

Testimony on behalf of the Moosehead Region Futures Committee

Name of Witness: Joan Marie Wisher

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Topic of Testimony: Experience related to Plum Creek's initial Concept Plan at First Roach Pond

Qualifications of witness:

I have owned a camp on First Roach Pond for 23 years. I lived at camp full time during the 2002 and 2003 summers of heavy construction. I was president of the largest association on First Roach Pond and many residents came to me with concerns and complaints.

TESTIMONY:

My name is Joan Marie Wisher. In 1984, my husband and I took a trip to Rockwood and fell in love with the Moosehead Region. In 1985 we purchased our camp on First Roach Pond. After that, we spent every vacation day we could "muster up" on First Roach Pond. In 2001, I was able to start spending my whole summer at camp. That same year, Plum Creek came to our homeowners' association meeting and announced their proposal for development on our Pond. It had only been two years since they had come to our meeting and denied the rumors of development by stating "We are a timber company only!" It is my intent to share with the Land Use Regulation Commissioners that which we on First Roach Pond experienced during the Plum Creek development and are continuing to experience since construction has slowed down in pace.

At our homeowners' association meeting in 2001, Plum Creek calmed the residents' fears by stating that the development would be a 25 year plan with the sale of lots happening in three separate 5-year phases. They also stated they would be good neighbors. Nothing they said turned out to be true. The development was proposed for a 20 year plan instead, and 80% of the lots were sold in less than one year, plunging Roach Ponders into construction chaos without any relief for two years. Our one request to Plum Creek as a good neighbor was denied.

LIVING THROUGH CONSTRUCTION

I live on Frenchtown Road, which is a gravel road running about 6 miles along the south side of First Roach Pond, and has approximately 100 camps on it. There are three gravel pits easily

accessible from Frenchtown Road and therefore all the construction in the Roach Pond area was accomplished using Frenchtown Road. We experienced construction traffic 8-10 hours a day, seven days a week during the construction season for two years. I, myself, had never been bothered by logging trucks rolling through, but construction traffic was totally different. The noise itself ruined any thoughts of peaceful time off. There was a continuous loud banging as the empty trucks rolled along and the tailgates slammed, the ear-piercing beep-beep when the trucks were backing up and the thunderous loading of the gravel into the trucks. The construction chaos was unbearable but the noise was inescapable even when in camp with the windows shut and the woodstove crackling. Even with my camp being located about 1/2 mile away from the two closest pits, it sounded like I lived next to the Big Dig in Boston, not on a once quiet rural pond in Maine.

Because Frenchtown Road is a gravel road, the one greatest hazard during the development was the dust created from the continuous run of construction trucks 8-10 hours daily. The dust was so thick that there were times driving down Frenchtown Road that one was completely blinded for short periods, making travel truly dangerous. The dust was constantly falling on camps, leaving residents unable to open windows and worried about contamination of wells, breathing and health related issues and loss of water quality in the pond. The man who maintains our road informed us that the dust had grown beyond the control measures he had used for years. During this time there was no one to call to listen to our concerns or act as an intervener on our behalf. We on Roach Pond were left without mercy!

Also, during this period of construction, Plum Creek cut down many of the tall shade trees on the south side of Frenchtown Road, removing a significant portion of our shade canopy. This exacerbated the dust problems. One of the gravel pits is actually on Frenchtown Road at about the 4.5 mile marker, and I believe it was created just for this development phase. One day as I drove past, I noticed that all the trees lining the front of this gravel pit had been cut too. Now the dust billowed out of this pit all the time the construction trucks were using it. One could drive past this pit and again be completely blinded for a short period of time. A letter from Frenchtown residents was sent to Plum Creek requesting a no-harvest buffer zone to save the remaining shade canopy we had previously always enjoyed. Plum Creek was the first timber company not to work with us on this issue. They said, "No"!

ROAD NOT DESIGNED FOR CONSTRUCTION/RESIDENTIAL USE

Frenchtown Road was originally a logging road with seasonal camps on it. It is still a gravel road but is now maintained by the county. It was not designed to safely accommodate the current residential and construction traffic simultaneously. The road has a prominent crown in the middle with ditches and culverts on each side. Dust continues to create a visual hazard with the construction trucks. Icy and wet weather conditions make driving even more hazardous when passing a construction truck. Last fall, in three separate incidents, residents told me of almost being run off the road by gravel trucks. ATVs using the road illegally are an additional hazard. One resident recently complained of almost getting in an accident with one of these ATVs. The combination of residential and construction traffic and illegal ATVs sets up seriously hazardous conditions. One neighbor just a few days ago reminded me that we also have many more young

children in the Frenchtown area and that they deserve special protection as they walk and ride their bikes along our road.

Aside from safety issues, Frenchtown Road has many small tributary streams and significant run-off from higher elevations crossing the road to the pond. The dust from the increased traffic adds to water quality issues from siltation and the increased use of calcium chloride.

Since the development, I believe the residential traffic has nearly tripled. A traffic counter cable was put down on the road for a couple of months but I never heard of the results. With Plum Creek's latest rezoning proposal, it has already been rumored that some of this construction may be done from the Frenchtown and Shaw Mountain gravel pits again. Also, with the development at Roach Pond, residents lost a great public boat launch on the north shore, and a substitute site on Frenchtown Road has been proposed. This will divert a great amount of additional traffic down Frenchtown Road to the new boat launch site and to the South Inlet boat launch, also on Frenchtown Road. If the Lily Bay development is approved as is, with Lily Bay being about five miles from Roach Pond, the traffic to boat launch sites could completely overwhelm not only Frenchtown Road, but Kokadjo and all of First Roach Pond.

Plum Creek is currently creating a safety by-pass around the South Inlet campground (at the end of Frenchtown road) for the construction and logging trucks to use. For safety in the Roach Pond area, I request that this bypass be continued to run in back of Frenchtown Road all the way to Lily Bay Road, thus diverting construction traffic away from the now densely populated area, and that Frenchtown Road be officially designated for residential traffic only. I also ask that the gravel pit directly on Frenchtown Road be shut down, once again claiming this road for the residents and closing it to construction traffic.

REQUESTS TO LURC

Based on these experiences, I would like LURC to pay special attention to the following at Roach Pond and all other areas to be developed:

1. Some roads (especially gravel) may not be compatible for construction and residential traffic simultaneously.
2. By-passes may be needed during and/or after construction.
3. Quality of life issues during construction should be monitored...noise, dust, pollution, etc: residents should have one person who can be contacted to intervene and remedy dangerous and out-of-control situations.
4. All roads in the new developments, most especially county and gravel roads, should be given a 100 foot no-harvest buffer zone on each side to minimize dust and loss of protective and aesthetic values.
5. After construction, some of these roads may require designation as "residential only" in protection from further construction traffic, higher taxes for maintenance and water quality issues from siltation, run-off and increased use of calcium chloride.
6. Taxpayers should not be held accountable for the additional financial burdens from these infrastructure costs.

7. A water quality study should be completed at strategic points around Roach Pond to evaluate the pollution already incurred from the development, and this information should be used to protect other areas to be developed from the same impacts.

INABILITY OF HOMEOWNERS' ASSOCIATIONS TO ENFORCE COVENANTS

Next I would like to address the details of my personal experiences at Roach Pond regarding the ineffectiveness of homeowners' associations to enforce or maintain protective covenants and lawfulness within their jurisdictional areas.

When the construction slowed down at First Roach Pond, residents were left struggling with some unexpected challenges. Personal "jetski" watercraft have become an increasing presence on our pond. Operators pay no attention to the disruption they cause as they circle each other and zoom up and down the pond. ATVs, although assigned special trails, are constantly breaking speed and road restrictions. Fireworks have become commonplace throughout the whole camping season. These issues plus the threat of more development on First Roach Pond left many residents saddened and distressed.

In reaction to the above concerns, in 2005, at a homeowners' association meeting, there was unanimous support to try to remedy these issues. In April 2006, a questionnaire was sent to many residents of the pond to gather opinions and create a strong voice of protection for First Roach Pond.

As soon as these questionnaires were received by residents, a strong threat from an unidentified source was circulated by e-mail and word of mouth. The threat stated that "due to the stand the Frenchtowners were taking", Plum Creek would be blocking roads off of Frenchtown Road and dumping trash. This, in fact, happened! Two roads off Frenchtown Road were blocked with large boulders and trash was dumped more than once in the area. Residents were frightened and intimidated and made calls to our senator asking for help. I also called Jim Lehner of Plum Creek personally. He stated that the roads were closed only for mud season and would be opened again after mud season was over. He further stated that Plum Creek would not tolerate anyone dumping trash and they would investigate the complaints. Contrary to Jim Lehner's statement, the roads were kept blocked the remainder of the 2006 camping season. One road remains blocked to this date and the other was only recently opened this summer of 2007. Trash was also strewn about a number of times in the Frenchtown area. Additionally, a pyramid shaped mound of large boulders was left at the head of Frenchtown Road, leaving some residents to comment that it was a warning. Roach Ponders were effectively silenced. In my 23 years on the pond, I have no memory of roads previously being blocked; of trash being strewn; and of large boulders piled high in a pyramid shape at the entrance to Frenchtown Road.

I have been a member of the largest homeowners' association on Roach Pond for 21 years. Through the above described events and other events smaller in nature, I have come to understand that homeowners' associations are reluctant to take a stand even when there is broad support of an issue. Homeowners' associations act as support groups where folks help each other and socialize. Association members are seen as troublemakers if they take a stand against a neighbor. Therefore, it is commonplace for all to live with violations of law and protective

covenants such as cutting of trees, abuses to water quality, and disruption of peace and quiet by ATVs, personal watercraft and illegal fireworks. After years of illegal fireworks displays on Roach Pond, in July of 2007, \$4800 worth of damage was done to a fairly new camper. Luckily, there were no personal injuries, even though there were also campers close by in tents.

From these experiences, I would like LURC to know that with the lack of enforcement staff, it is unrealistic to rely on homeowners' associations to enforce the law and covenant restrictions intended to mitigate the adverse impacts of development. From my perspective at First Roach Pond, too much development has led to the disruption and degradation of a once quiet rural pond. In relation to Plum Creek's current proposal, too much development in the wrong areas without the proper enforcement mechanism will lead to the same loss of quality of life and peaceful rural experience.

SECONDARY EFFECTS OF DEVELOPMENT

After the construction period wound down to a slower pace at Roach Pond, residents were left struggling with new and unexpected challenges:

Increased motorized recreational use (e.g.: jet skis, ATVs) along with illegal fireworks created a need for enhanced enforcement, as current enforcement has proven inadequate to meet the post-development needs.

Since the new development, services such as winter plowing and electricity are now also being sought by residents of previously seasonal camps. Many of these camps are located very close to the water and have outdated septic systems. As some of these camps are being used up to twelve months of the year now with pressurized water and up-to-date appliances, water quality issues on the pond are emerging. The foam that I now see lining my beach is unlike the natural foam that would appear occasionally on the pond and has me questioning if we haven't already lost significant water quality.

Since the new development has brought in electricity to the new camps at the beginning of Frenchtown Road, there has also been an increase in demand for services by both new and previously seasonal residents. Frenchtown Road has been maintained seasonally by the county for a number of years now. However, residents are now seeking winter plowing and electricity. These changes will open the previously seasonal gravel road to year-round traffic and maintenance. Along with the already increased traffic and the potential traffic from the two boat launch sites, the taxpayers will be forced to take on substantial additional maintenance costs just for this one road.

I had the occasion recently to speak with Mr. Joe Brenneman, the Chairman of the County Commissioners in Flathead County, Montana, where Plum Creek has developed. Mr. Brenneman stated to me personally, "Plum Creek has disappointingly failed to be a leader in the area of community development by refusing to provide the leadership necessary to address our infrastructure needs. It is not that we expected them to do this for free; they could have helped us with innovative solutions ... but they refused and sued us instead. Plum Creek appears to be

seeking the barest minimum required by law leaving Flathead county taxpayers, once again, holding the bag”.

In closing, I request that you as our Land Use Regulation Commissioners keep mindful, as you analyze and make your decisions, that history is the best predictor of future behavior. Please pay attention to the flaws of the developments at Roach Pond and in Flathead County, Montana. I ask that you not be afraid to hold Plum Creek to the highest standards. In so doing, you will set a precedent for future development proposals and, at the same time, protect our precious resource, the Moosehead Lake Region, from losing the character we hold so dear!

OATH

State of Maine

County of _____

I, _____, being first duly sworn on oath, affirm that the foregoing pre-filed testimony is true, accurate, and correct to the best of my knowledge, information, and belief.

Signature

Name (printed)

Sworn to and subscribed before me this ____ day of August, 2007.

Notary Public (signature)

Notary Public (printed name)