

STATE OF MAINE
SAGadahoc, SS.

BUSINESS AND CONSUMER COURT
Location: West Bath
DOCKET NO. BCD-WB-AP 09-37

FOREST ECOLOGY NETWORK, *et al*,

Petitioners

v.

LAND USE REGULATION
COMMISSION,

Respondent

And

PLUM CREEK MAINE TIMBERLANDS,
LLC., PLUM CREEK LAND COMPANY,
et al,

Intervenor

AFFIDAVIT OF RUTH MCLAUGHLIN

I, Ruth McLaughlin, being first duly sworn, depose and say as follows:

1. My name is Ruth McLaughlin.
2. I am a citizen, domiciliary, voter and property owner of the State of Maine, County of Piscataquis. I have been a member of the Natural Resources Council of Maine (“NRCM”) since 2007. NRCM has always been an avid advocate of my interests in protecting the Moosehead Lake region.
3. I reside at the Blair Hill Inn, 351 Lily Bay Road, Greenville, Maine.
4. My husband and I own the Blair Hill Inn, which is located in the Moosehead Lake region at 351 Lily Bay Road, Greenville, Maine. We have operated the Blair Hill Inn for fourteen years.
5. Our business is in close proximity to the land that is part of the Plum Creek rezoning petition and concept plan. The approval of Plum Creek’s concept plan, with the new resort, commercial, and residential zones, and the new land uses and land use standards that were part of that approval, directly impacts our pecuniary and property interests as a business owner. The approval also directly impacts my personal interests as a resident and frequent user of the Moosehead Lake area.
6. The approval of Plum Creek’s concept plan will adversely impact our business. The rezoning of the Plum Creek Concept Plan land resulted in new resort and residential

development zones, and new land use plans and land use standards. Some of these new commercial and residential development zones are directly across the lake from our Inn and are visible to us and to our guests looking out our front windows. The new zones and the new land uses approved in connection with those zones, irreversibly alter the character of the Moosehead Lake region. The overall scale and intensity of development permitted by the new zones adversely impacts our personal and business interests which have been dependent upon the unique and high-value natural resources and features of the region. This includes the uniqueness and scenic beauty of a vast forested area that is largely undeveloped and remote from population centers.

7. The approval of Plum Creek's Concept Plan will negatively affect us in several other ways. Our property taxes will increase due to increased demand for services from the Town of Greenville because Greenville is outside of the tax revenue plan area but has been designated as the service area for all of the development. There will be increased traffic through the one and only intersection in Greenville which is necessary to access all of the development zones. The Department of Transportation has estimated 17,000 additional trips through that intersection daily when the plan is fully developed. This will prove to be a bottleneck and any costs associated with alleviating this problem such as turning lanes (for which there is no room) or a by-pass will fall back on taxpayers, including me. There will be increased traffic on the Lily Bay Road on which our business is located. The Lily Bay Road is a scenic two lane road with no shoulders that takes tourists to Lily Bay State Park and then, just ten more minutes up the road ends in dirt roads that lead to Ripogenus Dam and Baxter State Park. Our business relies on the quiet, unhurried nature of this country road. Lily Bay Road is not built to handle the volume of traffic that would now lead to a major resort hotel and development community with both residential and commercial development sitting right next to our quiet, scenic State Park. The congestion and eventual cost to fix and widen Lily Bay Road will again drive up taxes for residents including me. The noise and dust of the construction vehicles while the resort, workforce housing, residences, condominiums and commercial establishments are being built will have a significant adverse impact on our guests during the summer when the windows are open and guests are hoping to listen to the wind carrying the sound of loons across the lake.

8. Approval of the Plum Creek concept plan has also adversely affected our plans for our business, and changed our assumptions about the future of the area. The Blair Hill Inn is visited by Maine residents, out-of-state visitors, and clientele from around the world. Our business patrons come to the Moosehead Lake region and use our accommodations at the Blair Hill Inn for a variety of reasons; but all of those reasons stem from the Moosehead Lake region's reputation of being remote and untouched by any prospects of out-of-scale development that would have an undue adverse impact on the region's natural resources and natural character. In considering the future of our business, we must now consider the impact of LURC's approval of Plum Creek's new zoning and land uses for resort, commercial, and related residential development, which will now compete and overwhelm this region and our business. There is no question that the new rezoning of the concept plan has transformed the Moosehead Lake region to the detriment of our business, and of our personal and pecuniary interests.

9. Approval of the Plum Creek concept plan and rezoning has transformed the Moosehead Lake region to the detriment of our clientele. They come to the region because of

those core values identified in the LURC comprehensive land use plan – to enjoy “the diverse, abundant and unique high-value natural resources and features, including lakes, rivers and other water resources, fish and wildlife resources, ecological values, scenic and cultural resources” and, generally, to experience “the uniqueness of a vast forested area that is largely undeveloped and remote from population centers.” Maine Land Use Regulation CLUP at 114 (1997). This is no longer true now that Plum Creek will start its large scale development at any time, based upon approval of the rezoning petition and concept plan.

10. Furthermore, the new resort zones, such as the new resort zone approved for Lily Bay (adjacent to Lily Bay State Park) are zoned in order to be self-sustaining. This has grave, direct consequences on businesses such as mine, as well as the other businesses located in the nearby Town of Greenville. Experts who submitted testimony on behalf of NRCM’s opposition to the Plum Creek rezoning before LURC explained how the new resort zones will inevitably cause people to “drive through” Greenville, without stopping – and like so many other areas in the country where new self-sustaining resorts have been sited and built out-of-scale with the region, the new resort zones approved in the Plum Creek plan have a directly adverse impact on pecuniary and property interests of these nearby residents and businesses.

11. When we opened the Blair Hill Inn, we were driven by the prospect of being part of something truly unique, a gem in the heart of Maine’s undeveloped North Woods, beyond the reach of large corporate, speculative interests seeking to transform land that was zoned as working forest into sprawling residential and resort development. LURC’s approval of Plum Creek’s concept plan, with its approval of the new resort, commercial, and residential zones, places our business and our property interests in great jeopardy.

12. The Natural Resources Council of Maine (“NRCM”) is an organization that effectively advocates for our personal, property, and pecuniary rights in the region, as well as the personal, pecuniary, and property rights of all its supporters and members who use and enjoy the Moosehead Lake region. NRCM works to protect the rights and interests of thousands upon thousands of others who share the personal or pecuniary impacts from the rezoning that took place in the region upon approval of the concept plan, and the new land uses and new land use standards that went along with that rezoning. NRCM has been and continues to be the only voice that we as residents and business owners in the north woods of Maine have to represent us. Plum Creek had a great deal of money to create support groups and to pay other groups to promote their message but we do not have those financial resources. NRCM is our voice, our representation, and without them we would have no seat at the table.

Dated: 2/17/11

Ruth McLaughlin
Ruth McLaughlin

STATE OF MAINE
2011.
Piscataquis, ss.

February 17, 2011

Personally appeared the above-named Ruth McLaughlin and took the oath that the foregoing Affidavit signed by her is true to her own personal knowledge and that, to the extent that matters are asserted therein on information and belief, she believes such information to be true.

Before me,

Patrice MacArthur

Notary Public

PATRICE MACARTHUR
Notary Public • State of Maine
My Commission Expires Sept. 2, 2013