-important Future Land Use Plan (pgs. 93-103) is not part of our review for “completeness”, I have read through it. While I will be offering some suggestions, at this point, I see no “red flags”. So, once you’ve addressed the missing element and we find the plan to be complete, I’m hopeful that we’ll then be able to issue a finding of consistency in short order.

We trust the Committee will find this letter and agency comments to be reasonable and helpful, and that it will be willing and able to submit plan revisions to us in relatively short order*. That said, per the Rule, the Town has 90 business days from the date of this letter in which to submit the revisions needed to complete the plan. That means we can accept your submission any time through **October 11, 2019**. Once we have received your revisions and confirmed the plan’s completeness, we will conclude our review for consistency within an additional 10 business days.

We congratulate the Comprehensive Plan Committee and the citizens of Lamoine for creating and adopting this valuable plan. We hope you’ll continue to work with us to bring it into greater alignment with the Act. As you move forward, we stand ready to answer any questions that may come up, and to assist you in whatever way we can. Please don't hesitate to contact me at (207) 287-3860 or phil.carey@maine.gov.

Best wishes,

A handwritten signature in black ink that reads "Phil Carey". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

Phil Carey
Senior Planner

Municipal Planning Assistance Program

*We understand that formal adoption of plan amendments may not be possible before your next Town Meeting.



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
MAINE FOREST SERVICE
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 AUGUSTA, MAINE 04333

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

June 4, 2019

Phil Carey
 Land Use Planning
 22 State House Station
 Augusta, ME 04333-0022

RE: Maine Forest Service, Maine Natural Areas Program review of the Town of Lamoine Comprehensive Plan

Dear Phil:

The Maine Forest Service (MFS) and Maine Natural Areas Program (MNAP) have reviewed the Town of Lamoine draft comprehensive plan. We believe that Lamoine has largely addressed agriculture, conservation, and forestry comprehensive planning objectives; however, we note some missing information and inaccuracies below that Lamoine’s planners should consider.

Current Maine Tree Growth current use taxation data:

Town_Name	Total Acres	Number of Landowners	Number of Parcels	Date_Recd
LAMOINE	307.4	8	9	9/11/2018

While the plan refers correctly to the amount of land in the Maine Tree Growth current use taxation program, on page 46 the plan refers to the open space current use tax program and conservation easements synonymously. The open space program does not require a conservation easement. Acres may be enrolled in the open space program without a conservation easement, and similarly, a conservation easement may be placed on land not in any current use program. Additionally, also on page 46 the plan refers to acres enrolled dually in tree growth and open space. While on one parcel some acres may be enrolled in different current use programs, the same acres cannot be enrolled in both.

The refers to timber harvesting as part of Lamoine’s shoreland zoning ordinance. Lamoine opted to repeal timber harvesting regulations at the local level (Option 1) and follow statewide standards for timber harvesting in the shoreland zone. The MFS administers and enforces these standards. This rule establishes statewide standards for timber harvesting and related activities in shoreland areas. In general, timber harvesting activities in shoreland areas must protect shoreline integrity and not expose mineral soil that can be washed into water bodies, including nonforested freshwater and coastal wetlands and tidal waters. Timber harvesting and related activities in shoreland areas below the 300 acre drainage point must leave windfirm stands of trees that provide

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adequate shade. If located in shoreland areas, roads used primarily for timber harvesting and related activities must be constructed and maintained to standards designed to minimize the chance of exposed soil washing into water bodies, including wetlands. Stream crossings must not disrupt the natural flow of water and must not allow sediment into water bodies. Refer to the MFS website for a copy of the rule:

http://www.maine.gov/dacf/mfs/policy_management/water_resources/sws/sws.html

There are some confusing references to the local shoreland zoning ordinance, specifically on page 89 where amendments to make the ordinance consistent with state law are referred to. To be clear, in adopting statewide standards for timber harvesting in the shoreland zone, the town adopts the state standards.

Timber harvest data was referred to accurately.

Summary of Timber Harvest Information for the town of:

Lamoine

YEAR	Selection harvest, acres	Shelterwood harvest, acres	Clearcut harvest, acres	Total Harvest, acres	Change of land use, acres	Number of active Notifications
1991	39	0	2	41	0	3
1992	55	0	2	57	1	3
1993-1994	365	150	5	520	0	4
1995	146	0	59	205	29	5
1996	71	17	0	88	0	4
1997	153	58	24	235	7	12
1998	444	40	0	484	2	12
1999	170	135	0	305	0	14
2000	226	128	0	354	3	20
2001	134	25	0	159	0	12
2002	150	0	0	150	0	14
2003	354	0	0	354	0	21
2004	255	200	0	455	19	22
2005	202	125	0	327	67	16
2006	149	0	0	149	134	10
2007	238	0	0	238	2	14
2008	36	0	0	36	29	11
2009	32	0	0	32	0	7
2010	217	0	0	217	0	12
2011	141	0	0	141	19	26
2012	157	0	0	157	0	13
2013	115	45	5	165	70	12
2014	48	0	0	48	10	7
2015	4.5	0	0	4.5	0	4
2016-2017	55	0	0	55	3	4
Total	3956.5	923	97	4976.5	395	282
Average	158	37	4	199	16	11

Data compiled from Confidential Year End Landowner Reports to Maine Forest Service.

Department of Agriculture, Conservation and Forestry - Maine Forest Service
We help you make informed decisions about Maine's forests

** To protect confidential landowner information, data is reported only where three or more landowner reports reported harvesting in the town.*

Maine Natural Areas comments are as follows:

Please note that any comments regarding animals or animal features is for continuity of thought, but that input on these topics should come from the Maine Department of Inland Fisheries and Wildlife (MDIFW). **Suggested additional text in green.**

The Natural Resource information regarding plants and natural communities on pp 26-28 **is wrong**. It appears that the Plan is referring to information pulled from the Taunton Bay Focus Area description, rather than referring to what is actually mapped within Lamoine. You could include discussion of the sea blight and tidal marshes under the information about the Taunton Bay Focus Area, but otherwise it should be struck from the plan. We suggest a better introduction that includes the following:

Introduction

The availability of high quality habitat for plants, animals, and fish is essential to maintaining abundant and diverse populations for both ecological, economic, and recreational purposes. Lamoine is home to many important natural resources, including several rare species and significant habitats. Beginning with Habitat (BwH), a collaborative program of federal, state and local agencies and non-governmental organizations, is a habitat-based approach to conserving wildlife and plant habitat on a landscape scale. The goal of the program is to maintain sufficient habitat to support all native plant and animal species currently breeding in Maine. BwH compiles habitat information from multiple sources, integrates it into one package, and makes it accessible to towns, land trusts, conservation organizations and others to use proactively.

Focus Areas of Statewide Ecological Significance

Beginning with Habitat (BwH) Focus Areas are landscape scale areas that contain exceptionally rich concentrations of at-risk species and natural communities and high quality common natural communities, significant wildlife habitats, and their intersection with large blocks of undeveloped habitat. These non-regulatory areas are intended as a planning tool for landowners, conservation entities, and towns. BwH Focus Areas, unlike some other habitat values, are tied to specific environmental settings and are not geographically transferable. Thus they warrant place-specific conservation attention through a variety of methods ranging from conservation acquisition to focused implementation of best management practices. Lamoine contains a large portion of the Taunton Bay Focus Area, of statewide significance for its high tidal fluctuations and expansive tidal estuaries.

(FMI, if you'd like to harvest more information from the description for the plan, https://www.maine.gov/dacf/mnap/focusarea/taunton_bay_focus_area.pdf).

Wildlife and Wildlife Habitats

Discussion of Tidal Waterfowl & Wading Bird Habitats, Shorebird Feeding & Roosting Areas, Deer Wintering Areas, Vernal Pools, Bald Eagles. Contact MDIFW for more information.

Rare and Exemplary Botanical Features

The Maine Natural Areas Program, within the Department of Agriculture, Conservation and Forestry documents rare, threatened, or endangered plant species and rare and exemplary natural communities. There are currently no rare or exemplary botanical features mapped within Lamoine. The MNAP only surveys with landowner permission, and this lack of rare plant data for the Town may indicate minimal survey efforts rather than confirm the absence of rare plants and rare or exemplary natural communities here.

Specific comments follow:

Page 27, the paragraph just above Animal Habitat, strike the sentence about rare plants & natural communities. ~~“...Rare plants in Lamoine include American Sea blight, Rare and Exemplary Natural communities include Black Spruce Woodland and Brackish Tidal Marsh. ...”~~

Page 28, the section about **Plants**. That entire paragraph is **INCORRECT** for the Town. In addition, the nearest Canada burnet occurrence is in Trenton, outside of the Taunton Bay Focus Area. **Strike that entire paragraph** and replace with the following.

Rare and Exemplary Botanical Features

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Page 100, under Critical Natural Resources: This section of the plan is CORRECT regarding the absence of items 6 (natural communities) or 7 (rare plants). The Town should consult with MDIFW regarding item (2) Wetlands of special significance as Tidal Waterfowl & Wading Bird Habitat is present in Lamoine.

It's a little odd that the only map within the text of the plan is the Future Land Use Map on page 103, and that all of the BwH maps are in Appendix B.

Appendix B, page 97 of the appendices. Nice job noting that readers can get full-sized versions of the maps at the Town office! It might be helpful to include hyperlinks to the town office (<http://www.lamoine-me.gov/>) and/or to BwH (<https://www.beginningwithhabitat.org/>) for readers to access these maps online. And perhaps to note that some of the maps are available via the BwH map viewers (<http://webapps2.cgis-solutions.com/beginningwithhabitat/>).

Reviewing agency and review coordinator contact information:

Department of Agriculture, Conservation and Forestry - Maine Forest Service
Jan Santerre

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Department of Agriculture, Conservation and Forestry – Maine Natural Areas Program
Lisa St. Hilaire
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If you have any questions regarding these comments, please contact one of the review coordinators directly.
Thank you for your consideration of our comments.



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JANET T. MILLS
GOVERNOR

GERALD D. REID
COMMISSIONER

Date: May 2, 2019
To: Phil Carey – Dept. of Agriculture, Conservation, and Forestry
From: Greg Beane – Maine DEP - Eastern Maine Regional Office, Bangor
Re: Town of Lamoine Draft Comprehensive Plan Review

On behalf of the Maine Department of Environmental Protection, I reviewed the Town of Lamoine’s Draft Comprehensive Plan regarding surface freshwater resources and find it to be unacceptable.

- **Appropriate use of data provided by MDEP**

The Town of Lamoine has not appropriately used freshwater surface water quality data for comprehensive planning purposes.

Relation of Plan's policies and implementation strategies to MDEP principal objectives and directives

Overall, the Town of Lamoine’s Draft Comprehensive Plan does not include adequate policies and related strategies that may effectively protect surface freshwater resources.

Lamoine has little in the way of surface freshwater resources, containing only one great pond (Blunt’s) and a handful of small brooks as described in the plan, however, I thought the Inventory portion of the plan did not contain adequate descriptions of these resources. More importantly, the Policy section of the plan did not contain specifics regarding who would be responsible for implementing efforts to protect water resources or a timeframe in which the effort would be implemented.

Just a reminder that an excellent way the town can protect these resources is by properly implementing its local Shoreland Zoning ordinance and collaborating with the Maine DEP in its efforts to administer the Natural Resources Protection Act.

Consistency of Plan with MDEP programs and policies

Pursuant to the goals, guidelines and policies of the MDEP, I find the Town of Lamoine’s Draft Comprehensive Plan to be inconsistent with MDEP programs and policies in carrying out the goal of protecting surface water quality.

Please feel free to contact me if you have questions.

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Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner



Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention
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TTY: Dial 711 (Maine Relay)

May 13, 2019

Phil Carey, Senior Planner
Municipal Planning Assistance Program
Dept. of Agriculture, Conservation, & Forestry
22 State House Station
Augusta, ME 04333

Re: Comprehensive Plan Review
Town of Lamoine

Dear Mr. Carey,

Please see the listed suggestions concerning the 2019 Comprehensive Plan for the Town of Lamoine.

- The Town of Lamoine has three public water systems: Cold Spring Water Company, Emera Maine-Lamoine Service, and the Lamoine State Park. The Town should consider including all public water systems in the 2019 Comprehensive Plan; and
- Future development, such as cluster developments, restaurants, and schools, may result in the creation of additional public water supplies. This potential need for additional water supply should be addressed in the plan.

Thank you for your review of the above and please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Sophia Scott".

Sophia Scott
Source Water Protection Coordinator
Maine CDC Drinking Water Program