Sub-Chapter II
LAND USE SUBDISTRICTS

10.21 DEVELOPMENT SUBDISTRICTS

Pursuant to 12 M.R.S. §685-A and consistent with the Commission's Comprehensive Land Use Plan, the following development subdistricts are established:

A. COMMERCIAL INDUSTRIAL DEVELOPMENT SUBDISTRICT (D-CI)

1. Purpose

The purpose of the D-CI subdistrict is to allow for commercial, industrial and other development that is not compatible with residential uses. Designation of commercial, industrial and other similar areas of intensive development as D-CI subdistricts will ensure that other land values and community standards are not adversely affected, and will provide for the location and continued functioning of important commercial and industrial facilities.

2. Description

The D-CI subdistrict must include:

a. Areas having existing commercial, industrial or other buildings, structures or uses, that are incompatible with residential uses, including the following:

(1) Areas of 2 or more acres devoted to intensive, commercial or industrial buildings, structures or uses; except that sawmills and chipping mills and structures devoted to composting of septage, sludge or other residuals affecting an area of 5 acres or less in size must not be included in this subdistrict unless such areas are part of a larger pattern of development which otherwise meets the criteria for redistricting to this subdistrict;

(2) Areas of 2 or more acres devoted to refuse disposal including, but not limited to, dumps and sanitary land fill operations;

(3) Areas used for aircraft landing and takeoff and the storage and maintenance of aircraft;

(4) Areas of 2 or more acres used for the storage of junk, oil products, or industrial or commercial materials or inventory;

(5) Areas of 2 or more acres devoted to buildings, structures or uses similar to those listed in Section 10.21,A,2,a,(1) through (4) that are incompatible with residential uses; and

(6) Areas where one or more existing principal buildings exist within a 500 foot radius and where the gross floor area of all such principal building(s) is more than 8,000 square feet provided the uses thereof are incompatible with residential uses.

The designated D-CI subdistrict boundary must include all those areas described in Section 10.21,A,2,a,(1) through (6) above, as well as adjoining areas directly related to, and necessary for, the conduct of those activities.

b. Areas the Commission determines meet the criteria for redistricting to this subdistrict, pursuant to Section 10.08, are proposed for development that is consistent with the purposes of this subdistrict, and are generally suitable for the development activities proposed.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within D-CI subdistricts.

(1) Docking structures: Temporary docking structures for non-commercial use;
(2) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
(3) Forest management activities, except for timber harvesting;
(4) Motorized vehicular traffic on roads and trails, and snowmobiling;
(5) Primitive recreational uses, including, fishing, hiking, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing but not including hunting and trapping;
(6) Surveying and other resource analysis; and
(7) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within D-CI subdistricts subject to the applicable requirements set forth in Sub-Chapter III.

(1) Accessory structures: New or expanded structures accessory to, and located on the same lot as, any legally existing principal structures and uses, in conformance with the requirements of Section 10.27,P;
(2) Agricultural activities: Agricultural management activities;
(3) Constructed ponds: Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters, provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(4) Filling and grading;
(5) Hand-carry launches: Commercial and private hand-carry launches;
(6) Mineral exploration activities: Level A and B mineral exploration activities, excluding associated access ways;
(7) Road projects: Level A road projects;
(8) Service drops;
(9) Signs;
(10) Utility services: Buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water; and
(11) Water crossings of minor flowing waters.

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within D-CI subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-B, subject to the applicable requirements set forth in Sub-Chapter III:

(1) Agricultural activities: Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
(2) Battery energy storage system facilities not located on soils recognized by the U.S. Department of Agriculture as prime farmland soils;

(3) Commercial and industrial: Any commercial and industrial uses, except natural resource extraction;
(4) Constructed ponds: Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(5) Draining or altering the water table or water level for other than mineral extraction;
(6) Driveways;
(7) Filling and grading, which is not in conformance with the standards of Section 10.27,F;
(8) Hand-carry launches addressed in Section 10.21,A,3,b which are not in conformance with the standards of Section 10.27,L;
(9) Land application of septage, sludge and other residuals, and related storage and composting activities and structures;
(10) Land management roads;
(11) Metallic mineral mining activities: Tier one advanced exploration;
(12) Mineral exploration activities: Access ways for Level A and B mineral exploration activities, and Level A and B mineral exploration activities which are not in conformance with the standards of Section 10.27,C;
(13) Recreational lodging facilities:
  (a) Level C;
  (b) Level C – Expanded Access;
  (c) Level D;
  (d) Level D – Expanded Access; and
  (e) Level E;
(14) Road projects: Level B and C road projects, except for water crossings as provided for in Section 10.21,A,3,b;
(15) Shoreland alterations, excluding water crossings of minor flowing waters, trailered ramps and hand-carry launches;
(16) Signs which are not in conformance with the standards of Section 10.27,J;
(17) Solar energy generation facility: Facilities of the following size classes not located on soils recognized by the U.S. Department of Agriculture as prime farmland soils:
  (a) Small-scale;
  (b) Mid-scale; and
  (c) Large-scale;
(18) Solid waste facility;
(19) Subdivisions: Commercial and industrial subdivisions for uses permitted in this subdistrict;
(20) Timber harvesting;
(21) Trailered ramps:
  (a) Commercial; and
  (b) Private trailered ramps;
(22) Utility facilities, excluding service drops, and wire and pipeline extensions which do not meet the definition of service drops;
(23) Water-access ways;
(24) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
(25) Water impoundments;
(26) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S. §682(19); offshore wind power projects, as defined in 38 M.R.S. §480-B(6A); and wind energy development in accordance with 35-A M.R.S., Chapter 34-A in areas identified in Appendix F herein;

(27) Other structures, uses or services that are essential to the uses listed in Section 10.21,A,3,a through c; and

(28) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within D-CI subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-A(10), the criteria of Sections 10.24,B,3 and 9, and the applicable requirements set forth in Sub-Chapter III:

(1) Battery energy storage system facilities located on soils recognized by the U.S. Department of Agriculture as prime farmland soils; and

(2) Solar energy generation facility: Facilities of the following size classes located on soils recognized by the U.S. Department of Agriculture as prime farmland soils:
   (a) Small-scale;
   (b) Mid-scale; and
   (c) Large-scale.

e. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, are prohibited in D-CI subdistricts.

B. EXTENDED SETTLEMENT DEVELOPMENT SUBDISTRICT (D-ES)

1. Purpose

The purpose of the D-ES subdistrict is to separate those land uses that create impacts incompatible with residential areas and community centers, as well as provide for appropriate areas to concentrate development at the edge of rural growth centers designated as development subdistricts. Concentrated development seeks to avoid the visual and fiscal impacts of sprawl.

2. Description

This subdistrict is designed to accommodate a wide range of commercial, light manufacturing, and public uses that create impacts incompatible with other smaller scale commercial, public, and residential uses. This subdistrict allows facilities that generate traffic or noise such as transfer stations, gasoline stations, warehouses, self storage, and contracting businesses. The subdistrict is not designed to accommodate general retail establishments better located in a community center or rural settlement; or to facilitate strip development along highways.

This subdistrict will only be applied in areas appropriate to accommodate this type of development in a community after a prospective planning process has been undertaken. Appropriate areas will be adjacent to other development subdistricts, particularly D-GN2 subdistricts. Adjacent is interpreted to mean within a distance of one road mile. The D-ES subdistrict will not be located in remote or lightly settled areas or separately from established or proposed development centers.

Using Section 10.08 of these rules, the Commission must designate areas for this subdistrict that are consistent with its purpose and suitable for supporting development when measured against the standards of 12 M.R.S. § 685-B(4) and the Commission's rules and regulations.

3. Land Uses

The provisions of the D-ES subdistrict will not apply to any applications that have been received and deemed complete for processing by the Commission staff on or before January 1, 2001.

a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within D-ES subdistricts:

(1) Docking structures: Temporary docking structures for non-commercial use;
(2) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
(3) Forest management activities, except for timber harvesting;
(4) Motorized vehicular traffic on roads and trails, and snowmobiling;
(5) Primitive recreational uses, including fishing, hiking, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing, but not including hunting or trapping;
(6) Surveying and other resource analysis;
(7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
(8) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within D-ES subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

(1) Accessory structures: New or expanded structures accessory to, and located on the same lot as, any legally existing principal structures and uses, in conformance with the requirements of Section 10.27,P;
(2) Agricultural activities: Agricultural management activities;
(3) Constructed ponds: Creation, alteration, or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(4) Driveways associated with residential uses;
(5) Filling and grading;
(6) Hand-carry launches: Commercial and public hand-carry launches;
(7) Home-based businesses: Minor home-based businesses;
(8) Mineral exploration activities: Level A mineral exploration activities, excluding associated access ways;
(9) Road projects: Level A road projects;
(10) Service drops;
(11) Short-term rentals, in conformance with the standards of Section 10.27,T;
(12) Signs;
(13) Trailered ramps: Public trailered ramps;
(14) Utility services: Buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water; and
(15) Water crossings of minor flowing waters.

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within D-ES subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, subject to the applicable requirements set forth in Sub-Chapter III:

(1) Agricultural activities: Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
(2) Commercial and industrial: Commercial and light manufacturing facilities up to 20,000 square feet of gross floor area. Allowed uses include:
- Businesses that relate to forestry or farming;
- Light manufacturing and assembly plants;
- Contracting businesses;
- Automobile service and repair;
- Self storage facilities;
- Fuel storage;
- Warehouses; and
- Sand and salt storage facilities;

(3) Commercial boarding kennels, animal hospitals, and animal rescue facilities;
(4) Constructed ponds: Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(5) Draining or altering the water table or water level for other than mineral extraction;

(6) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
(7) Filling and grading which is not in conformance with the standards of Section 10.27,F;
(8) Hand-carry launches addressed in Section 10.21,B,3,b which are not in conformance with the standards of Section 10.27,L;
(9) Land management roads;
(10) Mineral exploration activities: Access ways for Level A mineral exploration activities, Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C, and Level B mineral exploration activities;
(11) Natural resource extraction: Mineral extraction including mineral extraction processing equipment;
(12) Peat extraction including the use of any related processing equipment;
(13) Public and institutional: fire stations, solid waste transfer or recycling stations, public works facilities, sand and salt storage, and other like facilities;
(14) Road projects: Level B and C road projects, except for water crossings as provided for in Section 10.21,B,3,b;
(15) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks or moorings; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
(16) Signs which are not in conformance with the standards of Section 10.27,J;
(17) Subdivisions: Commercial and industrial subdivisions for uses allowed in this subdistrict;
(18) Timber harvesting;
(19) Trailered ramps: Public trailered ramps addressed in Section 10.21,B,3,b which are not in conformance with the standards of Section 10.27,L;
(20) Utility facilities compatible with residential uses, other than service drops; and wire and pipeline extensions which do not meet the definition of service drops;
(21) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
(22) Water impoundments;
(23) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S. § 682(19); offshore wind power projects, as defined in 38 M.R.S. § 480-B(6A); and wind energy development in accordance with 35-A M.R.S., Chapter 34-A in areas identified in Appendix F herein;
(24) Other structures, uses or services that are essential to the uses listed in Section 10.21,B,3,a,b,and c; and
(25) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within D-ES subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-A(10), the criteria of Sections 10.24,B,2, 3, and 10, and the applicable requirements set forth in Sub-Chapter III:

(1) Campsites, Residential;
(2) Commercial:
- Adult entertainment facilities;
- Automobile or equipment sales with a total of more than 10,000 square feet of outdoor display or storage area combined;
- Junkyards and automobile grave yards; and
- Retail sale of gasoline with more than 2 pumps;

(3) Home-based businesses: Major home-based businesses; and
(4) Residential: Single and two-family dwellings.

The following uses, and related accessory structures, may be allowed within D-ES subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-A(10), the criteria of Sections 10.24,B,1 through 3, and 10, and the applicable requirements set forth in Sub-Chapter III:

(5) Docking structures: New or expanded permanent docking structures;
(6) Marinas;
(7) Trailered ramps:
  (a) Commercial trailered ramps; and
  (b) private trailered ramps in accordance with Section 10.27,L,1; and
(8) Water-access ways in accordance with Section 10.27,L,1.

e. Prohibited Uses

All uses not expressly allowed, with or without a permit, notification, or by special exception are prohibited in a D-ES subdistrict.

C. GENERAL DEVELOPMENT SUBDISTRICT (D-GN)

1. Purpose

The purpose of the D-GN subdistrict is to recognize existing patterns of development in appropriate areas and to encourage further patterns of compatible development therein and adjacent thereto. It is the Commission's intent to promote these areas as future growth centers in order to encourage the location of compatible developments near each other and to minimize the impact of such development upon incompatible uses and upon public services and facilities. Thus the Commission's purpose is to encourage the general concentration of new development, and thereby avoid the fiscal and visual costs of sprawl, and to provide a continuing sense of community in settled areas.

2. Description

The D-GN subdistrict must include:

a. Areas with the following patterns of existing intensive development use:

(1) Areas where 4 or more principal buildings exist within a 500 foot radius provided that one or more of such buildings is other than a single family detached dwelling unit; and all such buildings are compatible with such residential units; or

(2) Recorded and legally existing subdivisions, other than for exclusively single family detached residential purposes, having 4 or more lots; or

(3) Areas of 2 acres or more devoted to intensive non-residential development, other than that land devoted to forest and agricultural management activities, provided that such uses are compatible with residential uses. Such areas must include but not be limited to:

(a) Existing intensive development used for recreational purposes;
(b) Existing recreational lodging facilities otherwise allowed in the subdistrict;
(c) Existing groups of stores and restaurants including related parking and landscaped areas; or

(4) Areas where one or more existing principal buildings exist within a 500 foot radius and where the gross floor area of all such principal building(s) is more than 8,000 square feet, provided the uses thereof are compatible with residential uses.

The designated D-GN subdistrict boundaries must include all buildings, paved surfaces, and areas directly related to, and necessary for, the conduct of those activities associated with the above described principal buildings, as well as other intervening areas between such buildings, paved surfaces, and areas.

b. Areas which the Commission determines meet the criteria for redistricting to this subdistrict, pursuant to Section 10.08 hereof, are proposed for development which is consistent with the purposes of this subdistrict, and are suitable for the development activities proposed when measured against the standards of 12 M.R.S. § 685-B(4) and the Commission's Rules and Regulations relating thereto.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within D-GN subdistricts:

(1) Docking structures: Temporary docking structures for non-commercial use;
(2) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
(3) Forest management activities, except for timber harvesting;
(4) Motorized vehicular traffic on roads and trails, and snowmobiling;
(5) Primitive recreational uses, including fishing, hiking, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing, but not including hunting or trapping;
(6) Surveying and other resource analysis;
(7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
(8) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within D-GN subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

(1) Accessory structures: New or expanded structures accessory to, and located on the same lot as, any legally existing principal structures and uses, in conformance with the requirements of Section 10.27,P;
(2) Agricultural activities: Agricultural management activities;
(3) Commercial: Recreation supply facilities that do not involve structural development, are not within one-quarter mile of Management Class 1 or Management Class 2 lakes, and not within one-half mile of Management Class 6 lakes, and that are in conformance with the requirements for such activities in Section 10.27,S;
(4) Constructed ponds: Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(5) Driveways associated with residential uses;
(6) Filling and grading;
(7) Hand-carry launches: Commercial and public hand-carry launches except on Management Class 1 and 2 lakes;
(8) Home-based businesses: Minor home-based businesses;
(9) Mineral exploration activities: Level A mineral exploration activities, excluding associated access ways;
(10) Road projects: Level A road projects;
(11) Service drops;
(12) Short-term rentals, in conformance with the standards of Section 10.27,T;
(13) Signs;
(14) Trailered ramps: Public trailered ramps except on Management Class 1 and 2 lakes;
(15) Utility services: Buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water; and
(16) Water crossings of minor flowing waters.

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within D-GN subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, subject to the applicable requirements set forth in Sub-Chapter III:

(1) Agricultural activities: Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
(2) Campsites;
(3) Campsites, Residential;
(4) Cemeteries, and family burying grounds in accordance with 13 M.R.S. § 1142;
(5) Commercial and industrial:
  (a) Facilities having not more than 2,500 square feet of gross floor area including facilities offering food and beverages prepared on the premises, retail stores and services, and laundromats but excluding auto service stations or repair garages and uses which may create a nuisance or unsafe or unhealthy conditions or are otherwise incompatible with residential uses;
  (b) Recreation supply facilities that do not involve structural development, are not within one-quarter mile of Management Class 1 or Management Class 2 lakes, and not within one-half mile of Management Class 6 lakes, and that are not in conformance with the requirements for such activities in Section 10.27,S; and
  (c) Recreation supply facilities that may involve structural development and are not within one-quarter mile of Management Class 1 or Management Class 2 lakes, and not within one-half mile of Management Class 6 lakes;
(6) Constructed ponds: Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(7) Draining, dredging, or alteration of the water table or water level for other than mineral extraction;
(8) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
(9) Filling and grading which is not in conformance with the standards of Section 10.27,F;
(10) Hand-carry launches: Private hand-carry launches and hand-carry launches addressed in Section 10.21,C,3,b which are not in conformance with the standards of Section 10.27,L;
(11) Home-based businesses: Major home-based businesses;
(12) Land management roads;
(13) Mineral exploration activities: Access ways for Level A mineral exploration activities, Level A mineral exploration activities which are not in conformance with the standards for such activities in Section 10.27,C, and Level B mineral exploration activities;
(14) Public and institutional: Places of worship and other religious institutions; public, private and parochial schools, public and other institutional buildings such as, but not limited to, libraries, fire stations, post offices, and day nurseries;
(15) Recreation facilities: Public or private recreation facilities including, but not limited to, parks, playgrounds, and golf courses;
(16) Recreational lodging facilities:
  (a) Level B;
  (b) Level C;
  (c) Level C – Expanded Access; and
  (d) Level D (inside geographic allowance area);

(17) Residential: Single family dwellings, two-family dwellings, and multi-family dwellings;
(18) Road projects: Level B and C road projects, except for water crossings as provided for in Section 10.21,C,3,b;
(19) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
(20) Signs which are not in conformance with the standards of Section 10.27,J;
(21) Solar energy generation facility: Facilities of the following size class not located on soils recognized by the U.S. Department of Agriculture as prime farmland soils:
  (a) Small-scale;
(22) Subdivisions:
  (a) Commercial and industrial subdivisions for uses allowed in this subdistrict; and
  (b) Residential subdivisions: High- and moderate-density subdivisions;
(23) Timber harvesting;
(24) Trailered ramps addressed in Section 10.21,C,3,b which are not in conformance with the standards of Section 10.27,L;
(25) Utility facilities compatible with residential uses, other than service drops, and wire and pipeline extensions which do not meet the definition of service drops;
(26) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
(27) Water impoundments;
(28) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S. § 682(19); offshore wind power projects, as defined in 38 M.R.S. § 480-B(6A); and wind energy development in accordance with 35-A M.R.S., Chapter 34-A in areas identified in Appendix F herein;
(29) Other structures, uses or services that are essential to the uses listed in Section 10.21,C,3,a through c; and
(30) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within D-GN subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-A(10), the criteria of Sections 10.24,B,2 and 3, and applicable requirements set forth in Sub-Chapter III:

(1) Commercial and industrial:
  (a) Auto service stations or repair garages;
  (b) Light industrial uses and other commercial uses having a gross floor area of more than 2,500 square feet; and
  (c) Stores, commercial recreational uses not including recreational lodging facilities, and entertainment or eating establishments having a gross floor area of more than 2,500 square feet.
(2) Recreational lodging facilities:
  (a) Level D (outside geographic allowance area).

The following uses, and related accessory structures, may be allowed within D-GN subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-A(10), the criteria of Sections 10.24,B,2 through 4, and applicable requirements set forth in Sub-Chapter III:

(3) Recreational lodging facilities:
  (a) Level D – Expanded Access (inside or outside geographic allowance area); and
  (b) Level E (inside geographic allowance area).

The following uses, and related accessory structures, may be allowed within D-GN subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-A(10), the criteria of Sections 10.24,B,1 through 4, and the applicable requirements set forth in Sub-Chapter III:

(4) Docking structures: New or expanded permanent docking structures;
(5) Hand-carry launches:
  (a) Commercial hand-carry launches on Management Class 1 or 2 lakes; and
  (b) Public hand-carry launches on Management Class 1 or 2 lakes, in accordance with Section 10.27,L,1;
(6) Marinas;
(7) Trailered ramps:
  (a) Commercial trailered ramps;
  (b) Private trailered ramps, in accordance with Section 10.27,L,1; and
  (c) Public trailered ramps on Management Class 1 or 2 lakes; and
(8) Water-access ways, in accordance with Section 10.27,L,1.

The following uses, and related accessory structures, may be allowed within D-GN subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-A(10), the criteria of Sections 10.24,B,3 and 9, and the applicable requirements set forth in Sub-Chapter III:

(9) Solar energy generation facility: Facilities of the following size class located on soils recognized by the U.S. Department of Agriculture as prime farmland soils:
  (a) Small-scale;

e. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception are prohibited in a D-GN subdistrict.

D. COMMUNITY CENTER DEVELOPMENT SUBDISTRICT (D-GN2)

1. Purpose

The purpose of the D-GN2 subdistrict is to provide for a range of complementary uses that have a similar size, scale, and character that make up community centers. It is designed to concentrate development in order to limit the fiscal and visual impact of sprawling development and to provide a continuing sense of community in settled areas. Adaptive reuse and rehabilitation of legally existing structures is encouraged in this subdistrict.

2. Description

Community centers are areas where there is a mix of complementary residential, commercial, and civic uses that create a focal point for community life. This subdistrict is similar to the D-GN subdistrict but provides for a wider range of appropriate uses and increased size thresholds for general commercial uses. This wider range of uses is permitted because additional development standards for uses in this subdistrict ensure that adjacent uses are compatibly developed and undertaken.

This subdistrict will be applied only in communities in the fringe of the Commission's jurisdiction as defined in the Comprehensive Land Use Plan, and in areas appropriate as centers of growth after a prospective planning process has been undertaken by the Commission.

Using Section 10.08 of these rules, the Commission must designate areas for this subdistrict that are consistent with its purpose and suitable for supporting development when measured against the standards of 12 M.R.S. § 685-B(4) and the Commission's rules and regulations.

3. Land Uses

The provisions of the D-GN2 subdistrict will not apply to any applications that have been received and deemed complete for processing by the Commission staff on or before January 1, 2001.

a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within D-GN2 subdistricts:

(1) Docking structures: Temporary docking structures for non-commercial use;
(2) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
(3) Forest management activities, except for timber harvesting;
(4) Motorized vehicular traffic on roads and trails, and snowmobiling;
(5) Primitive recreational uses, including fishing, hiking, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing, but not including hunting or trapping;
(6) Surveying and other resource analysis;
(7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
(8) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within D-GN2 subdistricts subject to the applicable requirements set forth in Sub-Chapter III and Section 10.21,D,3,e:

(1) Accessory structures: New or expanded structures accessory to, and located on the same lot as, any legally existing principal structures and uses, in conformance with the requirements of Section 10.27,P;
(2) Agricultural activities: Agricultural management activities;
(3) Constructed ponds: Creation, alteration, or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(4) Driveways associated with residential uses;
(5) Filling and grading;
(6) Hand-carry launches: Commercial and public hand-carry launches;
(7) Home-based businesses: Minor home-based businesses;
(8) Mineral exploration activities: Level A mineral exploration activities, excluding associated access ways;
(9) Road projects: Level A road projects;
(10) Service drops;
(11) Short-term rentals, in conformance with the standards of Section 10.27,T;
(12) Signs;
(13) Trailered ramps: Public trailered ramps;
(14) Utility services: Buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water; and
(15) Water crossings of minor flowing waters.

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within D-GN2 subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, subject to the applicable requirements set forth in Sub-Chapter III, and the limitations of Section 10.21,D,3,e. Facilities allowed by permit may use legally existing structures that exceed dimensional requirements. However, structures exceeding the size limitations in Section 10.21,D,3,c may not be expanded.

(1) Agricultural activities: Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
(2) Campsites, Residential;
(3) Cemeteries, and family burying grounds in accordance with 13 M.R.S. § 1142;
(4) Commercial: Commercial facilities having not more than 4,000 square feet of gross floor area, or as provided in Section 10.25,A,2,e that are compatible with residential uses, community centers, and foot traffic, specifically retail shops, restaurants, bed and breakfasts, professional and financial services, trades such as cabinetry or shoe repair, artisan shops, and galleries. Generally, including:
    (a) Art studios or artisan shops;
    (b) Commercial uses associated with a residence, other than home-based businesses;
    (c) Facilities for commercial recreation, such as guide services;
    (d) Facilities offering food and beverages prepared on the premises;

(e) Professional offices, financial institutions, health care facilities, nursing homes, children's day care facilities, home child day care providers serving more than 12 children, and home adult day service providers serving more than 12 adults;
(f) Recreational lodging facilities:
(i) Level A;
(ii) Level B; and
(iii) Level C;
(g) Retail stores and services, laundromats, convenience stores, or retail gasoline stations with no more than 2 gas pumps where each pump can serve no more than 2 vehicles simultaneously;

(5) Community living facilities;
(6) Constructed ponds: Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(7) Draining, dredging, or alteration of the water table or water level for other than mineral extraction;
(8) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
(9) Filling and grading, which is not in conformance of standards in Section 10.27,F;
(10) Golf courses: Public or private golf courses;
(11) Hand-carry launches: Private hand-carry launches, and hand-carry launches addressed in Section 10.21,D,3,b which are not in conformance with the standards of Section 10.27,L;
(12) Home-based businesses: Major home-based businesses;
(13) Land management roads;
(14) Mineral exploration activities: Access ways for Level A mineral exploration activities, Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C, and Level B mineral exploration activities;
(15) Public and institutional: Places of worship and other religious institutions; public, private and parochial day schools; non-profit children's day care or adult day service facilities; libraries; fire stations; post offices; community centers; parks; and playgrounds;
(16) Residential: Single and two-family dwellings; and three to six multi-family dwellings;
(17) Road projects: Level B and C road projects, except for water crossings as provided for in Section 10.21,D,3,b;
(18) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
(19) Signs which are not in conformance with the standards of Section 10.27,J;
(20) Subdivisions:
(a) Commercial and industrial subdivisions for uses allowed in this subdistrict, provided that the subdivision is integrated with the community center and designed to promote pedestrian access; and
(b) Residential subdivisions: High- and moderate- density subdivisions;
(21) Timber harvesting;
(22) Trailered ramps: Trailered ramps addressed in Section 10.21,D,3,b which are not in conformance with the standards of Section 10.27,L;
(23) Utility facilities compatible with residential uses, other than service drops, and wire and pipeline extensions which do not meet the definition of service drops;

(24) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
(25) Water impoundments;
(26) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S. § 682(19); offshore wind power projects, as defined in 38 M.R.S. § 480-B(6A); and wind energy development in accordance with 35-A M.R.S., Chapter 34-A in areas identified in Appendix F herein;
(27) Other structures, uses or services that are essential to the uses listed in Section 10.21,D,3,a through c; and
(28) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within D-GN2 subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-A(10), the criteria of Sections 10.24,B,2 and 3, the applicable requirements set forth in Sub-Chapter III, and the limitations of Section 10.21,D,3,e, and, where within 500 feet of Management Class 2 lakes or within 250 feet of Management Class 4 and Management Class 5 lakes, subject to the applicable requirements of Section 10.25,A. Facilities allowed with a permit by special exception may use legally existing structures that exceed dimensional requirements. However, structures exceeding the size limitations in Section 10.21,D,3,d may not be expanded.

(1) Commercial facilities that are compatible with residential uses, community centers, and foot traffic, specifically retail shops, restaurants, bed and breakfasts, professional services, trades such as cabinetry or shoe repair, artisan shops, and galleries:
  (a) Commercial uses between 4,000 and 8,000 square feet in size, except as provided in Section 10.25,A,2,e; and
  (b) Commercial uses with a total of no more than 10,000 square feet of outdoor display or storage area combined; and
(2) Recreational lodging facilities having more than 4,000 but not more than 8,000 square feet of gross floor area:
  (a) Level B;
  (b) Level C;
  (c) Level C – Expanded Access;
  (d) Level D; and
  (e) Level D – Expanded Access;
(3) Residential: Multi-family dwellings with more than 6 units.

The following uses, and related accessory structures, may be allowed within D-GN2 subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-A(10), the criteria of Sections 10.24,B,1 through 3, and the applicable requirements set forth in Sub-Chapter III:

(4) Docking structures: New or expanded permanent docking structures;
(5) Marinas;
(6) Trailered ramps:
  (a) Commercial trailered ramps; and
  (b) Private trailered ramps, in accordance with Section 10.27,L,1; and

(7) Water-access ways, in accordance with Section 10.27,L,1.

e. Certain Cannabis Facilities and Uses Prohibited

All medical cannabis and adult use cannabis development and activities involving cultivation, extraction, processing, manufacturing, testing, or sale, within or part of any land use regulated by Section 10.21,D, are prohibited within D-GN2 subdistricts, except:

(1) registered caregivers who sell or dispense cannabis pursuant to 22 M.R.S. § 2423-A solely out of the caregiver's primary residence on an incidental or by appointment basis only and does not involve regular business hours, provided such operation does not involve the processing or manufacturing of cannabis using chemicals or solvents, and does not involve signage;
(2) the provision or dispensing of medical cannabis by a registered or exempt caregiver as part of any hospice or long-term care facility, health care facility, or nursing home; and
(3) all protections or privileges of 22 M.R.S. Chapter 558-C, or 28-B M.R.S., including but not limited to home cultivation of cannabis for personal use; and medical cannabis home cultivation by a qualifying patient or exempt caregiver.

f. Prohibited Uses

All uses not expressly allowed, with or without a permit, notification, or by special exception are prohibited in a D-GN2 subdistrict.

E. RURAL SETTLEMENT DEVELOPMENT SUBDISTRICT (D-GN3)

1. Purpose

The purpose of the D-GN3 subdistrict is to provide for a range of complementary uses that have a similar size, scale, and character that make up a settlement area in remote or interior areas of the jurisdiction. It is designed to concentrate and control the rate of growth by prohibiting subdivision. This subdistrict seeks to limit the fiscal and visual impact of sprawling development and to provide a continuing sense of community in lightly settled areas. Adaptive reuse and rehabilitation of legally existing structures is encouraged in this subdistrict.

2. Description

Rural settlements are areas where there is a mix of complementary residential, commercial, and civic uses that create a focal point for community life. This subdistrict is similar to the D-GN2 subdistrict but allows uses of an appropriately smaller size and intensity, also subject to specific development standards. It is also different from the D-GN2 subdistrict as it prohibits subdivisions in order to maintain the remote and small-scale feel of these development nodes. Gradual lot creation is allowed via the existing exemptions in the Commission's statute and these rules and regulations.

The D-GN3 subdistrict must be applied only in areas appropriate as centers of development in lightly settled and remote communities after a prospective planning process has been undertaken by the Commission.

Using Section 10.08 of these rules, the Commission must designate areas for this subdistrict that are consistent with its purpose and suitable for supporting development when measured against the standards of 12 M.R.S. § 685-B(4) and the Commission's rules and regulations.

3. Land Uses

The provisions of the D-GN3 subdistrict will not apply to any applications that have been received and deemed complete for processing by the Commission staff on or before January 1, 2001.

a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within D-GN3 subdistricts:

(1) Docking structures: Temporary docking structures for non-commercial use;
(2) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
(3) Motorized vehicular traffic on roads and trails, and snowmobiling;
(4) Primitive recreational uses, including fishing, hiking, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing, but not including hunting or trapping;
(5) Surveying and other resource analysis;
(6) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
(7) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within D-GN3 subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

(1) Accessory structures: New or expanded structures accessory to, and located on the same lot as, any legally existing principal structures and uses, in conformance with the requirements of Section 10.27,P;
(2) Agricultural activities: Agricultural management activities;
(3) Constructed ponds: Creation, alteration, or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(4) Driveways associated with residential uses;
(5) Filling and grading;
(6) Forest management activities, provided that the buffering requirements in Section 10.25,B,2 are met;
(7) Hand-carry launches: Commercial and public hand-carry launches;
(8) Home-based businesses: Minor home-based businesses;
(9) Mineral exploration activities: Level A mineral exploration activities, excluding associated access ways;
(10) Road projects: Level A road projects;
(11) Service drops;
(12) Short-term rentals, in conformance with the standards of Section 10.27,T;
(13) Signs;
(14) Trailered ramps: Public trailered ramps;
(15) Utility services: Buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water; and
(16) Water crossings of minor flowing waters.

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within D-GN3 subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, subject to the applicable requirements set forth in Sub-Chapter III. Facilities allowed by permit may use legally existing structures that exceed dimensional requirements. However, structures exceeding the size limitations in Section 10.21,E,3,c may not be expanded.

(1) Agricultural activities: Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
(2) Campsites, Residential;
(3) Cemeteries, and family burying grounds in accordance with 13 M.R.S. § 1142;

(4) Commercial: General commercial facilities having not more than 2,500 square feet of gross floor area that are compatible with residential uses including:
  (a) Art studios or artisan shops;
  (b) Businesses related to forestry, farming, or natural resource extraction;
  (c) Commercial uses associated with a residence, other than home-based businesses;
  (d) Facilities offering food and beverages prepared on the premises;
  (e) Professional offices, financial institutions, health care facilities, nursing homes, and children's day care facilities, home child day care providers serving more than 12 children, and home adult day service providers serving more than 12 adults; and
  (f) Retail stores and services, laundromats, convenience stores, or retailing of gasoline with no more than 2 gas pumps where each pump can serve no more than 2 vehicles simultaneously;

(5) Commercial:
  (a) Recreational facilities having not more than 8,000 square feet of gross floor area, such as guide services; and
  (b) Recreational lodging facilities having not more than 8,000 square feet of gross floor area:
    (i) Level A;
    (ii) Level B; and
    (iii) Level C;

(6) Constructed ponds: Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;

(7) Draining, dredging, or alteration of the water table or water level for other than mineral extraction;

(8) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;

(9) Filling and grading which is not in conformance with the standards of Section 10.27,F;

(10) Hand-carry launches: Private hand-carry launches, and hand-carry launches addressed in Section 10.21,E,3,b which are not in conformance with the standards of Section 10.27,L;

(11) Home-based businesses: Major home-based businesses;

(12) Mineral exploration activities: Access ways for Level A mineral exploration activities; Level A mineral exploration activities which are not in conformance with the standards for such activities in Section 10.27,C; and Level B mineral exploration activities;

(13) Public and institutional: Places of worship and other religious institutions; public, private and parochial day schools; non-profit children's day care and adult day service facilities; libraries; fire stations; post offices; solid waste transfer or recycling stations; community centers; parks; and playgrounds;

(14) Residential: Single and two-family dwellings;

(15) Road Projects: Level B and C road projects, except for water crossings as provided for in Section 10.21,E,3,b;

(16) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;

(17) Signs which are not in conformance with the standards of Section 10.27,J;

(18) Trailered ramps: Trailered ramps addressed in Section 10.21,E,3,b which are not in conformance with the standards of Section 10.27,L;

(19) Utility facilities compatible with residential uses, other than service drops; and wire and pipeline extensions which do not meet the definition of service drops;
(20) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
(21) Water impoundments;
(22) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S. § 682(19); offshore wind power projects, as defined in 38 M.R.S. § 480-B(6A); and wind energy development in accordance with 35-A M.R.S., Chapter 34-A in areas identified in Appendix F herein;
(23) Other structures, uses or services that are essential to the uses listed in Section 10.21,E,3,a through c; and
(24) Other structures, uses, or services that the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within D-GN3 subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-A(10), the criteria of Sections 10.24,B,2 and 3, subject to the applicable requirements set forth in Sub-Chapter III, and, where within 500 feet of Management Class 2 lakes or within 250 feet of Management Class 4 lakes, subject to the applicable requirements of Section 10.25,A. Facilities allowed by permit by special exception may use legally existing structures that exceed dimensional requirements. However, structures exceeding the size limitations in Section 10.21,E,3,d may not be expanded.

(1) Commercial:
  (a) Commercial facilities with a total of less than 5,000 square feet of outdoor display or storage area combined; and
  (b) Commercial uses with less than 2,500 square feet of gross floor area, other than those provided for in Section 10.21,E,3,c,(4); and
(2) Recreational lodging facilities having more than 8,000 but not more than 15,000 square feet of gross floor area:
  (a) Level B;
  (b) Level C;
  (c) Level C – Expanded Access;
  (d) Level D; and
  (e) Level D – Expanded Access.

The following uses, and related accessory structures, may be allowed in D-GN3 subdistricts as special exceptions within D-GN3 subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-A(10), the criteria of Sections 10.24,B,1 through 3, subject to the applicable requirements set forth in Sub-Chapter III, and, where within 500 feet of Management Class 2 lakes or within 250 feet of Management Class 4 lakes, subject to the applicable requirements of Section 10.25,A. Facilities allowed by permit by special exception may use legally existing structures that exceed dimensional requirements. However, structures exceeding the size limitations in Section 10.21,E,3,d may not be expanded.

(3) Docking structures: New or expanded permanent docking structures;

(4) Marinas;
(5) Trailered ramps:
    (a) Commercial trailered ramps; and
    (b) Private trailered ramps, in accordance with Section 10.27,L,1; and
(6) Water-access ways, in accordance with Section 10.27,L,1.

e. Prohibited Uses

All uses not expressly allowed, with or without a permit, notification, or by special exception are prohibited in a D-GN3 subdistrict.

F. LOW-DENSITY DEVELOPMENT SUBDISTRICT (D-LD)

1. Purpose

The purpose of the D-LD subdistrict is to allow for development of well-designed, low-density subdivisions in suitable locations. Low-density subdivisions are compatible with settings that have patterns of dispersed residential development and do not include sensitive fish or wildlife habitats, or exceptional recreation resources. The D-LD subdistrict is designed to allow for the location of low-density subdivisions in areas that are easily accessible from towns and villages, but are not within the growth areas of towns or villages, or in other areas where land is in high demand, such as near major water bodies.

2. Description

The D-LD subdistrict must include:

Areas that are proposed for development activities that are consistent with the purposes of this subdistrict; meet the criteria for redistricting to this subdistrict, pursuant to Section 10.08; and are generally suitable for development of the type associated with the uses allowed in the subdistrict when considered in light of the standards of 12 M.R.S. §685-B(4) and the Commission's Land Use Districts and Standards.

Areas within one-half mile of a body of standing water 10 acres or greater, a major flowing water, or areas within two miles of the boundary of a rural hub as described in Section 10.08-A,B, must not be included within the D-LD subdistrict.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within D-LD subdistricts:

(1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
(2) Forest management activities, except for timber harvesting;
(3) Motorized vehicular traffic on roads and trails, and snowmobiling;
(4) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, canoe portaging, cross country skiing and snowshoeing;
(5) Surveying and other resource analysis;
(6) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
(7) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within D-LD subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

(1) Accessory structures: New or expanded structures accessory to, and located on the same lot as, any legally existing principal structures and uses, in conformance with the requirements of Section 10.27,P;
(2) Agricultural activities: Agricultural management activities;
(3) Constructed ponds: Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size that are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(4) Driveways associated with residential uses;
(5) Filling and grading;
(6) Home-based businesses: Minor home-based businesses;
(7) Land management roads that are in conformance with all applicable terms and conditions of a valid subdivision permit;
(8) Mineral exploration activities: Level A mineral exploration activities, excluding associated access ways;
(9) Road projects: Level A road projects;
(10) Service drops;
(11) Short-term rentals, in conformance with the standards of Section 10.27,T;
(12) Signs;
(13) Timber harvesting that is in conformance with all applicable terms and conditions of a valid subdivision permit;
(14) Utility services: Buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water; and
(15) Water crossings of minor flowing waters.

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within D-LD subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-B, subject to the applicable requirements set forth in Sub-Chapter III:

(1) Agricultural activities: Agricultural management activities that are not in conformance with the standards of Section 10.27,A;
(2) Campsites;
(3) Campsites, Residential;
(4) Cemeteries, and family burying grounds in accordance with 13 M.R.S. §1142;
(5) Constructed ponds: Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size that are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size that are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(6) Draining, dredging, or alteration of the water table or water level for other than mineral extraction;
(7) Driveways associated with non-residential uses; driveways associated with residential uses that are not in conformance with the standards of Section 10.27,H;
(8) Filling and grading that is not in conformance with the standards of Section 10.27,F;

(9) Home-based businesses: Major home-based businesses;
(10) Land management roads that are not in conformance with the standards of Section 10.21,F,3,b;
(11) Mineral exploration activities: Access ways for Level A mineral exploration activities; Level A mineral exploration activities that are not in conformance with the standards of Section 10.27,C; and Level B mineral exploration activities;
(12) Residential: Single and two-family dwellings;
(13) Road projects: Level B and C road projects, except for water crossings as provided for in Section 10.21,F,3,b;
(14) Shoreland alterations, including water crossings of minor flowing waters;
(15) Signs that are not in conformance with the standards of Section 10.27,J;
(16) Subdivisions: Residential, low-density subdivisions;
(17) Timber harvesting that is not in conformance with the standards of Section 10.21,F,3,b;
(18) Utility facilities compatible with residential uses other than service drops; and wire and pipeline extensions that do not meet the definition of service drops;
(19) Water crossings of minor flowing waters that are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
(20) Water impoundments;
(21) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S. §682(19); offshore wind power projects, as defined in 38 M.R.S. §480-B(6A); and wind energy development in accordance with 35-A M.R.S., Chapter 34-A in areas identified in Appendix F herein;
(22) Other structures, uses or services that are essential to the uses listed in Section 10.21,F,3,a through c; and
(23) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within the D-LD subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-A(10), the criteria of Sections 10.24,B,2 through 4, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Recreational lodging facilities:
(a) Level A; and
(b) Level B.

e. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception are prohibited in D-LD subdistricts.

G. MARITIME DEVELOPMENT SUBDISTRICT (D-MT)

1. Purpose

The purpose of the D-MT subdistrict is to reserve a reasonable portion of the waterfront in coastal plantations and townships for water-dependent uses. The intention is to protect commercial water dependent uses, particularly commercial fishing activities, from other competing but incompatible use; to conserve points of public access to coastal waters; and to give preference in identified areas to commercial water-dependent uses over recreational and residential uses.

2. Description

a. D-MT1: Areas above the normal high water mark of coastal wetlands in which the existing pattern of development is predominately commercial fishing activities and conforms with the specified purposes and allowed uses for this subdistrict and where there is a demonstrated need for this subdistrict.

Other areas which the Commission determines:

(1) meet the criteria for redistricting to this subdistrict, pursuant to Section 10.08 hereof,
(2) are proposed for development which is consistent with the purposes of this subdistrict,
(3) are suitable for the development activities proposed when measured against the standards of 12 M.R.S. § 685-B(4) and the Commission's Rules and Regulations relating thereto, with particular consideration given to:

(a) shelter from prevailing winds and waves,
(b) upland slopes within 250 feet of the normal high water mark, measured as a horizontal distance, which are not so steep as to make access to the water impracticable,
(c) adequate mean low water depth for boat movement and mooring within 150 feet of the shore measured as a horizontal distance, and
(d) historical use of the area for commercial fishing activities.

b. D-MT2: Areas above the normal high water mark of coastal wetlands in which the existing pattern of development is predominately water-dependent activities and conforms with the specified purposes and allowed uses for this subdistrict and where there is a demonstrated need for this subdistrict.

Other areas which the Commission determines:

(1) meet the criteria for redistricting to this subdistrict, pursuant to Section 10.08 hereof,
(2) are proposed for development which is consistent with the purposes of this subdistrict,
(3) are suitable for the development activities proposed when measured against the standards of 12 M.R.S. § 685-B(4) and the Commission's Rules and Regulations relating thereto, with particular consideration given to:

(a) shelter from prevailing winds and waves,
(b) upland slopes within 250 feet of the normal high water mark, measured as a horizontal distance, which are not so steep as to make access to the water impracticable,
(c) adequate mean low water depth for boat movement and mooring within 150 feet of the shore measured as a horizontal distance, and
(d) historical use of the area for water-dependent activities.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within the D-MT subdistricts:

(1) Docking structures: Temporary docking structures for non-commercial use;
(2) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
(3) Motorized vehicular traffic on roads;
(4) Primitive recreational uses;
(5) Surveying and other resource analysis; and
(6) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within the D-MT subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

(1) Filling and grading;
(2) Hand-carry launches: Commercial, private and public hand-carry launches;
(3) Service drops;
(4) Short-term rentals, in conformance with the standards of Section 10.27,T;
(5) Trailered ramps: Public trailered ramps;
(6) Utility services: Buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water; and
(7) Signs.

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within D-MT subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Commercial fishing activities, except as provided for in Section 10.21,G,3,d below;
(2) Docking structures: Permanent docking structures;
(3) Draining, dredging, or alteration of the water table or water level;
(4) Driveways;
(5) Ferry service facilities;
(6) Filling and grading which is not in conformance with the standards of Section 10.27,F;
(7) Hand-carry launches: Hand-carry launches addressed in Section 10.21,G,3,b which are not in conformance with the standards of Section 10.27,L;
(8) Retail sales of shellfish or finfish, solely ancillary to a permitted use such as a finfish or shellfish buying or off-loading stations and under the same ownership as the permitted use;
(9) Signs which are not in conformance with the standards of Section 10.27,J;
(10) Trailered ramps: Commercial and private trailered ramps, and trailered ramps addressed in Section 10.21,G,3,b which are not in conformance with the standards of Section 10.27,L;
(11) Utility substation, including sewage collection and pumping stations, water pumping stations, transformer stations, wire and pipeline extensions, telephone electronic

equipment enclosures and other similar public utility structures which do not meet the definitions of Section 10.21,G,3,b,(3) and (5);

(12) Water-access ways;

(13) Water-dependent uses, except as provided for in Section 10.21,G,3,d below;

(14) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S. §682(19); offshore wind power projects, as defined in 38 M.R.S. §480-B(6A); and wind energy development in accordance with 35-A M.R.S., Chapter 34-A in areas identified in Appendix F herein;

(15) Other structures, uses or services that are essential to the uses permitted; and

(16) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within D-MT subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-A(10), the criteria of Section 10.24,B,6, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Commercial

The following commercial uses must be permitted as special exceptions in the D-MT2 subdistricts:

(a) On-premise restaurants, retail and service establishments provided they are accessory to ferry service facilities;

(b) Restaurants, occupying not more than 900 square feet of floor area, provided that such establishments cater primarily to persons directly associated with other permitted uses in this district; and

(c) Retail sales of packaged or bulk foods, toiletries, hardware and other daily necessities as an ancillary business to a permitted use.

(2) Industrial

The following industrial use must be permitted as a special exception in both the D-MT1 and D-MT2 subdistricts:

(a) Facilities for combined marine and general construction provided that the primary use of the site is for the marine segment of the contractor's business.

(3) Marine

The following marine uses must be permitted as special exceptions in both the D-MT1 and D-MT2 subdistricts:

(a) Fabrication of marine related goods, including fishboat equipment, provided that a location on the water is essential for their production; and

(b) Fish by-products processing.

The following marine uses must be permitted as special exceptions in the D-MT2 subdistrict:

(c) Harbor and marine supplies and services, such as ship chandler, provided that sales are primarily for purpose of serving water-dependent uses or that the applicant can demonstrate that the business is essential to water dependent uses;

(d) Excursion services which do not displace existing water dependent uses, or occupy docking and berthing space which had been actively and substantially used by commercial fishing boats and vessels within the preceding twelve-month period; and which do not sell any product except for the excursion service; and which provide for all parking space outside of this zone or district; and

(e) Publicly owned wharves for general public access to the shore, provided that the facility or facilities do not unreasonably interfere with permitted commercial fishing uses and which provide for all parking space outside of this zone or district.

(4) Residential

The following residential use must be permitted as a special exception in the D-MT2 subdistrict:

(a) Single family detached dwelling units, home-based businesses, and transient accommodations of less than six units per principal building.

e. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, are prohibited in a D-MT subdistrict including without limitation the conversion of existing structures which are currently used for commercial fishing activities to any noncommercial fishing activities for use, including but not limited to residential or recreational uses.

H. PLANNED DEVELOPMENT SUBDISTRICT (D-PD)

1. Purpose

The purpose of the D-PD subdistrict is to allow for large scale, well-planned development (Planned Development). The Commission's intent is to consider Planned Development proposals, including those separated from existing developed areas, provided they can be shown to be of high quality and not detrimental to other values established in the Comprehensive Land Use Plan, and provided they depend on a particular natural feature or location that is available at the proposed site. An application for zone change to establish a D-PD subdistrict will be granted when the Commission concludes the location of the site is the best reasonably available for the proposed use and that the goals and policies of the Comprehensive Land Use Plan are served.

The D-PD zoning process is intended to encourage creative and imaginative design and site planning, to promote efficient use of the land, and to accommodate well-designed, natural feature dependent development in appropriate locations.

Planned Development within a D-PD subdistrict must be consistent with a Development Plan approved as part of the subdistricting process. A Development Plan identifies land uses allowed within the subdistrict, specifying which uses require a development permit, and outlines the nature, location, and design of the Planned Development for which the subdistrict was created.

2. Description

D-PD subdistricts include areas potentially separated from existing development patterns for which the Commission has approved a Development Plan. Residential, recreational, commercial, or industrial uses, or some combination of these uses, may be allowed in the subdistrict. Depending on the nature of the activity within the subdistrict, the following limitations apply:

a. A D-PD subdistrict for predominantly residential and/or recreational land uses must have a Development Plan for a minimum of 30,000 square feet of building floor area and must include at least 150 contiguous acres. (A predominance of uses must exist when the majority of the gross building floor area is devoted to such uses.)

b. A D-PD subdistrict for predominantly commercial and/or industrial land uses must include at least 50 contiguous acres and, except wind energy generation facilities, must have a Development Plan for a minimum of 30,000 square feet of gross building floor area.

c. A D-PD subdistrict for metallic mineral mining activity must include at least 50 contiguous acres.

In any of the above cases, all development, other than access roads and utility lines must be at least 400 feet from any property line. Upon a showing of good cause, the Commission may, at its discretion, increase or decrease this setback. Furthermore, the project must be reasonably self-contained and self-sufficient and, to the extent practicable, provide for its own water and sewage services, road maintenance, fire protection, solid waste disposal and police security.

3. Allowed Uses

All uses approved in the Development Plan must be allowed. No other use must be allowed except where the Commission determines that such additional use is consistent with the Development Plan and with the purpose of the D-PD subdistrict.

4. Ownership

An application for zone change for the creation of a D-PD subdistrict may be filed only by the owner or lessee of all lands to which the application pertains.

5. Burden of Proof

The burden of proof is upon the applicant to show by substantial evidence that the proposal satisfies the criteria established for the creation of D-PD subdistrict.

6. Procedure for Review of Planned Development

a. The Planned Development review procedure must consist of three stages:

(1) Preapplication meeting (see Section 10.21,H,7);
(2) Submission of an application for zone change, including the accompanying Development Plan[1] (see Section 10.21,H,8); and
(3) Submission of a permit application[2] to either the Commission or the Maine Department of Environmental Protection (DEP) (see Section 10.21,H,9).

b. Commission review of an application for zone change to establish a D-PD subdistrict for the purpose of metallic mineral mining activity is governed by Chapter 12 of the Commission's rules, and not by Section 10.21,H,8. Pursuant to the Maine Metallic Mineral Mining Act, DEP is responsible for reviewing permit applications filed by persons seeking to conduct metallic mineral mining activity within a D-PD subdistrict. The Commission is responsible for certifying proposed mining activity to DEP. Commission certification of metallic mineral mining activity is governed by Chapter 13 of its rules.

7. Preapplication Meeting

A preapplication meeting must be held with the staff of the Commission and representatives from other relevant agencies prior to submission of an application for zone change and related Development Plan. The Commission must notify DEP of any preapplication meeting and provide DEP the opportunity to attend the meeting. At this meeting the procedures, regulations, and policies that will govern the rezoning process and Planned Development review must be discussed. The meeting must provide a forum for an informal discussion on the acceptability of all aspects of the project proposal, prior to a person filing an application for zone change and associated Development Plan with the Commission. The meeting proceedings must be summarized in writing and made available to the applicant.

8. Application for Zone Change and Associated Development Plan

a. Application Components

The application for zone change must include: Evidence that the proposal is consistent with the Commission's Comprehensive Land Use Plan and the purpose and description of a D-PD subdistrict; evidence that the proposed subdistrict will have no undue adverse impact on existing uses or resources as required by 12 M.R.S. § 685-A(8-A); and the submission of various written and illustrative documents, as described below. Prior to any decision, the

[1] Prior to September 20, 2018, a Preliminary Development Plan was approved through the zoning process. In the existing rule, the term Development Plan replaces Preliminary Development Plan.

[2] Prior to September 20, 2018, a Final Development Plan was approved through the Commission's permitting process, the process that authorized activity within a D-PD subdistrict requiring a Commission permit. In the existing rule, the term Final Development Plan is no longer used in favor of referring to permitting or development permitting.

staff must make known its findings and recommendations, in writing, to the Commission and a public hearing must be held in accordance with Chapter 5 of the Commission's Rules.

The following items must be submitted with any application for zone change to a D-PD:

Written Statements

(1) A statement of the objectives to be achieved by locating the development in its proposed location distant from existing patterns of development. As it is a general policy of the Commission to encourage new development to locate with or adjacent to existing development, the rationale for promoting development away from such locations must be well documented. The statement should describe why the site is considered the best reasonably available for the proposed use(s). The fact that the applicant owns or leases the property must not, of itself, be sufficient evidence to satisfy this last requirement.

(2) The expected development schedule that indicates the periods of time required to complete the project, and an approximate start date for construction.

(3) Statements demonstrating that the project is realistic, and can be financed and completed. Such statements must demonstrate that the applicant has the financial resources and support to achieve the proposed development.

(4) A statement of the compatibility of the proposed development with existing uses and resources, the reasonably foreseeable adverse effects on those existing uses and resources, and measures to be taken by the applicant to minimize such effects.

(5) A general statement that indicates how the natural resources of the area will be managed and protected so as to reasonably assure that those resources currently designated within protection subdistricts will receive protection that is substantially equivalent to that under the original subdistrict designation.

Maps

(6) A location map showing all existing subdistricts and the proposed D-PD subdistrict boundaries, drawn on a Commission Land Use Guidance Map that indicates the area for which a D-PD subdistrict designation is sought.

(7) Maps showing the existing and proposed lot lines, noting the names of adjoining lot owners, and any lots in the project area proposed to be placed in common or private ownership.

(8) Maps showing the soils and slope at the development site, at a mapping intensity sufficient to show that the site has suitable soils to support the development. (Note: For projects in high mountain areas, if geotechnical borings to gather data will be necessary to prepare the final site plans for the development permit, the routes of any proposed access ways should be shown on this map, accompanied by a written description.)

Development Plan

The Development Plan is a document that identifies the future use of a property proposed for rezoning to a D-PD subdistrict and outlines the nature, location, and design of future development with sufficient specificity to allow the Commission to evaluate the consistency of the proposed zoning with the purpose of the D-PD subdistrict. A Development Plan must include the following:

(9) A legal description of the proposed district boundaries, including a statement of present and proposed ownership.

(10) Statements establishing which land uses will be allowed in the D-PD subdistrict; whether each allowed use will be allowed without a permit, allowed without a permit subject to standards, allowed with a permit, or allowed by special exception; and where each land use will be allowed within the subdistrict. All existing and proposed land uses must be addressed. Any activities necessary to gather site information or data to be included in a subsequent permit application to either the Commission or DEP must be identified among the land uses included in the Development Plan. If the applicant proposed that activities other than the gathering of site information and data be allowed in the subdistrict prior to issuance of a permit for the Planned Development, a statement explaining how these activities will be conducted in a manner consistent with the purpose of the subdistrict must be included in the Development Plan.

(11) A statement of the applicant's intentions with regard to future selling, leasing or subdividing of all or portions of the project. The statement should describe the type of covenants, restrictions or conditions that are proposed to be imposed upon buyers, lessees or tenants of the property.

(12) If the proposed D-PD subdistrict would be located on a portion of a larger parcel, a statement of the anticipated future use of the remainder of the parcel outside the D-PD subdistrict.

(13) A site plan showing existing features within the development site, including the locations of:

(a) Buildings, roads, parking areas, and bridges;
(b) Above- and below-ground utility lines, and sewage disposal facilities;
(c) Drinking water wells serving the site, and any major water withdrawal sources;
(d) Recreational areas, open spaces, and conservation areas;
(e) Streams, lakes and ponds, wetlands, and other protected natural resources;
(f) Stormwater drainage areas and an approximation of the expected phosphorus contribution to the watershed; and
(g) The vegetated edge of the cleared areas.

(14) A site plan showing proposed features, with the approximate locations of:

(a) Buildings, roads, parking areas, and bridges;
(b) Utility lines, if known, and areas to be used for sewage disposal facilities (Note: If a public sewage disposal system will be used, evidence that the system can support the proposed development must be supplied);
(c) New drinking water wells, and other major water withdrawal sources;
(d) Recreational areas, open spaces, and conservation areas;
(e) Streams, lakes and ponds, wetlands, and other protected natural resources;
(f) Stormwater drainage areas and an approximation of the expected phosphorus contribution to the watershed; and
(g) The vegetated edge of the cleared areas.

(15) A statement of any steps the applicant will take to avoid or minimize the effects of the rezoning for the Planned Development on existing uses or resources.

(16) A statement of any design requirements or other standards that will ensure future development and uses meet the purposes of the subdistrict.

Where the applicant is proposing a phased Planned Development and maps showing the level of detail required in Section 10.21,H,8,a,(14) are not feasible for all future phases of the development, the applicant must submit maps for the first phase of development. For all future phases of development, the applicant must submit a narrative describing the intended future use, along with information and sketch plans sufficient for the Commission to determine if the area proposed to be rezoned can support the entire development with regard to: the subdivision rules, if applicable; soil suitability and slope; subsurface waste water disposal; access and traffic circulation; drinking water supply; any other proposed major water withdrawal source; and the 400 foot setback from the proposed D-PD subdistrict boundaries. A narrative describing the anticipated timeline for all phases of the development must accompany the sketch plans.

b. Criteria for the Approval of an Application for Zone Change and Associated Development Plan

Within 90 days after the close of the record, the Commission may approve, approve with conditions, or deny the application in writing. In making this decision, the Commission must ensure that the proposal:

(1) Satisfies the statutory rezoning standards in 12 M.R.S. § 685-A(8-A);
(2) Incorporates, where the land proposed for inclusion in the D-PD subdistrict is in a protection subdistrict, a substantially equivalent level of environmental and resource protection as was afforded under the protection subdistrict;
(3) Utilizes the best reasonably available site for the proposed use;
(4) Conserves productive forest or farm land;
(5) Incorporates high quality site planning and design in accordance with accepted contemporary planning principles;
(6) Envisions a project that is reasonably self-sufficient in terms of necessary public services; and
(7) Provides for safe and efficient traffic circulation.

c. Approval or Denial of an Application for Zone Change and Associated Development Plan

(1) If, after weighing all the evidence, the Commission approves the application for zone change and associated Development Plan, the D-PD subdistrict must be designated on the official district map and recorded in accordance with the provisions of Section 10.04. The approval may contain such reasonable conditions as the Commission deems appropriate and will specify the conditions for approval of subsequent Commission permits or certifications. The terms of the approval will be in writing and must be deemed to be incorporated in the D-PD subdistrict and the Development Plan.
(2) If, after weighing all the evidence, the Commission finds the submission does not meet the criteria established above for its approval, the application must be denied and the reasons for the denial must be stated in writing.
(3) Within a maximum of five years following a Commission decision to designate an area as a D-PD subdistrict, the applicant, or another person with title, right, or interest, must file a development permit application with the Commission or a Site Location of Development Law (Site Law) permit application with DEP for development consistent with the approved Development Plan. Upon a showing of good cause, the Commission may, at its discretion, extend the deadline for filing a permit application with the Commission or DEP. In cases where the Commission concludes that a legally existing nonconforming use has become a legally existing conforming use, pursuant to the designation of the D-PD subdistrict, the deadline stated above does not apply.

(4) If, for any reason, no person files a permit application for the Planned Development within the prescribed time, the D-PD subdistrict designation must be deemed to be revoked and the original subdistrict(s) must again apply.

9. Permit for Planned Development

Land uses within a D-PD subdistrict that are allowed by permit or by special exception pursuant to an approved Development Plan must be permitted either by the Commission or by DEP. Within a D-PD subdistrict all metallic mineral mining activity is permitted by DEP. For other types of land uses, within D-PD subdistricts created prior to September 1, 2012 and within D-PD subdistricts created September 1, 2012 and later where the development within the subdistrict does not trigger Site Law permitting, the Commission possesses permitting authority. DEP is responsible for permitting development triggering Site Law in D-PD subdistricts created September 1, 2012 or later. The procedures set forth in Section 10.21,H,9, apply to Commission permitting of activities within a D-PD subdistrict.

a. Application

The development permit application procedure serves to ensure that an applicant's detailed design and construction plans conform with the approved zone change and Development Plan.

(1) An application for a development permit may be for all of the land that is the subject of the Development Plan or for a section thereof. The application, once deemed complete for processing by the staff, must be reviewed and acted upon by the Commission within 90 days.

(2) The development permit application must include statements, drawings, specifications, covenants and conditions sufficient to fully detail the nature and scope of the proposed development. Without limitation of the foregoing, the submission must include:

(a) Drawings that include all the information required on the site plan under the Development Plan [Section 10.21,H,8,a,(14)], plus the dimensions and heights, foundation design, material specifications, and elevations and colors of all buildings and structures. If the plan proposes any subdivision, all boundaries of easements and lots are to be surveyed and plotted.

(b) Drawings that illustrate all roads, parking service and traffic circulation areas. The dimensions of curve radii, grades and number of parking spaces are to be specified. Any structures (such as bridges) related to the street system should be shown as scaled engineering plans and sections. Detailed traffic volume estimates and traffic studies may be required, at the discretion of the Commission.

(c) If individual sewage disposal system are proposed, an on-site soil report for each proposed lot is required from the applicant. The reports are to be on Maine Department of Health and Human Services form HHE-200 or any amended or replacement version thereof. Where a central sewage collection and/or treatment system or central or public water supply system or fire hydrant system is proposed, reasonably full engineering drawings must be required to conform with all applicable governmental requirements.

(d) High intensity soil surveys and drawings that indicate all surface water runoff and storm drainage systems, soil stabilization procedures, and landscape plans for planting, screening, revegetation and erosion control and lighting of outdoor spaces.

(e) To the extent reasonably available, copies of the restrictions, covenants, conditions, and/or contractual agreements that will be imposed upon persons buying, leasing, using, maintaining, or operating land or facilities within the Planned Development.

b. Review Process and Criteria for Approval

(1) The development permit must comply with the approved zone change and Development Plan and must conform with applicable state law, including 12 M.R.S. § 685-B(4), and applicable Commission rules, including Chapter 10.
(2) A public hearing must not be held on a development permit application provided the proposed activity is in substantial compliance with the Development Plan. The burden must, nevertheless, be on the applicant to show good cause for any variation between the Development Plan and activity proposed in the development permit application

c. Approval or Denial of Development Permit Application

Upon accepting a development permit application as complete for processing, the Commission must review and, in writing, approve, approve with conditions, or deny the application.

d. Amendments to Development Permit

After issuance of the initial development permit authorizing Planned Development within a D-PD subdistrict, the Director of the Commission may issue permit amendments. No change must be so authorized which may cause any of the following:

(1) The addition of a land use not previously approved in the Development Plan;
(2) A material change in the site, scope or nature of the project;
(3) A material increase in traffic volume;
(4) A material reduction in open space, landscaping, or parking; or
(5) A material change giving rise to adverse environmental impact.

All amendments to the Development Plan proposed by the applicant requires submission to and the approval of the Commission after consultation with the staff and due consideration of the standards set forth in Section 10.21,H,8,b.

e. Time for Construction

If no substantial start has occurred pursuant to the initial development permit by the later of: (a) 24 months after the date of approval by the Commission or (b) expiration of any extension of time for making a substantial start granted by the Commission, the approved permit and previously approved Development Plan become null and void and the D-PD subdistrict designation must be deemed to be revoked and the original subdistrict(s) must again apply. The deadline for making a substantial start on activity authorized in any permit amendment must be specified in the amendment or, if not, is governed by Chapter 4 of the Commission's rules.

I. PLANNED RECREATION FACILITY DEVELOPMENT SUBDISTRICT (D-PR)

1. Purpose

The purpose of the D-PR subdistrict is to allow for large scale, well-planned recreation lodging and facility development (Planned Recreation Facility Development). The Commission's intent is to consider Planned Recreation Facility Development proposals, including those separated from existing developed areas, provided they can be shown to be of high quality and not detrimental to other values established in the Comprehensive Land Use Plan, and provided they depend on a particular natural feature or location that is available at the proposed site. An application for zone change to establish a D-PR subdistrict will be granted when the Commission concludes the location of the site is the best reasonably available for the proposed use and that the goals and policies of the Comprehensive Land Use Plan are served, including a careful consideration of the classification of any waterbodies contained within or located near the proposed development.

The D-PR Subdistrict is intended to encourage creative design and site planning, to promote efficient use of the land, and to accommodate well-designed, natural feature dependent recreation facility development in appropriate locations.

Development within a D-PR subdistrict must be consistent with a Development Plan approved as part of the subdistricting process. A Development Plan identifies land uses allowed within the subdistrict, specifying which uses require a development permit, and outlines the nature, location, and design of the Planned Recreation Development for which the subdistrict was created.

2. Description

D-PR subdistricts include areas potentially separated from existing development patterns for which the Commission has approved a Development Plan. Recreational lodging facilities and recreational uses, and any associated commercial development, or some combination of these uses, may be allowed in the subdistrict. A D-PR Subdistrict must contain a maximum of 40,000 square feet of building floor area. All development, other than access roads, utility lines, trails, and waterfront structures must be at least 400 feet from any property line. (This dimension may be increased or decreased, at the Commission's discretion, provided good cause can be shown.)

Level E Recreational Lodging Facilities in existence as of (May 1, 2013) may also be a basis for rezoning to the D-PR subdistrict, provided that any proposed expansions of or additions to the existing structures and uses can be shown to meet the criteria for approval.

3. Allowed Uses

All uses approved in the Development Plan will be allowed. No other use will be allowed except where the Commission determines that such additional use is consistent with the Development Plan and with the purpose of the D-PR subdistrict.

4. Ownership

An application for zone change for the creation of a D-PR subdistrict may be filed only by the owner or lessee of all lands to which the application for zone change pertains, or by the staff with the owner or lessee’s consent.

5. Burden of Proof

The burden of proof is upon the applicant to show by substantial evidence that the proposal satisfies the criteria established for the creation of D-PR subdistricts.

6. Procedure for Review of Planned Recreation Development

The Planned Recreation Facility review procedure must consist of three stages:

(1) Preapplication meeting (see Section 10.21,I,6);
(2) Submission of an application for zone change, including the accompanying Development Plan (see Section 10.21,I,7); and
(3) Submission of a permit application to either the Commission or the Maine Department of Environmental Protection (the DEP) (see Section 10.21,I,8).

7. Preapplication Meeting

A preapplication meeting must be held with the staff of the Commission and representatives from other relevant agencies prior to submission of an application for zone change and related Development Plan. The Commission must notify the DEP of any preapplication meeting and provide the DEP the opportunity to attend the meeting. At this meeting the procedures, regulations, and policies that will govern the rezoning process and Planned Recreation Facility Development review must be discussed. The meeting must provide a forum for an informal discussion on the acceptability of all aspects of the project proposal, prior to a person filing an application for zone change and associated Development Plan with the Commission. The conference proceedings must be summarized in writing and made available to the applicant.

8. Application for Zone Change and Associated Development Plan

a. Application Components

The application for zone change must include: Evidence that the proposal is consistent with the Commission's Comprehensive Land Use Plan and the purpose and description of the D-PR subdistrict; evidence that the proposed subdistrict will have no undue adverse impact on existing uses or resources as required by 12 M.R.S. § 685-A(8-A); and the submission of various written and illustrative documents, as described below. Prior to any decision, the staff must make known its findings and recommendations, in writing, to the Commission.

The following items are required to be submitted with any Development Plan and related application for zone change. The staff, at its discretion, may waive portions of the application requirements for existing Recreational Lodging Facilities that are proposing expansions that increase floor area by not more than 25%:

The following items must be submitted with any application for zone change to a D-PR:

Written Statements

(1) A statement of the objectives to be achieved by locating the development in its proposed location distant from existing patterns of development. As it is a general policy of the Commission to encourage new development to locate with or adjacent to existing development, the rationale for promoting development away from such locations must be well documented. The statement should describe why the site is considered the best reasonably available for the proposed use(s). The fact that the applicant owns or leases the property must not, of itself, be sufficient evidence to satisfy this last requirement.

(2) The expected development schedule that indicates the periods of time required to complete the project, and an approximate start date for construction.

(3) Statements demonstrating that the project is realistic, and can be financed and completed. Such statements must demonstrate that the applicant has the financial resources and support to achieve the proposed development.

(4) A statement of the compatibility of the proposed development with existing uses and resources, the reasonably foreseeable adverse effects on those existing uses and resources, and measures to be taken by the applicant to minimize such effects.

(5) A general statement that indicates how the natural resources of the area will be managed and protected so as to reasonably assure that those resources currently designated within protection subdistricts will receive protection that is substantially equivalent to that under the original subdistrict designation.

Maps

(6) A location map showing all existing subdistricts and the proposed D-PR subdistrict boundaries, drawn on a Commission Land Use Guidance Map that indicates the area for which a D-PR subdistrict designation is sought.

(7) Maps showing the existing and proposed lot lines, noting the names of adjoining lot owners, and any lots in the project area proposed to be placed in common or private ownership.

(8) Maps showing the soils and slope at the development site, at a mapping intensity sufficient to show that the site has suitable soils to support the development.

Development Plan

The Development Plan is a document that identifies the future use of a property proposed for rezoning to a D-PR subdistrict and outlines the nature, location, and design of future development with sufficient specificity to allow the Commission to evaluate the consistency of the proposed zoning with the purpose of the D-PR subdistrict. A Development Plan must include the following:

(9) A legal description of the proposed district boundary for redistricting, including a statement of present and proposed ownership.

(10) Statements establishing which land uses will be allowed in the D-PR subdistrict; whether each allowed use will be allowed without a permit, allowed without a permit subject to standards, allowed with a permit, or allowed by special exception; and where each land use will be allowed within the subdistrict. All existing and proposed land uses must be addressed. Any activities necessary to gather site information or data to be included in a subsequent permit application to either the Commission or the DEP must be identified among the land uses included in the Development Plan. If the

applicant proposed that activities other than the gathering of site information and data be allowed in the subdistrict prior to issuance of a permit for the Planned Recreation Development, a statement explaining how these activities will be conducted in a manner consistent with the purpose of the subdistrict must be included in the Development Plan.

(11) A statement of the applicant's intentions with regard to future selling, leasing or subdividing of all or portions of the project. The statement should describe the type of covenants, restrictions or conditions that are proposed to be imposed upon buyers, lessees or tenants of the property.

(12) If the proposed D-PR subdistrict would be located on a portion of a larger parcel, a statement of the anticipated future use of the remainder of the parcel outside the D-PR subdistrict.

(13) A site plan showing existing features within the development site, including the locations of:

(a) Buildings, roads, parking areas, and bridges;
(b) Above- and below-ground utility lines, and sewage disposal facilities;
(c) Drinking water wells serving the site, and any major water withdrawal sources;
(d) Recreational areas, open spaces, and conservation areas;
(e) Streams, lakes and ponds, wetlands, and other protected natural resources;
(f) Stormwater drainage areas and an approximation of the expected phosphorus contribution to the watershed; and
(g) The vegetated edge of the cleared areas.

(14) A site plan showing proposed features, with the approximate locations of:

(a) Buildings, roads, parking areas, and bridges;
(b) Utility lines, if known, and areas to be used for sewage disposal facilities (Note: If a public sewage disposal system will be used, evidence that the system can support the proposed development must be supplied);
(c) New drinking water wells, and other major water withdrawal sources;
(d) Recreational areas, open spaces, and conservation areas;
(e) Streams, lakes and ponds, wetlands, and other protected natural resources;
(f) Stormwater drainage areas and an approximation of the expected phosphorus contribution to the watershed; and
(g) The vegetated edge of the cleared areas.

(15) A statement of any steps the applicant will take to avoid or minimize the effects of the rezoning for the Planned Recreation Development on existing uses or resources.

(16) A statement of any design requirements or other standards that will ensure future development and uses meet the purposes of the subdistrict.

Where the applicant is proposing a phased Planned Recreation Development and maps showing the level of detail required in Section 10.21,I,8,a,(14) are not feasible for all future phases of the development, the applicant must submit maps for the first phase of development. For all future phases of development, the applicant must submit a narrative describing the intended future use, along with information and sketch plans sufficient for the Commission to determine if the area proposed to be rezoned can support the entire development with regard to: the subdivision rules, if applicable; soil suitability and slope;

subsurface waste water disposal; access and traffic circulation; drinking water supply; any other proposed major water withdrawal source; and the 400 foot setback from the proposed D-PR subdistrict boundaries. A narrative describing the anticipated timeline for all phases of the development must accompany the sketch plans.

b. Criteria for the Approval of an Application for Zone Change and Associated Development Plan

After following the procedures for application for zone changes, consistent with Chapter 4 and 5 of the Commission's rules, the Commission may approve, approve with conditions, or deny the application in writing. In making this decision, the Commission must ensure that the proposal:

(1) Satisfies the statutory rezoning standards in 12 M.R.S. § 685-A(8-A);
(2) Incorporates, where the land proposed for inclusion in the D-PR subdistrict is in a protection subdistrict, a substantially equivalent level of environmental and resource protection as was afforded under the protection subdistrict;
(3) Utilizes the best reasonably available site for the proposed use;
(4) Conserves productive forest or farm land;
(5) Incorporates high quality site planning and design in accordance with accepted contemporary planning principles;
(6) Envisions a project that is reasonably self-sufficient in terms of necessary public services; and
(7) Provides for safe and efficient traffic circulation.

c. Performance-based Standards

The applicant may propose that certain of the Commission's land use standards, as described in Chapter 10 of the Commission's rules, be replaced with alternative standards that measure the performance of a particular design or technology in achieving the relevant goals. The applicant may propose such a substitution for all or portions of the project area. In making such a proposal, the applicant must consult with Commission staff regarding the purpose of the particular standard and must demonstrate that the alternative standard will provide substantially equivalent or increased effectiveness.

d. Approval or Denial of an Application for Zone Change and Associated Development Plan

(1) If, after weighing all the evidence, the Commission approves the application for zone change and associated Development Plan, the D-PR subdistrict must be designated on the official district map and recorded in accordance with the provisions of Section 10.04. The approval may contain such reasonable conditions as the Commission deems appropriate and will specify the conditions for approval of subsequent Commission permits or certifications. The terms of the approval will be in writing and must be deemed to be incorporated in the D-PR subdistrict and the Development Plan.
(2) If, after weighing all the evidence, the Commission finds the submission does not meet the criteria established above for its approval, the application must be denied and the reasons for the denial must be stated in writing.
(3) Within a maximum of five years following a Commission decision to designate an area as a D-PR subdistrict, the applicant, or another person with title, right, or interest, must file a development permit application with the Commission or a Site Location of Development Law (Site Law) permit application with the DEP for development consistent with the approved Development Plan. Upon a showing of good cause, the

Commission may, at its discretion, extend the deadline for filing a permit application with the Commission or the DEP, and may exempt from the filing deadline those plan areas where the area designated as a D-PR subdistrict is already developed. In cases where the Commission concludes that a legally existing nonconforming use has become a legally existing conforming use, pursuant to the designation of the D-PR subdistrict, the deadline stated above does not apply.

(4) If no person files a permit application for the planned recreation development within the prescribed time, the Commission will deem the D-PR subdistrict designation to be revoked and the original subdistrict(s) will again apply.

9. Permit for Planned Recreation Development

Land uses within a D-PR subdistrict that are allowed by permit or by special exception pursuant to an approved Development Plan must be permitted either by the Commission or by the DEP. For land uses within D-PR subdistricts created prior to September 1, 2012 and within D-PR subdistricts created September 1, 2012 and later where the development within the subdistrict does not trigger Site Law permitting, the Commission possesses permitting authority. The DEP is responsible for permitting development triggering Site Law in D-PR subdistricts created September 1, 2012 or later. The procedures set forth in Section 10.21,I,8, apply to Commission permitting of activities within a D-PR subdistrict.

a. Application

The development permit application procedure serves to ensure that an applicant's detailed design and construction plans conform with the approved zone change and Development Plan.

(1) An application for a development permit may be for all of the land that is the subject of the Development Plan or for a section thereof. The application, once deemed complete for processing by the staff, must be reviewed and acted upon by the Commission within 90 days.

(2) The development permit application must include statements, drawings, specifications, covenants and conditions sufficient to fully detail the nature and scope of the proposed development. Without limitation of the foregoing, the submission must include:

(a) Drawings that include all the information required on the site plan under the Development Plan [Section 10.21,I,8,a,(14)] plus the dimensions and heights, foundation design, material specifications, and elevations and colors of all buildings and structures. If the plan proposes any subdivision, all boundaries of easements and lots are to be surveyed and plotted.

(b) Drawings that illustrate all roads, parking service and traffic circulation areas. The dimensions of curve radii, grades and number of parking spaces are to be specified. Any structures (such as bridges) related to the street system should be shown as scaled engineering plans and sections. Detailed traffic volume estimates and traffic studies may be required, at the discretion of the Commission.

(c) If individual sewage disposal systems are proposed, an on-site soil report for each proposed lot is required from the applicant. The reports are to be on Maine Department of Health and Human Services form HHE-200 or any amended or replacement version thereof. Where a central sewage collection and/or treatment system or central or public water supply system or fire hydrant system is proposed, reasonably full engineering drawings must be required to conform with all applicable governmental requirements.

(d) High intensity soil surveys and drawings that indicate all surface water runoff and storm drainage systems, soil stabilization procedures, and landscape plans for planting, screening, revegetation and erosion control and lighting of outdoor spaces.

(e) To the extent reasonably available, copies of the restrictions, covenants, conditions, or contractual agreements that will be imposed upon persons buying, leasing, using, maintaining, or operating land or facilities within the Planned Recreation Development.

b. Review Process and Criteria for Approval

(1) The development permit must comply with the approved zone change and Development Plan and must conform with applicable state law, including 12 M.R.S. § 685-B(4), and applicable Commission rules, including Chapter 10.

(2) A public hearing is not required on a development permit application provided the proposed activity is in substantial compliance with the Development Plan. The burden must, nevertheless, be on the applicant to show good cause for any variation between the Development Plan and activity proposed in the development permit application.

c. Approval or Denial of Development Permit Application

Upon accepting a development permit application as complete for processing, the Commission must review and, in writing, approve, approve with conditions, or deny the application.

d. Amendments to Development Permit

After issuance of the initial development permit authorizing Planned Recreation Development within a D-PR subdistrict, the Director of the Commission may issue permit amendments. No change will be so authorized which will cause any of the following:

(1) The addition of a land use not previously approved in the Development Plan;
(2) A material change in the site, scope, or nature of the project;
(3) A material increase in traffic volume;
(4) A material reduction in open space, landscaping, or parking; or
(5) A material change giving rise to adverse environmental impact.

All amendments to the Development Plan proposed by the applicant requires submission to and the approval of the Commission after consultation with the staff and due consideration of the standards set forth in Section 10.21,I,8,b.

e. Time for Construction

If no substantial start has occurred pursuant to the initial development permit by the later of: (a) 24 months after the date of approval by the Commission or (b) expiration of any extension of time for making a substantial start granted by the Commission, the approved permit and previously approved Development Plan become null and void and the D-PR subdistrict designation must be deemed to be revoked and the original subdistrict(s) must again apply. The deadline for making a substantial start on development authorized in any permit amendment must be specified in the amendment or, if not, must be governed by Chapter 4 of the Commission's rules.

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J. RURAL BUSINESS DEVELOPMENT SUBDISTRICT (D-RB)

(Applies only to certain locations within Aroostook County and Washington County)

1. Purpose

The purpose of the D-RB is to encourage an appropriate range of business development in rural areas, and locate development in or at the edge of existing development and in concentrated areas along appropriate portions of major transportation corridors. The locations for development are selected to maintain the rural character of the region and avoid significant visual, natural resource, and fiscal impacts of unplanned growth.

Where a zone change to a D-RB subdistrict is granted, subsequent development in that subdistrict must not provide the basis for redistricting of the area to another development subdistrict, nor must it serve to satisfy those requirements for redistricting surrounding areas to development subdistricts pursuant to Section 10.08.

2. Description

a. The D-RB subdistrict must include areas to accommodate a range of small commercial, light manufacturing, and institutional facilities and businesses that are generally compatible with, and complementary to, natural resource-based land uses but may create some adverse impacts to residential uses, recreation uses, or resource protection. Businesses are typically larger than a permissible home-based business, but are not large-scale commercial or industrial developments, and may generate some level of nuisance-type impacts (e.g., noise, vibration, smoke, fumes, dust, odors, heat, light, glare, electrical interference) that extend beyond the property lines of the business.

The D-RB subdistrict encourages the commercial expansion of new and existing facilities in locations that are suitable for growth because of proximity to existing development, infrastructure, services, and major transportation corridors. The D-RB subdistrict is not designed to facilitate strip development along highways.

The designated D-RB subdistrict boundaries must include all buildings, paved or other compacted surfaces, and areas directly related to, and necessary for, the conduct of those activities associated with the above described uses and buildings, as well as other intervening areas between such buildings, paved or other compacted surfaces, and areas.

The D-RB subdistrict must include areas that contain small commercial, light manufacturing, and institutional facilities and businesses that meet the purpose and other provisions of the subdistrict. The D-RB subdistrict must also include areas which the Commission determines meet the criteria for redistricting to this subdistrict, pursuant to Section 10.08 hereof, are proposed for development which is consistent with the purposes of this subdistrict, and are suitable for the development activities proposed when measured against the standards of 12 M.R.S. § 685-B(4) and the Commission's Rules and Regulations relating thereto.

Areas within one-quarter mile of Management Class 1 lakes or within one-half mile of Management Class 6 lakes must not be included within the D-RB Subdistrict.

The D-RB subdistrict distinguishes between three types of rural businesses with differing impact categories, as provided in Section 10.27,R,1.

b. Eligible Locations

(1) The following townships, plantations, and towns are eligible for the D-RB subdistrict:

(a) Aroostook County

Bancroft Twp., Benedicta Twp., Cary Twp., Connor Twp., Cross Lake Twp., Cyr Plt., E Twp., Forkstown Twp., Garfield Plt., Glenwood Plt., Hamlin, Hammond, Macwahoc Plt., Madawaska Lake Twp., Molunkus Twp., Moro Plt., Nashville Plt., North Yarmouth Academy Grant Twp., Oxbow North Twp., Reed Plt., Silver Ridge Twp., Sinclair Twp., St. John Plt., TA R2 WELS, T1 R5 WELS, T9 R5 WELS, T14 R6 WELS, T15 R6 WELS, Upper Molunkus Twp., and Winterville Plt.

For purposes of this section, "Category 2 & 3 towns, plantations and townships" are:

Bancroft Twp., Benedicta Twp., Cary Twp., Connor Twp., Cross Lake Twp., Cyr Plt., Garfield Plt., Hamlin, Hammond, Macwahoc Plt., Madawaska Lake Twp., Molunkus Twp., Moro Plt., Nashville Plt., Oxbow North Twp., Reed Plt., Sinclair Twp., St. John Plt., T15 R6 WELS, and Winterville Plt.

Except as provided in Section 10.21,J,2,b,(2), the D-RB subdistrict must be fully located within one mile from public roads, measured from the traveled portion of the road, in eligible townships, plantations and towns.

(b) Washington County

Baring Plt., Brookton Twp., Cathance Twp., Edmunds Twp., Marion Twp., and Trescott, Twp.

Except as provided in Section 10.21,J,2,b,(2) below, the D-RB subdistrict must be fully located within one half mile of the following public roads, measured from the traveled portion of the road, in eligible townships, plantations and towns: Routes 1, 86, 189, and 191.

To be eligible, the parcel or at least one parcel in a contiguous group of parcels proposed for re-zoning to a D-RB subdistrict in Washington County must have frontage on at least one of the public roads listed in Section 10.21,J,2,b,(1),(b) above.

(2) Modification of Locational Criteria. The depth of this subdistrict, and the distance a Category 2 and Category 3 rural business may be located from a public road, may be extended farther from a public road to allow development design in the project area that better meets the purpose of this subdistrict; or to locate subdistrict boundary lines along established property or parcel lines. Adjustments will only be made that do not increase the distance of the subdistrict from the public road, and the distance a Category 2 and Category 3 rural business may be located from a public road, by more than five percent.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within D-RB subdistricts:

(1) Docking structures: Temporary docking structures for non-commercial use;
(2) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
(3) Forest management activities, except for timber harvesting;
(4) Land application of septage, sludge and other residuals, and related storage and composting activities in compliance with regulations promulgated by the Maine Department of Environmental Protection under 38 M.R.S. § 13: Maine Hazardous Waste, Septage and Solid Waste Management Act;
(5) Motorized vehicular traffic on roads and trails, and snowmobiling;
(6) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
(7) Surveying and other resource analysis;
(8) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
(9) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within D-RB subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

(1) Accessory structures: New or expanded structures accessory to, and located on the same lot as, any legally existing principal structures and uses, in conformance with the requirements of Section 10.27,P;
(2) Agricultural activities: Agricultural management activities, including cranberry cultivation; the construction, alteration or maintenance of farm or livestock ponds which are not fed or drained by a flowing water; and the operation of machinery and the erection of buildings including buildings to store equipment and materials for maintaining roads and other structures used primarily for agricultural management activities;
(3) Campsites;
(4) Checkpoint buildings;
(5) Constructed ponds: Creation, alteration or maintenance of constructed ponds, other than those described in Section 10.21,J,3,b,(2) above, less than 1 acre in size which are not fed or drained by flowing waters, in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(6) Driveways associated with residential uses;
(7) Filling and grading;
(8) Forest management activities, except for timber harvesting, involving the operation of machinery and the erection of buildings including buildings to store equipment and materials for maintaining roads and other structures used primarily for forest management activities;
(9) Hand-carry launches: Commercial and public hand-carry launches;
(10) Home-based businesses: Minor home-based businesses;

(11) Mineral exploration activities: Level A and B mineral exploration activities, including associated access ways;
(12) Natural resource extraction: Mineral extraction operations, less than 5 acres in size;
(13) Road projects: Level A and B road projects;
(14) Service drops;
(15) Short-term rentals, in conformance with the standards of Section 10.27,T;
(16) Signs;
(17) Trailered ramps: Public trailered ramps;
(18) Utility services: Buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water; and
(19) Water crossings of minor flowing waters.

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within D-RB subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, subject to the applicable requirements set forth in Sub-Chapter III:

(1) Campsites, Residential;
(2) Commercial and industrial:
  (a) Aroostook County: Rural Businesses in conformance with the requirements of Section 10.27,R:
    i. Category 1; and
    ii. Category 2, within one quarter mile of a public road in Category 2 & 3 townships, plantations and towns, or in accordance with Section 10.21,J,2,b(2);
  (b) Washington County: Rural Businesses in conformance with the requirements of Section 10.27,R:
    i. Category 1; and
    ii. Category 2, within one quarter mile of a public road listed in Section 10.21,J,2,b,(1),(b), or in accordance with Section 10.21,J,2,b,(2);
(3) Constructed ponds: Creation, alteration or maintenance of constructed ponds, other than those described in Section 10.21,J,3,b, above, which are 1 acre or more in size, or such ponds less than 1 acre which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(4) Draining, dredging, and alteration of the water table or water level for other than mineral extraction;
(5) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
(6) Family burying grounds of not more than one-quarter acre, in accordance with 13 M.R.S.
§1142;
(7) Filling and grading which is not in conformance with the standards of Section 10.27,F;
(8) Hand-carry launches: Private hand-carry launches and hand-carry launches addressed in Section 10.21,J,3,b which are not in conformance with the standards of Section 10.27,L;
(9) Home-based businesses: Major home-based businesses, except in the townships or plantations listed in Section 10.21,J,3,d;
(10) Maple sugar processing operations;
(11) Metallic mineral mining activities: Tier one advanced exploration;

(12) Mineral exploration activities: Level A and B mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C;
(13) Natural resource extraction: Mineral extraction operations:
  (a) affecting an area less than 5 acres in size and which are not in conformance with the standards of Section 10.27,C;
  (b) affecting an area between 5 and 30 acres provided the unreclaimed area is less than 15 acres; and
  (c) structures essential to the extraction activity having a total gross floor area of no more than 2,000 square feet;
(14) Peat extraction affecting an area less than 30 acres in size;
(15) Portable mineral processing equipment;
(16) Recreational lodging facilities:
  (a) Level A;
  (b) Level B;
  (c) Level C; and
  (d) Level D (inside the geographic allowance area);
(17) Road projects: Level C road projects;
(18) Sawmills and chipping mills on sites of less than 5 acres;
(19) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
(20) Signs which are not in conformance with the standards of Section 10.27,J;
(21) Solar energy generation facility: Facilities of the following size class not located on soils recognized by the U.S. Department of Agriculture as prime farmland soils:
  (a) Small-scale;
(22) Solid waste facilities affecting an area less than 2 acres in size;
(23) Structures: Non-commercial structures utilized for educational, scientific, or nature observation purposes; structures devoted to composting of sludge, septage or other residuals affecting an area less than 5 acres in size; and structures devoted to the storage of sand or salt;
(24) Subdivisions: Commercial and industrial subdivisions for rural businesses within Bancroft Twp., Benedicta Twp., Cary Twp., Connor Twp., Cross Lake Twp., Cyr Plt., E Twp., Garfield Plt., Hamlin, Hammond, Macwahoc Plt., Madawaska Lake Twp., Molunkus Twp., Moro Plt., Nashville Plt., Oxbow North Twp., Reed Plt., Silver Ridge Twp., Sinclair Twp., St. John Plt., T15 R6 WELS, and Winterville Plt.;
(25) Timber harvesting;
(26) Trailered ramps: Commercial trailered ramps and trailered ramps addressed in Section 10.21,J,3,b which are not in conformance with the standards of Section 10.27,L;
(27) Utility facilities, excluding service drops; and wire and pipeline extensions which do not meet the definition of service drops;
(28) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
(29) Water impoundments;
(30) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S. § 682(19); offshore wind power projects, as defined in 38 M.R.S. § 480-B(6A); and wind energy development in accordance with 35-A M.R.S., Chapter 34-A in areas identified in Appendix F herein;
(31) Other structures, uses, or services that are essential to the uses listed in Section 10.21,J,3,a through c; and

(32) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within D-RB subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-A(10), the criteria of Section 10.24,B,3 and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Subdivisions: Maple Sugar Processing Subdivisions;

The following uses, and related accessory structures, may be allowed within D-RB subdistricts as special exceptions within the D-RB subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-A(10), the criteria of Sections 10.24,B,2 through 4, and subject to the applicable requirements set forth in Sub-Chapter III:

(2) Commercial and industrial:
  (a) Aroostook County: Rural Businesses in conformance with the requirements of Section 10.27,R:
    (i) Category 3, within one half mile of a public road in Category 2 & 3 townships, plantations and towns, or in accordance with Section 10.21,J,2,b(2);
  (b) Washington County: Rural Businesses in conformance with the requirements of Section 10.27,R:
    (i) Category 3, within one quarter mile of a public road listed in Section 10.21,J,2,b,(1),(b), or in accordance with Section 10.21,J,2,b,(2);
(3) Recreational lodging facilities:
  (a) Level C (occupancy may exceed the standard in Section 10.27,Q,1, Table A up to the Expanded Access occupancy limit, provided that the majority of occupancy is accommodated at campsites);
  (b) Level C – Expanded Access (inside the geographic allowance area); and
  (c) Level D – Expanded Access (inside the geographic allowance area).

The following uses, and related accessory structures, may be allowed within D-RB subdistricts as special exceptions within the D-RB subdistrict upon issuance of a permit from the Commission pursuant to12 M.R.S. §685-A(10), the criteria of Sections 10.24,B,1 through 4, and subject to the applicable requirements set forth in Sub-Chapter III:

(4) Docking structures: New or expanded permanent docking structures;
(5) Trailered ramps: Private trailered ramps, in accordance with Section 10.27,L,1; and
(6) Water-access ways, in accordance with Section 10.27,L,1.

The following uses, and related accessory structures, may be allowed as special exceptions within D-RB subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-A(10), the criteria of Sections 10.24,B,1 through 5, and subject to the applicable requirements set forth in Sub-Chapter III:

(7) Subdivisions: Commercial and industrial subdivisions for rural businesses within Forkstown Twp., Glenwood Plt., North Yarmouth Academy Grant Twp., TA R2 WELS, T1 R5 WELS, T9 R5 WELS, T14 R6 WELS, and Upper Molunkus Twp..

The following uses, and related accessory structures, may be allowed as special exceptions within D-RB subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-A(10), the criteria of Sections 10.24,B,7, and subject to the applicable requirements set forth in Sub-Chapter III:

(8) Residential: Single family dwellings.

The following uses, and related accessory structures, may be allowed within D-RB subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-A(10), the criteria of Sections 10.24,B,3 and 9, and the applicable requirements set forth in Sub-Chapter III:

(9) Solar energy generation facility: Facilities of the following size class located on soils recognized by the U.S. Department of Agriculture as prime farmland soils:
(a) Small-scale;

e. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception are prohibited in a D-RB subdistrict.

K. RESOURCE-DEPENDENT DEVELOPMENT SUBDISTRICT (D-RD)

1. Purpose

The purpose of the D-RD subdistrict is to allow for resource-dependent development in locations near natural resources that would not be suitable for other types of commercial development. Resource-dependent development may be located near raw materials to facilitate extraction, processing, or refinement to reduce bulk before transportation, or near recreational resources, provided development does not result in undue adverse impacts to existing uses or resources. The D-RD subdistrict is designed to allow for the location of recreation supply facilities, recreation day use facilities, mid-scale and large-scale solar energy facilities; natural resource extraction, or natural resource processing facilities in areas that are distant from other development, but where the location of such a land use (i) will not unreasonably interfere with existing uses, such as forestry and agricultural activities, or with fish and wildlife habitat or other recreation opportunities, and (ii) will not substantially increase the demand for public services.

2. Description

The D-RD Subdistrict must include:

a. Areas the Commission determines meet the applicable criteria for redistricting to this subdistrict in Section 10.08, are generally suitable for the development activities proposed, and are proposed for one of the following land uses meeting the associated locational requirements:

(1) Natural resource extraction or natural resource processing, except that no area will be designated a D-RD subdistrict for either of these uses, other than gravel extraction, if the area is less than one-half mile from: (i) the normal high-water mark of any major water body or (ii) four or more dwellings within a 500-foot radius.

(2) Recreation day use facilities near a topographic feature or natural resource that is generally not found throughout the Commission's service area, and on which the facility depends, or within one-quarter mile of a publicly accessible water access point for a Management Class 4, 5, or 7 lake, and not within one-quarter mile of a Management Class 1 or Management Class 2 lake, and not within one-half mile of a Management Class 6 lake.

(3) Recreation supply facilities within one-quarter mile of trailheads serving permanent trails that support motorized vehicle, nonmotorized vehicle, or equestrian use; or within one-quarter mile of publicly accessible points of access to a body of standing water greater than ten acres in size, and not within one-quarter mile of Management Class 1, or Management Class 2 lakes, and not within one-half mile of Management Class 6 lakes.

(4) Mid-scale or large-scale solar energy generation facilities in an area:

(i) accessible from a public road by a legal right of access satisfying Section 10.08-A,E;

(ii) located a reasonable distance from emergency service providers to allow for adequate response in the event of an emergency;

(iii) within one mile of the proposed point of interconnection with the existing transmission grid if no other area suitable for the facility and closer to a point of interconnection is reasonably available to the applicant seeking to establish a D-RD subdistrict; and

(iv) Notwithstanding Section 10.21,K,2,a,(4),(iii), the Commission may allow a distance of up to three miles from the proposed point of interconnection if the proposed facility will be sited on preferred locations, which include land that is undesirable for other development such as brownfields, landfills, or sand and gravel pits or land areas appropriate for co-location with another active use such as agricultural production or parking lots, and the applicant demonstrates that redistricting an area no more than three miles from the point of interconnection would result in a project location that is compatible with current land uses and does not expand the pattern of development beyond already developed areas.

b. Reversion of Subdistrict. Once a D-RD subdistrict is no longer used for the land use for which it was created, the subdistrict must automatically revert to the prior subdistrict(s), unless otherwise rezoned in conformance with 12 M.R.S. §685-A(8-A) and the Commission's rules.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within D-RD subdistricts:

(1) Docking structures: Temporary docking structures for non-commercial use;
(2) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
(3) Forest management activities, except for timber harvesting;
(4) Land application of septage, sludge and other residuals, and related storage and composting activities in compliance with regulations promulgated by the Maine Department of Environmental Protection under 38 M.R.S. §13: Maine Hazardous Waste, Septage and Solid Waste Management Act;
(5) Motorized vehicular traffic on roads and trails, and snowmobiling;
(6) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
(7) Surveying and other resource analysis;
(8) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
(9) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within D-RD subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

(1) Accessory structures: New or expanded structures accessory to, and located on the same lot as, any legally existing principal structures and uses, in conformance with the requirements of Section 10.27,P;

(2) Agricultural activities: Agricultural management activities;
(3) Campsites;
(4) Checkpoint buildings;
(5) Constructed ponds: Creation, alteration or maintenance of constructed ponds, other than those described in Section 10.21,K,3,b above, less than 1 acre in size that are not fed or drained by flowing waters, in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(6) Driveways associated with residential uses;
(7) Filling and grading;
(8) Forest management activities, except for timber harvesting, involving the operation of machinery and the erection of buildings including buildings to store equipment and materials for maintaining roads and other structures used primarily for forest management activities;
(9) Hand-carry launches: Commercial and public hand-carry launches;
(10) Land management roads;
(11) Mineral exploration activities: Level A and Level B mineral exploration activities, excluding associated access ways;
(12) Natural resource extraction: Mineral extraction operations, less than 5 acres in size;
(13) Road projects: Level A and B road projects;
(14) Service drops;
(15) Signs;
(16) Timber harvesting;
(17) Trailered ramps: Public trailered ramps;
(18) Utility services: Buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water; and
(19) Water crossings of minor flowing waters.

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within D-RD subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-B, subject to the applicable requirements set forth in Sub-Chapter III:

(1) Agricultural activities: Agricultural management activities that are not in conformance with the standards of Section 10.27,A;
(2) Battery energy storage system facilities associated with solar energy generation facilities and not located on soils recognized by the U.S. Department of Agriculture as prime farmland soils;
(3) Commercial and industrial:
  (a) Natural resource processing facilities that may involve structural development, in conformance with the requirements of Section 10.27,S;
  (b) Recreation day use facilities that may involve structural development; and
  (c) Recreation supply facilities that may involve structural development;
(4) Constructed ponds: Creation, alteration or maintenance of constructed ponds, other than those described in Section 10.21,K,3,b, above, that are 1 acre or more in size, or such ponds less than 1 acre that are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(5) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
(6) Filling and grading that is not in conformance with the standards of Section 10.27,F;

(7) Hand-carry launches: Private hand-carry launches and hand-carry launches addressed in Section 10.21,K,3,b that are not in conformance with the standards of Section 10.27,L;
(8) Land management roads which are not in conformance with the standards of Section 10.21,K,3,b;
(9) Maple sugar processing operations;
(10) Metallic mineral mining activities: Tier one advanced exploration;
(11) Mineral exploration activities: Access ways for Level A and Level B mineral exploration activities, and Level A and Level B mineral exploration activities that are not in conformance with the standards of Section 10.27,C;
(12) Natural resource extraction, other than those described in Section 10.21,K,3,b;
(13) Portable mineral processing;
(14) Road projects: Level C road projects;
(15) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
(16) Signs that are not in conformance with the standards of Section 10.27,J;
(17) Solar energy generation facility: Facilities of the following size classes not located on soils recognized by the U.S. Department of Agriculture as prime farmland soils:
    (a) Small-scale;
    (b) Mid-scale; and
    (c) Large-scale;
(18) Structures: Non-commercial structures utilized for educational, scientific, or nature observation purposes; structures devoted to composting of sludge, septage or other residuals affecting an area less than 5 acres in size; and structures devoted to the storage of sand or salt;
(19) Subdivisions:
    (a) Commercial and industrial subdivisions for uses allowed in this subdistrict; and
    (b) Maple sugar processing subdivisions;
(20) Timber harvesting which is not in conformance with the standards of Section 10.21,K,3,b;
(21) Trailered ramps: Commercial trailered ramps and trailered ramps addressed in Section 10.21,K,3,b that are not in conformance with the standards of Section 10.27,L;
(22) Utility facilities, excluding service drops; and wire and pipeline extensions that do not meet the definition of service drops;
(23) Water crossings of minor flowing waters that are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
(24) Water impoundments;
(25) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S. §682(19); offshore wind power projects, as defined in 38 M.R.S. §480-B(6A); and wind energy development in accordance with 35-A M.R.S., Chapter 34-A in areas identified in Appendix F herein;
(26) Other structures, uses, or services that are essential to the uses listed in Section 10.21,K,3,a through c; and
(27) Other structures, uses, or services that the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within D-RD subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-A(10), the criteria of Sections 10.24,B,3 and 9, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Battery energy storage system facilities associated with solar energy generation facilities and located on soils recognized by the U.S. Department of Agriculture as prime farmland soils; and
(2) Solar energy generation facility: Facilities of the following size classes located on soils recognized by the U.S. Department of Agriculture as prime agricultural soils:
    (a) Small-scale;
    (b) Mid-scale; and
    (c) Large-scale.

e. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception are prohibited in a D-RD subdistrict.

L. RECREATION FACILITY DEVELOPMENT SUBDISTRICT (D-RF)

1. Purpose

The purpose of the D-RF subdistrict is to allow for development of moderate intensity recreation facilities in locations that would not be suitable for other types of commercial development. Moderate intensity recreation facilities often rely on, and are compatible with, settings which are distant from existing patterns of development, but are relatively accessible to visitors. Such development may be appropriate in locations that provide access to recreational opportunities that are not overly sensitive to increased public use but are not present in developed areas. The D-RF Subdistrict is designed to allow for the location of moderate intensity recreation facilities in areas that are distant from other development, but where the location of such a facility would not unreasonably interfere with existing uses such as forestry and agriculture activities, fish and wildlife habitat or other recreation opportunities; and will not substantially increase the demand for public services in areas that are distant from existing patterns of development.

2. Description

The D-RF subdistrict must include:

Areas that contain existing recreation facilities that meet the purpose and other provisions of the Subdistrict; and

Areas which are proposed for development activities which are consistent with the purposes of this subdistrict; meet the criteria for redistricting to this subdistrict, pursuant to Section 10.08 hereof; and are suitable for the development activities proposed when measured against the standards of 12 M.R.S. § 685-B(4) and the Commission's Rules and Regulations relating thereto.

Areas within one-quarter mile of Management Class 1 lakes or within one-half mile of Management Class 6 lakes must not be included as within the D-RF Subdistrict.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within D-RF subdistricts:

(1) Docking structures: Temporary docking structures for non-commercial use;
(2) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
(3) Forest management activities, except for timber harvesting;
(4) Motorized vehicular traffic on roads and trails, and snowmobiling;
(5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
(6) Surveying and other resource analysis;
(7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
(8) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within D-RF subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

(1) Accessory structures: New or expanded structures accessory to, and located on the same lot as, any legally existing principal structures and uses, in conformance with the requirements of Section 10.27,P;
(2) Agricultural activities: Agricultural management activities;
(3) Campsites;
(4) Constructed ponds: Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(5) Filling and grading;
(6) Hand-carry launches: Commercial and public hand-carry launches except on Management Class 1 and 2 lakes;
(7) Mineral exploration activities: Level A mineral exploration activities, excluding associated access ways;
(8) Road projects: Level A road projects;
(9) Service drops;
(10) Signs;
(11) Trailered ramps: Public trailered ramps except on Management Class 1 and 2 lakes;
(12) Utility services: Buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water;
(13) Water crossings of minor flowing waters; and
(14) Water-dependent structures for recreational lodging facilities in conformance with Section 10.27,Q,7.

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within D-RF subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, subject to the applicable requirements set forth in Sub-Chapter III:

(1) Agricultural activities: Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
(2) Constructed ponds: Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,L,2,a;
(3) Draining, dredging, or alteration of the water table or water level for other than mineral extraction;
(4) Driveways associated with non-residential uses;
(5) Filling and grading which is not in conformance with the standards of Section 10.27,F;
(6) Hand-carry launches: Private hand-carry launches and hand-carry launches addressed in Section 10.21,L,3,b which are not in conformance with the standards of Section 10.27,L;
(7) Land management roads;
(8) Mineral exploration activities: Access ways for Level A mineral exploration activities, Level A mineral exploration activities which are not in conformance with the standards for such activities in Section 10.27,C;

(9) Recreational lodging facilities:
  (a) Level A;
  (b) Level B;
  (c) Level C; and
  (d) Level D;
(10) Road projects: Level B and C road projects, except for water crossings as provided for in Section 10.21,L,3,b;
(11) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
(12) Signs which are not in conformance with the standards of Section 10.27,J;
(13) Solar energy generation facility: Facilities of the following size class not located on soils recognized by the U.S. Department of Agriculture as prime farmland soils:
  (a) Small-scale; and
  (b) Mid-scale;
(14) Subdivisions: Commercial and industrial subdivisions for uses allowed in this subdistrict;
(15) Timber harvesting;
(16) Trailered ramps addressed in Section 10.21,L,3,b which are not in conformance with the standards of Section 10.27,L;
(17) Utility facilities compatible with recreational uses, other than service drops, and wire and pipeline extensions which do not meet the definition of service drops;
(18) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
(19) Water impoundments;
(20) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S. § 682(19); offshore wind power projects, as defined in 38 M.R.S. § 480-B(6A); and wind energy development in accordance with 35-A M.R.S., Chapter 34-A in areas identified in Appendix F herein;
(21) Other structures, uses or services that are essential to the uses listed in Section 10.21,L,3,a through c; and
(22) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within D-RF subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-A(10), the criteria of Sections 10.24,B,2 through 4, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Commercial: Recreation supply facilities that are not within one-quarter mile of Management Class 1, or Management Class 2 lakes, and not within one-half mile of Management Class 6 lakes;
(2) Recreational lodging facilities:
  (a) Level C – Expanded Access; and
  (b) Level D – Expanded Access;

The following uses, and related accessory structures, may be allowed within D-RF subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-A(10), the criteria of Sections 10.24,B,1 through 4, and subject to the applicable requirements set forth in Sub-Chapter III:

(3) Docking structures: New or expanded permanent docking structures;
(4) Hand-carry launches: Commercial and public hand-carry launches on Management Class 1 or 2 lakes;
(5) Marinas;
(6) Trailered ramps:
  (a) Commercial trailered ramps;
  (b) Private trailered ramps, in accordance with Section 10.27,L,1; and
  (c) Public trailered ramps on Management Class 1 or 2 lakes; and
(7) Water-access ways, in accordance with Section 10.27,L,1.

The following uses, and related accessory structures, may be allowed within D-RF subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-A(10), the criteria of Sections 10.24,B,3 and 9, and the applicable requirements set forth in Sub-Chapter III:

(8) Solar energy generation facility: Facilities of the following size class located on soils recognized by the U.S. Department of Agriculture as prime farmland soils:
  (a) Small-scale; and
  (b) Mid-scale.

e. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception are prohibited in a D-RF subdistrict.

M. RESIDENTIAL DEVELOPMENT SUBDISTRICT (D-RS)

1. Purpose

The purpose of the D-RS subdistrict is to set aside certain areas for residential and other appropriate uses so as to provide for residential activities apart from areas of commercial development. The intention is to encourage the concentration of residential type development in locations where public services may be provided efficiently or where residential development can be integrated with a recreational resource that is suitable for additional use associated with proximate residential development.

2. Description

The D-RS subdistrict must include:

a. Areas with the following existing patterns of intensive residential development:

(1) Areas where four or more single family dwelling units exist within a 500 foot radius; or

(2) Recorded and legally existing single family residential subdivisions, including mobile home parks, having 4 or more lots; or

(3) Areas surrounding those described in Section 10.21,M,2,a,(1) or (2) above which contain neighborhood or associated uses that primarily serve such residences. Such areas may include, without limitation, residential accessory buildings, neighborhood parks and public open spaces, schools, day nurseries, places of worship, cemeteries, but must not include industrial uses.

The designated D-RS subdistrict boundaries must include all single family dwelling units and accessory buildings and uses, paved areas and areas directly related to, and necessary for, the conduct of those activities associated with the above described single family dwelling units, as well as other intervening areas between such buildings, paved surfaces and areas. Furthermore, in the case of recorded and legally existing single family residential subdivisions, the D-RS subdistrict boundaries must encompass the entire subdivision.

b. Areas which the Commission determines both meet the criteria for redistricting to this subdistrict, pursuant to Section 10.08 hereof, are proposed for development which is consistent with the purposes of this subdistrict, and are suitable for the development activities proposed when measured against the standards of 12 M.R.S. §685-B(4) and the Commission's Rules and Regulations relating thereto.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within D-RS subdistricts:

(1) Docking structures: Temporary docking structures for non-commercial use;
(2) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
(3) Forest management activities, except for timber harvesting;
(4) Motorized vehicular traffic on roads and trails, and snowmobiling;
(5) Primitive recreational uses, including fishing, hiking, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, canoe portaging, cross country skiing and snowshoeing, excluding hunting and trapping;
(6) Surveying and other resource analysis;
(7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
(8) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within D-RS subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

(1) Accessory structures: New or expanded structures accessory to, and located on the same lot as, any legally existing principal structures and uses, in conformance with the requirements of Section 10.27,P;
(2) Agricultural activities: Agricultural management activities;
(3) Constructed ponds: Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(4) Driveways associated with residential uses;
(5) Filling and grading;
(6) Hand-carry launches: Public hand-carry launches except on Management Class 1 and 2 lakes;
(7) Home-based businesses: Minor home-based businesses;
(8) Mineral exploration activities: Level A mineral exploration activities, excluding associated access ways;
(9) Road projects: Level A road projects;
(10) Service drops;
(11) Short-term rentals, in conformance with the standards of Section 10.27,T;
(12) Signs;
(13) Trailered ramps: Public trailered ramps except on Management Class 1 and 2 lakes;
(14) Utility services: Buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water; and
(15) Water crossings of minor flowing waters.

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within D-RS subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-B, subject to the applicable requirements set forth in Sub-Chapter III:

(1) Agricultural activities: Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
(2) Campsites;
(3) Campsites, Residential;
(4) Cemeteries, and family burying grounds in accordance with 13 M.R.S. §1142;
(5) Constructed ponds: Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(6) Draining, dredging, or alteration of the water table or water level for other than mineral extraction;
(7) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
(8) Filling and grading which is not in conformance with the standards of Section 10.27,F;
(9) Hand-carry launches: Hand-carry launches addressed in Section 10.21,M,3,b which are not in conformance with the standards of Section 10.27,L;
(10) Home-based businesses: Major home-based businesses;
(11) Land management roads;
(12) Mineral exploration activities: Access ways for Level A mineral exploration activities; Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C; and Level B mineral exploration activities;
(13) Public and Institutional: Places of worship, public, private and parochial schools, day nurseries, and public parks and recreation areas;
(14) Residential: Single and two-family dwellings;
(15) Road projects: Level B and C road projects, except for water crossings as provided for in Section 10.21,M,3,b;
(16) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
(17) Signs which are not in conformance with the standards of Section 10.27,J;
(18) Subdivisions, Residential:
  (a) Moderate-density subdivisions; and
  (b) High-density subdivisions in primary and secondary locations, or within applicable concept plan areas;
(19) Timber harvesting;
(20) Trailered ramps: Trailered ramps addressed in Section 10.21,M,3,b which are not in conformance with the standards of Section 10.27,L;
(21) Utility facilities compatible with residential uses other than service drops; and wire and pipeline extensions which do not meet the definition of service drops;
(22) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
(23) Water impoundments;
(24) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S. §682(19); offshore wind power projects, as defined in 38 M.R.S. §480-B(6A);

and wind energy development in accordance with 35-A M.R.S., Chapter 34-A in areas identified in Appendix F herein;

(25) Other structures, uses or services that are essential to the uses listed in Section 10.21,M,3,a through c; and

(26) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within D-RS subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-A(10), the criteria of Sections 10.24,B,1 through 3, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Docking structures: New or expanded permanent docking structures;
(2) Hand-carry launches: Public hand-carry launches on Management Class 1 or 2 lakes;
(3) Marinas;
(4) Residential: Multi-family dwellings;
(5) Solar energy generation facility: Small-scale;
(6) Trailered ramps:
  (a) Commercial trailered ramps;
  (b) Private trailered ramps, in accordance with Section 10.27,L,1; and
  (c) Public trailered ramps on Management Class 1 and 2 lakes; and
(7) Water-access ways, in accordance with Section 10.27,L,1.

e. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, are prohibited in D-RS subdistricts.

N. COMMUNITY RESIDENTIAL DEVELOPMENT SUBDISTRICT (D-RS2)

1. Purpose

The purpose of the D-RS2 subdistrict is to designate residential areas that can accommodate an appropriate range of low-impact commercial and public uses that are compatible with residential uses. This subdistrict seeks to promote residential living and thriving neighborhoods with a limited range of services.

2. Description

The D-RS2 subdistrict must be located adjacent to a D-GN2 subdistrict in order to limit the fiscal and visual impacts of sprawling development. Adjacent is interpreted as within a distance of one road mile. This subdistrict is similar to the D-RS subdistrict but it allows for commercial development such as bed and breakfasts, health care facilities, and golf courses.

This subdistrict will be applied only in communities located in the fringe of the Commission's jurisdiction as defined in the Comprehensive Land Use Plan, and in areas appropriate as centers of growth after a prospective planning process has been undertaken by the Commission.

The Commission must, using Section 10.08 of these rules, designate areas for this subdistrict that are consistent with its purpose and suitable for supporting development when measured against the standards of 12 M.R.S. § 685-B(4) and the Commission's rules and regulations.

3. Land Uses

The provisions of the D-RS2 subdistrict will not apply to any applications that have been received and deemed complete for processing by the Commission staff on or before January 1, 2001.

a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within D-RS2 subdistricts:

(1) Docking structures: Temporary docking structures for non-commercial use;
(2) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
(3) Forest management activities, except for timber harvesting;
(4) Motorized vehicular traffic on roads and trails, and snowmobiling;
(5) Primitive recreational uses, including fishing, hiking, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, canoe portaging, cross country skiing and snowshoeing, excluding hunting and trapping;
(6) Surveying and other resource analysis;
(7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
(8) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within D-RS2 subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

(1) Accessory structures: New or expanded structures accessory to, and located on the same lot as, any legally existing principal structures and uses, in conformance with the requirements of Section 10.27,P;
(2) Agricultural activities: Agricultural management activities;
(3) Constructed ponds: Creation, alteration, or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(4) Driveways associated with residential uses;
(5) Filling and grading;
(6) Hand-carry launches: Public hand-carry launches;
(7) Home-based businesses: Minor home-based businesses;
(8) Mineral exploration activities: Level A mineral exploration activities, excluding associated access ways;
(9) Road projects: Level A road projects;
(10) Service drops;
(11) Short-term rentals, in conformance with the standards of Section 10.27,T;
(12) Signs;
(13) Trailered ramps: Public trailered ramps;
(14) Utility services: Buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water; and
(15) Water crossings of minor flowing waters.

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within D-RS2 subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, subject to the applicable requirements set forth in Sub-Chapter III:

(1) Agricultural activities: Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
(2) Bed and breakfast facilities;
(3) Campsites;
(4) Campsites, Residential;
(5) Cemeteries, and family burying grounds in accordance with 13 M.R.S. § 1142;
(6) Community living facilities;
(7) Constructed ponds: Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(8) Draining, dredging, or alteration of the water table or water level for other than mineral extraction;
(9) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
(10) Filling and grading which is not in conformance with the standards of Section 10.27,F;
(11) Hand-carry launches: Hand-carry launches addressed in Section 10.21,N,3,b which are not in conformance with the standards of Section 10.27,L;

(12) Home-based businesses: Major home-based businesses;
(13) Land management roads;
(14) Mineral exploration activities: Access ways for Level A mineral exploration activities; Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C; and Level B mineral exploration activities;
(15) Public and Institutional: Places of worship and other religious institutions; public, private and parochial day schools; non-profit children's day care facilities; local parks and local public recreation areas;
(16) Residential: Single and two-family dwellings;
(17) Road projects: Level B and C road projects, except for water crossings as provided for in Section 10.21,N,3,b;
(18) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
(19) Signs which are not in conformance with the standards of Section 10.27,J;
(20) Subdivisions, Residential: High- and moderate-density subdivisions;
(21) Timber harvesting;
(22) Trailered ramps: Trailered ramps addressed in Section 10.21,N,3,b which are not in conformance with the standards of Section 10.27,L;
(23) Utility facilities compatible with residential uses other than service drops; and wire and pipeline extensions which do not meet the definition of service drops;
(24) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
(25) Water impoundments;
(26) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S. § 682 (19); offshore wind power projects, as defined in 38 M.R.S. § 480-B(6A); and wind energy development in accordance with 35-A M.R.S., Chapter 34-A in areas identified in Appendix F herein;
(27) Other structures, uses or services that are essential to the uses listed in Section 10.21,N,3,a through c; and
(28) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within D-RS2 subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-A(10), the criteria of Sections 10.24,B,1 through 3, subject to the applicable requirements set forth in Sub-Chapter III, and, where within 500 feet of Management Class 2 lakes or within 250 feet of Management Class 4 and Management Class 5 lakes, subject to the applicable requirements of Section 10.25,A:

(1) Docking structures: New or expanded permanent docking structures;
(2) Golf courses: Private and public golf courses;
(3) Health care facilities up to 4,000 square feet of gross floor area;
(4) Marinas;
(5) Post offices up to 1,250 square feet of gross floor area;
(6) Residential: Three- and four-unit multi-family dwellings;

(7) Trailered ramps:
  (a) Commercial trailered ramps; and
  (b) Private trailered ramps, in accordance with Section 10.27,L,1; and
(8) Water-access ways, in accordance with Section 10.27,L,1.

e. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, are prohibited in D-RS2 subdistricts.

O. RESIDENTIAL RECREATION DEVELOPMENT SUBDISTRICT (D-RS3)

1. Purpose

The purpose of the D-RS3 subdistrict is to accommodate seasonal and year-round recreational development in high value resource areas without compromising the recreational setting. This subdistrict allows a restricted range of allowed uses in order to ensure attractive residential recreational opportunities.

2. Description

The D-RS3 subdistrict must be applied only in high natural resource value areas appropriate for residential or closely related uses in a community and must be applied after a prospective planning process has been undertaken by the Commission. The D-RS3 subdistrict must be located in areas that are inappropriate for intensive mixed development.

The D-RS3 subdistrict area will be located along or near the shorelines of Management Class 3, 4, 5, or 7 lakes or in other high value natural resource areas designated for growth by the Commission or zoned D-RS before January 1, 2001. The D-RS3 subdistrict will not be located in relatively remote or lightly settled areas of the jurisdiction.

Using Section 10.08 of these rules, the Commission must designate areas for this subdistrict that are consistent with its purpose and suitable for supporting development when measured against the standards of 12 M.R.S. § 685-B(4) and the Commission's rules and regulations.

3. Land Uses

The provisions of the D-RS3 subdistrict will not apply to any applications that have been received and deemed complete for processing by the Commission staff on or before January 1, 2001.

a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within D-RS3 subdistricts:

(1) Docking structures: Temporary docking structures for non-commercial use;
(2) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
(3) Forest management activities, except for timber harvesting;
(4) Motorized vehicular traffic on roads and trails, and snowmobiling;
(5) Primitive recreational uses, including fishing, hiking, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, canoe portaging, cross country skiing and snowshoeing, excluding hunting and trapping;
(6) Surveying and other resource analysis;
(7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
(8) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within D-RS3 subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

(1) Accessory structures: New or expanded structures accessory to, and located on the same lot as, any legally existing principal structures and uses, in conformance with the requirements of Section 10.27,P;
(2) Agricultural activities: Agricultural management activities;
(3) Constructed ponds: Creation, alteration, or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(4) Driveways associated with residential uses;
(5) Filling and grading;
(6) Hand-carry launches: Public hand-carry launches;
(7) Home-based businesses: Minor home-based businesses, provided that any tractor truck, semitrailer or heavy equipment allowed with this use is completely buffered from view from adjacent properties, roads, and water bodies, or is completely enclosed in an accessory structure;
(8) Mineral exploration activities: Level A mineral exploration activities, excluding associated access ways;
(9) Road projects: Level A road projects;
(10) Service drops;
(11) Short-term rentals, in conformance with the standards of Section 10.27,T;
(12) Signs;
(13) Utility services: Buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water; and
(14) Water crossings of minor flowing waters.

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within D-RS3 subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, subject to the applicable requirements set forth in Sub-Chapter III:

(1) Agricultural activities: Agricultural management activities which are not in conformance with standards of Section 10.27,A;
(2) Campsites;
(3) Campsites, Residential;
(4) Constructed ponds: Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(5) Draining, dredging, or alteration of the water table or water level for other than mineral extraction;
(6) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
(7) Filling and grading which are not in conformance with the standards of Section 10.27,F;
(8) Hand-carry launches: Hand-carry launches addressed in Section 10.21,O,3,b which are not in conformance with the standards of Section 10.27,L;

(9) Land management roads;
(10) Mineral exploration activities: Access ways for Level A mineral exploration activities; Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C; and Level B mineral exploration activities;
(11) Public and institutional: Local public parks and local public recreation areas;
(12) Residential: Single family dwellings;
(13) Road projects: Level B and C road projects, except for water crossings as provided for in Section 10.21,O,3,b;
(14) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
(15) Signs which are not in conformance with the standards of Section 10.27,J;
(16) Subdivisions, Residential: High- and moderate-density subdivisions;
(17) Timber harvesting;
(18) Utility facilities compatible with residential uses other than service drops; and wire and pipeline extensions which do not meet the definition of service drops;
(19) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
(20) Water impoundments;
(21) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S. §682(19); offshore wind power projects, as defined in 38 M.R.S. §480-B(6A); and wind energy development in accordance with 35-A M.R.S., Chapter 34-A in areas identified in Appendix F herein;
(22) Other structures, uses or services that are essential to the uses listed in Section 10.21,O,3,a through c; and
(23) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within D-RS3 subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-A(10), the criteria of Sections 10.24,B,1 through 3, and subject to the applicable requirements set forth in Sub-Chapter III, and, where within 500 feet of Management Class 2 lakes or within 250 feet of Management Class 4 and Management Class 5 lakes, subject to the applicable requirements of Section 10.25,A:

(1) Docking structures: New or expanded permanent docking structures;
(2) Trailered ramps: Private trailered ramps, in accordance with Section 10.27,L,1; and
(3) Water-access ways associated with residential subdivisions, in accordance with Section 10.27,L,1.

e. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, are prohibited in D-RS3 subdistricts.

10.22 MANAGEMENT SUBDISTRICTS

Pursuant to the Commission's Comprehensive Land Use Plan, the following management subdistricts are established:

A. GENERAL MANAGEMENT SUBDISTRICT (M-GN)

1. Purpose

The purpose of the M-GN subdistrict is to permit forestry and agricultural management activities to occur with minimal interferences from unrelated development in areas where the Commission finds that the resource protection afforded by protection subdistricts is not required.

2. Description

These are areas which are appropriate for forest or agricultural management activities and that do not require the special protection afforded by the protection subdistricts or the M-NC or M-HP subdistricts. Also included within M-GN subdistricts must be areas which do not qualify for inclusion in any other subdistrict.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within M-GN subdistricts:

(1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
(2) Forest management activities, except for timber harvesting[3];
(3) Land application of septage, sludge and other residuals, and related storage and composting activities in compliance with regulations promulgated by the Maine Department of Environmental Protection under 38 M.R.S. § 13: Maine Hazardous Waste, Septage and Solid Waste Management Act;
(4) Motorized vehicular traffic on roads and trails, and snowmobiling;
(5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
(6) Surveying and other resource analysis;
(7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
(8) Wildlife and fishery management practices.

[3] Explanatory note: Timber harvesting is not prohibited in this subdistrict, but instead is regulated by the Maine Forest Service. (See P.L. 2011, ch. 599.) Refer to subsection "e. Uses Regulated by the Maine Forest Service."

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within M-GN subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

(1) Accessory structures: New or expanded structures accessory to, and located on the same lot as, any legally existing principal structures and uses, in conformance with the requirements of Section 10.27,P;
(2) Agricultural activities:
  (a) Agricultural management activities, including cranberry cultivation; the construction, alteration or maintenance of farm or livestock ponds which are not fed or drained by a flowing water; and the operation of machinery and the erection of buildings including buildings to store equipment and materials for maintaining roads and other structures used primarily for agricultural management activities; and
  (b) Small-scale agritourism;
(3) Campsites;
(4) Checkpoint buildings;
(5) Commercial: Natural resource processing facilities that do not involve structural development, in conformance with the requirements of Section 10.27,S;
(6) Constructed ponds: Creation, alteration or maintenance of constructed ponds, other than those described in Section 10.22,A,3,b,(2) above, less than 1 acre in size which are not fed or drained by flowing waters, in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(7) Driveways associated with residential uses;
(8) Filling and grading;
(9) Forest management activities, except for timber harvesting[4], involving the operation of machinery and the erection of buildings including buildings to store equipment and materials for maintaining roads and other structures used primarily for forest management activities;
(10) Hand-carry launches: Parking areas, roads, signs and similar facilities associated with private and commercial hand-carry launches;
(11) Home-based businesses: Minor home-based businesses;
(12) Mineral exploration activities: Level A and B mineral exploration activities, including associated access ways;
(13) Minor campground;
(14) Natural resource extraction: Mineral extraction operations, less than 5 acres in size, except for gravel extraction less than 5 acres in size;
(15) Road projects: Level A and B road projects;
(16) Service drops;
(17) Short-term rentals, in conformance with the standards of Section 10.27,T;
(18) Signs;
(19) Trailered ramps: Parking areas, roads, signs and similar facilities associated with public trailered ramps; and
(20) Utility services: Buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water.

[4] Explanatory note: Timber harvesting is not prohibited in this subdistrict, but instead is regulated by the Maine Forest Service. (See P.L. 2011, ch. 599.) Refer to subsection "e. Uses Regulated by the Maine Forest Service."

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within M-GN subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Agricultural activities:
  (a) Small-scale agricultural processing facilities;
  (b) Small-scale agritourism not in conformance with the requirements for such activities in Section 10.27,A; and
  (c) Medium-scale agritourism;
(2) Campsites, Residential;
(3) Commercial:
  (a) Natural resource processing facilities that do not involve structural development, not in conformance with the requirements of Section 10.27,S;
  (b) Natural resource processing facilities that may involve structural development, in conformance with the requirements of Section 10.27,S; and
  (c) Recreation supply facilities that do not involve structural development and are not within one-quarter mile of Management Class 1, or Management Class 2 lakes, and not within one-half mile of Management Class 6 lakes;
(4) Constructed ponds: Creation, alteration or maintenance of constructed ponds, other than those described in Section 10.22,A,3,b, above, which are 1 acre or more in size, or such ponds less than 1 acre which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(5) Draining, dredging, and alteration of the water table or water level for other than mineral extraction;
(6) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
(7) Family burying grounds of not more than one-quarter acre, in accordance with 13 M.R.S. § 1142;
(8) Filling and grading which is not in conformance with the standards of Section 10.27,F;
(9) Home-based businesses: Major home-based businesses, except in the townships or plantations listed in Section 10.22,A,3,d;
(10) Maple sugar processing operations;
(11) Metallic mineral mining activities: Tier one advanced exploration;
(12) Mineral exploration activities: Level A and B mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C;
(13) Natural resource extraction: Mineral extraction operations, except for gravel extraction less than 5 acres in size,
  (a) affecting an area less than 5 acres in size and which are not in conformance with the standards of Section 10.27,C;
  (b) affecting an area between 5 and 30 acres provided the unreclaimed area is less than 15 acres; and
  (c) structures essential to the extraction activity having a total gross floor area of no more than 2,000 square feet;
(14) Peat extraction affecting an area less than 30 acres in size;
(15) Portable mineral processing equipment;
(16) Recreational lodging facilities:
  (a) Level A (except as provided for in Section 10.22,A,3,b);
  (b) Level B;
  (c) Level C; and

(d) Level D (inside the geographic allowance area);

(17) Residential: Single and two-family dwellings;

(18) Road projects: Level C road projects;

(19) Sawmills and chipping mills on sites of less than 5 acres;

(20) Signs which are not in conformance with the standards of Section 10.27,J;

(21) Solar energy generation facility: Facilities of the following size classes not located on soils recognized by the U.S. Department of Agriculture as prime farmland soils:
(a) Small-scale; and
(b) Mid-scale;

(22) Solid waste facilities affecting an area less than 2 acres in size;

(23) Structures: Non-commercial structures utilized for educational, scientific, or nature observation purposes; structures devoted to composting of sludge, septage or other residuals affecting an area less than 5 acres in size; and structures devoted to the storage of sand or salt;

(24) Subdivisions: General management subdivisions;

(25) Trailered ramps: Parking areas, roads, signs and similar facilities associated with commercial and private trailered ramps and such facilities addressed in Section 10.22,A,3,b which are not in conformance with the standards of Section 10.27,L;

(26) Truck and equipment storage;

(27) Utility facilities, excluding service drops; and wire and pipeline extensions which do not meet the definition of service drops;

(28) Water impoundments;

(29) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S. § 682(19); offshore wind power projects, as defined in 38 M.R.S. § 480-B(6A); and wind energy development in accordance with 35-A M.R.S., Chapter 34-A in areas identified in Appendix F herein;

(30) Other structures, uses, or services that are essential to the uses listed in Section 10.22,A,3,a through c; and

(31) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within the M-GN subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-A(10), the criteria of Section 10.24,B,1, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Home-based businesses: Major home-based businesses in the following plantations:
- Dallas Plantation,
- Rangeley Plantation, and
- Sandy River Plantation.

The following uses, and related accessory structures, may be allowed within M-GN subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-A(10), the criteria of Section 10.24,B,3, and subject to the applicable requirements set forth in Sub-Chapter III:

(2) Subdivisions: Maple sugar processing subdivisions;

The following uses, and related accessory structures, may be allowed within M-GN subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-A(10), the criteria of Section 10.24,B,1 through 4, and subject to the applicable requirements set forth in Sub-Chapter III:

(3) Recreational lodging facilities:
  (a) Level C (occupancy may exceed the standard in Section 10.27,Q,1, Table A up to the Expanded Access occupancy limit, provided that the majority of occupancy is accommodated at campsites);
  (b) Level C – Expanded Access (inside the geographic allowance area); and
  (c) Level D – Expanded Access (inside the geographic allowance area);

(4) Agricultural activities:
  (a) Large-scale agricultural processing facilities; and
  (b) Large-scale agritourism.

The following uses, and related accessory structures, may be allowed within M-GN subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-A(10), the criteria of Sections 10.24,B,3 and 9, and the applicable requirements set forth in Sub-Chapter III:

(5) Solar energy generation facility: Facilities of the following size classes located on soils recognized by the U.S. Department of Agriculture as prime farmland soils:
  (a) Small-scale; and
  (b) Mid-scale.

e. Uses Regulated by the Maine Forest Service

Pursuant to Statute, the following uses are not regulated by the Commission within M-GN subdistricts but are regulated by the Maine Forest Service.

(1) Land management roads;
(2) Natural resource extraction: Gravel extraction less than 5 acres in size; and
(3) Timber harvesting.

f. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, must be prohibited in M-GN subdistricts.

B. HIGHLY PRODUCTIVE MANAGEMENT SUBDISTRICT (M-HP)

1. Purpose

The purpose of the M-HP subdistrict is to ensure the continued availability of products from high yield or high value forest and/or agricultural lands by reserving areas for these uses.

2. Description

Areas identified by the Commission, not including those in protection subdistricts or in existing patterns of development, that are identified as prime or unique forest or agricultural land of national, statewide or local importance. In selecting areas for designation in this subdistrict, the Commission must consider the following:

a. Prime or unique agricultural lands currently in use for food, fiber, feed, forage, and oil seed crops that are determined in accordance with rules and regulations hereinafter adopted by the Commission as amendments to these standards.

b. Prime or unique forest lands currently held for commercial production of forest trees that are determined in accordance with the rules and regulations hereinafter adopted by the Commission as amendments to these standards.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within M-HP subdistricts:

(1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
(2) Forest management activities, except for timber harvesting[5];
(3) Land application of septage, sludge and other residuals, and related storage and composting activities in compliance with regulations promulgated by the Maine Department of Environmental Protection under 38 M.R.S. § 13: Maine Hazardous Waste, Septage and Solid Waste Management Act;
(4) Motorized vehicular traffic on roads and trails, and snowmobiling;
(5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
(6) Surveying and other resource analysis;
(7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
(8) Wildlife and fishery management practices.

[5] Explanatory note: Timber harvesting is not prohibited in this subdistrict, but instead is regulated by the Maine Forest Service. (See P.L. 2011, ch. 599.) Refer to subsection "e. Uses Regulated by the Maine Forest Service."

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within M-HP subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

(1) Agricultural activities: Agricultural management activities, including cranberry cultivation; the construction, alteration or maintenance of farm or livestock ponds which are not fed or drained by a flowing water; and the operation of machinery and the erection of buildings including buildings to store equipment and materials for maintaining roads and other structures used primarily for agricultural management activities;
(2) Campsites;
(3) Constructed ponds: Creation, alteration or maintenance of constructed ponds, other than those described in Section 10.22,B,3,b,(1) above, less than 1 acre in size which are not fed or drained by flowing waters, in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(4) Filling and grading;
(5) Forest management activities, except for timber harvesting[6], involving the operation of machinery and the erection of buildings including buildings to store equipment and materials for maintaining roads and other structures used primarily for forest management activities;
(6) Mineral exploration activities: Level A and B mineral exploration activities, including associated access ways;
(7) Minor campground;
(8) Road projects: Level A road projects;
(9) Service drops;
(10) Short-term rentals, in conformance with the standards of Section 10.27,T; and
(11) Signs.

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within M-HP subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Campsites, Residential;
(2) Constructed ponds: Creation, alteration or maintenance of constructed ponds, other than those in Section 10.22,B,3,b above, which are 1 acre or more in size, or such ponds less than 1 acre which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(3) Driveways;
(4) Home-based businesses;
(5) Metallic mineral mining activities: Tier one advanced exploration;
(6) Mineral exploration activities: Level A and B mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C;
(7) Natural resource extraction: Mineral extraction operations for road purposes, except for gravel extraction for road purposes less than 5 acres in size;
(8) Residential: Single-family dwellings;
(9) Road projects: Level B road projects;

[6] Explanatory note: Timber harvesting is not prohibited in this subdistrict, but instead is regulated by the Maine Forest Service. (See P.L. 2011, ch. 599.) Refer to subsection "e. Uses Regulated by the Maine Forest Service."

(10) Signs which are not in conformance with the standards of Section 10.27,J;
(11) Structures: Structures devoted to composting of sludge, septage or other residuals affecting an area less than 5 acres in size;
(12) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S. § 682(19); offshore wind power projects, as defined in 38 M.R.S. § 480-B(6A); and wind energy development in accordance with 35-A M.R.S., Chapter 34-A in areas identified in Appendix F herein;
(13) Other structures, uses, or services that are essential for the uses listed in Section 10.22,B,3,a through c; and
(14) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within M-HP subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-A(10), the criteria of Sections 10.24,B,1 through 3, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Draining or altering the water table or water level for other than mineral extraction;
(2) Filling and grading which is not in conformance with the standards of Section 10.27,F;
(3) Road projects: Level C road projects;
(4) Sawmills and chipping mills on sites of less than 2 acres;
(5) Utility facilities excluding service drops; and
(6) Water impoundments.

e. Uses Regulated by the Maine Forest Service

Pursuant to Statute, the following uses are not regulated by the Commission within M-HP subdistricts but are regulated by the Maine Forest Service.

(1) Land management roads;
(2) Natural resource extraction: Gravel extraction for road purposes less than 5 acres in size; and
(3) Timber harvesting.

f. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, must be prohibited in M-HP subdistricts.

C. NATURAL CHARACTER MANAGEMENT SUBDISTRICT (M-NC)

1. Purpose

The purpose of the M-NC subdistrict is to maintain some of the areas that characterize the natural outdoor flavor and spirit of certain large undeveloped areas of the jurisdiction and to permit only forestry and agricultural practices and primitive recreation. Unrelated development that might interfere with these activities and natural values will not be permitted.

2. Description

Areas which the Commission determines:

a. are appropriate for forest management activities;

b. must comprise certain few large areas which are remote and have a natural and wild character; the area is significant because of a variety and concentration of important features which in the aggregate include significant topographic features and distinctive recreation resources characteristic of the "Maine Woods" in their totality; such resources include, but are not limited to, hiking trails, canoe streams, and scenic overviews; such features include, but are not limited to, lakes, remote ponds, mountains and valleys;

c. comprise at least 10,000 contiguous acres of land and water area; and

d. support only those land use activities which do not appreciably detract from the natural character of the area.

Any proposal for inclusion of an area within an M-NC subdistrict, unless it is made by the owner or owners of such area, must be considered by the Commission only when a written statement has been made stating how such area meets the criteria stated above. Such statements must be available to the public at the time of publication of notice for the public hearing at which such proposal must be heard.

The M-NC subdistrict may surround different protection, management, and development subdistricts. In delineating boundaries for the M-NC subdistrict, the Commission may consider property ownership or township boundaries, ridge lines, shorelines, watershed boundaries, roadways, or other rights of way or other appropriate natural or man-made features.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within M-NC subdistricts:

(1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
(2) Forest management activities, except for timber harvesting[7];

[7] Explanatory note: Timber harvesting is not prohibited in this subdistrict, but instead is regulated by the Maine Forest Service. (See P.L. 2011, ch. 599.) Refer to subsection "e. Uses Regulated by the Maine Forest Service."

(3) Land application of septage, sludge and other residuals, and related storage and composting activities in compliance with regulations promulgated by the Maine Department of Environmental Protection under 38 M.R.S. § 13: Maine Hazardous Waste, Septage and Solid Waste Management Act;
(4) Motorized vehicular traffic on roads and trails, and snowmobiling;
(5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
(6) Surveying and other resource analysis;
(7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
(8) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within M-NC subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

(1) Agricultural activities: Agricultural management activities, including cranberry cultivation; the construction, alteration or maintenance of farm or livestock ponds which are not fed or drained by a flowing water; and the operation of machinery and the erection of buildings including buildings to store equipment and materials for maintaining roads and other structures used primarily for agricultural management activities;
(2) Campsites;
(3) Constructed ponds: Creation, alteration or maintenance of constructed ponds, other than those described in Section 10.22,C,3,b,(1) above, less than 1 acre in size which are not fed or drained by flowing waters, in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(4) Filling and grading;
(5) Forest management activities, except for timber harvesting[8], involving the operation of machinery and the erection of buildings including buildings to store equipment and materials for maintaining roads and other structures used primarily for forest management activities;
(6) Mineral exploration activities: Level A and B mineral exploration activities, including associated access ways;
(7) Minor campground;
(8) Road projects: Level A and B road projects;
(9) Service drops; and
(10) Signs.

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within M-NC subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Constructed ponds: Creation, alteration or maintenance of constructed ponds, other than those in Section 10.22,C,3,b above, which are 1 acre or more in size, or such

[8] Explanatory note: Timber harvesting is not prohibited in this subdistrict, but instead is regulated by the Maine Forest Service. (See P.L. 2011, ch. 599.) Refer to subsection "e. Uses Regulated by the Maine Forest Service."

ponds less than 1 acre which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;

(2) Driveways;
(3) Metallic mineral mining activities: Tier one advanced exploration;
(4) Mineral exploration activities: Level A and B mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C;
(5) Natural resource extraction: Mineral extraction operations affecting an area 5 acres or greater in size, for road purposes;
(6) Recreational lodging facilities: Level A (except as provided for in Section 10.22,C,3,b);
(7) Remote Camps;
(8) Structures: Structures devoted to composting of sludge, septage or other residuals affecting an area less than 5 acres in size;
(9) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S. § 682(19); offshore wind power projects, as defined in 38 M.R.S. § 480-B(6A); and wind energy development in accordance with 35-A M.R.S., Chapter 34-A in areas identified in Appendix F herein;
(10) Other structures, uses, or services that are essential for the uses listed in Section 10.22,B,3,a through c; and
(11) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within M-NC subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-A(10), the criteria of Sections 10.24,B,1 through 3, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Road projects: Level C road projects;
(2) Signs which are not in conformance with the standards of Section 10.27,J; and
(3) Utility facilities.

e. Uses Regulated by the Maine Forest Service

Pursuant to Statute, the following uses are not regulated by the Commission within M-NC subdistricts but are regulated by the Maine Forest Service.

(1) Land management roads;
(2) Natural resource extraction: Gravel extraction for road purposes less than 5 acres in size; and
(3) Timber harvesting.

f. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, must be prohibited in M-NC subdistricts.

10.23 PROTECTION SUBDISTRICTS

Pursuant to the Commission's Comprehensive Land Use Plan, the following protection subdistricts are established:

A. ACCESSIBLE LAKE PROTECTION SUBDISTRICT (P-AL)

1. Purpose

The purpose of the P-AL subdistrict is to maintain and protect the existing natural values of the accessible, undeveloped, high value lakes within the Commission's jurisdiction. This is the class of lakes described as Management Class 2 lakes in the Commission's Comprehensive Land Use Plan. It is the intent of this subdistrict to restrict development.

2. Description

Areas surrounding bodies of standing water classified as Management Class 2 Lakes (Accessible, Undeveloped, High Value Lakes).

The protection subdistrict must extend 500 feet from and around the water body measured from the normal high water mark.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within P-AL subdistricts:

(1) Docking structures: Temporary docking structures for non-commercial use;
(2) Emergency operations conducted for the public health, safety, or general welfare, such as resource protection, law enforcement, and search and rescue operations;
(3) Forest management activities, except for timber harvesting[9];
(4) Motorized vehicular traffic on roads and trails, and snowmobiling;
(5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
(6) Surveying and other resource analysis; and
(7) Wildlife and fishery management practices.

[9] Explanatory note: Timber harvesting is not prohibited in this subdistrict, but instead is regulated by the Maine Forest Service. (See P.L. 2011, ch. 599.) Refer to subsection "e. Uses Regulated by the Maine Forest Service."

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within P-AL subdistricts, subject to the applicable requirements set forth in Sub-Chapter III:

(1) Agricultural activities: Agricultural management activities;
(2) Constructed ponds: Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(3) Driveways associated with residential uses;
(4) Home-based businesses: Minor home-based businesses;
(5) Mineral exploration activities: Level A mineral exploration activities, including associated access ways;
(6) Road projects: Level A road projects;
(7) Service drops;
(8) Short-term rentals, in conformance with the standards of Section 10.27,T;
(9) Signs;
(10) Trails, provided that any associated vegetation clearing or filling and grading are in conformance with the standards of Sections 10.27,B,1,c and d, 2, and 4 and 10.27,F, and provided the trails are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
(11) Water crossings of minor flowing waters, except for water crossings of minor flowing waters on/for land management roads.

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within P-AL subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Agricultural activities: Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
(2) Campsites;
(3) Campsites, Residential;
(4) Constructed ponds: Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(5) Draining, dredging or alteration of the water table or water level for other than mineral extraction;
(6) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
(7) Filling and grading;
(8) Home-based businesses: Major home-based businesses, except in those plantations and townships listed in Section 10.23,A,3,d;
(9) Land application of septage, sludge and other residuals, and related storage and composting activities;
(10) Mineral exploration activities: Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C; and Level B mineral exploration activities;

(11) Residential: Single family dwellings provided that such dwelling units are limited to an average density per landownership of no more than one dwelling unit per shore mile. Parcels existing as of November 17, 1988 that have less than 1 mile of shoreline are allowed one dwelling unit within that shoreline area provided that other applicable standards are met. The shoreline is measured by following the shoreline of the lake, including all the shoreline irregularities, on the Commission's Land Use Guidance Map;

(12) Road projects: Level B and C road projects, except for water crossings of minor flowing waters as provided for in Section 10.23,A,3,b;

(13) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;

(14) Signs which are not in conformance with the standards of Section 10.27,J;

(15) Structures: Non-commercial structures for scientific, educational and/or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected by this subdistrict;

(16) Trails which are not in conformance with the standards of Sections 10.27,B,1,c and d, 2, and 4 and 10.27,F;

(17) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D, except for water crossings of minor flowing waters on/for land management roads; and water crossings of bodies of standing water and major flowing waters except for water crossings of bodies of standing water and major flowing waters on/for land management roads;

(18) Water impoundments;

(19) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S. § 682(19); offshore wind power projects, as defined in 38 M.R.S. § 480-B(6A); and wind energy development in accordance with 35-A M.R.S., Chapter 34-A in areas identified in Appendix F herein;

(20) Other structures, uses or services that are essential for the exercise of uses listed in Section 10.23,A,3,a through c; and

(21) Other structures, uses or services which the Commission determines are consistent with the purpose of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the uses or resources they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within P-AL subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-A(10), the criteria of Sections 10.24,B,2 and 3, and subject to the applicable requirements set forth in Sub-Chapter III, and there must be no more than one development unit per shore mile except as provided in Section 10.23,A,3,c, such distance measured by following the shoreline of the lake, including all shoreline irregularities, on the Commission's Land Use Guidance Map:

(1) Recreational lodging facilities:
  (a) Level A; and
  (b) Level B.

The following uses, and related accessory structures, may be allowed within P-AL subdistricts as special exceptions upon issuance of a permit from the Commission pursuant

to 12 M.R.S. § 685-A(10), the criteria of Sections 10.24,B,1 through 3, subject to the applicable requirements set forth in Sub-Chapter III, and there must be no more than one development unit per shore mile except as provided in Section 10.23,A,3,c, such distance measured by following the shoreline of the lake, including all shoreline irregularities, on the Commission's Land Use Guidance Map:

(2) Docking structures: New or expanded permanent docking structures;
(3) Hand-carry launches;
(4) Home-based businesses: Major home-based businesses in the following plantations and townships provided there is no suitable or reasonably available location in a development subdistrict:
- Dallas Plantation,
- Rangeley Plantation, and
- Sandy River Plantation;

(5) Trailered ramps:
  (a) Commercial trailered ramps;
  (b) Private trailered ramps, not in conformance with Section 10.27,L,1; and
  (c) Public trailered ramps;
(6) Utility facilities other than service drops; and
(7) Water-access ways, in accordance with Section 10.27,L,1.

e. Uses Regulated by the Maine Forest Service

Pursuant to Statute, the following uses are not regulated by the Commission within P-AL subdistricts but are regulated by the Maine Forest Service.

(1) Land management roads;
(2) Natural resource extraction: Gravel extraction for road purposes less than 5 acres in size;
(3) Timber harvesting; and
(4) Water crossings of minor flowing waters, major flowing waters, and bodies of standing water on/for land management roads.

f. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-AL subdistricts.

B. AQUIFER PROTECTION SUBDISTRICT (P-AR)

1. Purpose

The purpose of the P-AR subdistrict is to protect the quantity and quality of ground water supply used or potentially available for human or industrial consumption.

2. Description

Areas identified by the Commission as having soil rated as highly permeable and/or surficial geologic units that are highly permeable and are hydrologically connected through highly fractured bedrock units to a ground water supply which is currently, or anticipated to be, used for public, industrial or agricultural purposes, or areas identified by the Commission as aquifer recharge areas based on studies by appropriate qualified persons or agencies where the Commission determines that such areas warrant water quality protection.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within P-AR subdistricts:

(1) Docking structures: Temporary docking structures for non-commercial use;
(2) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
(3) Forest management activities, except for fertilizer application and timber harvesting[10];
(4) Motorized vehicular traffic on roads and trails, and snowmobiling;
(5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
(6) Surveying and other resource analysis;
(7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
(8) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within P-AR subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

(1) Agricultural activities: Agricultural management activities, except for fertilizer application;
(2) Driveways associated with residential uses;
(3) Filling and grading;
(4) Hand-carry launches: Commercial, private and public hand-carry launches;
(5) Home-based businesses: Minor home-based businesses;
(6) Mineral exploration activities: Level A mineral exploration activities, including associated access ways;

[10] Explanatory note: Timber harvesting is not prohibited in this subdistrict, but instead is regulated by the Maine Forest Service. (See P.L. 2011, ch. 599.) Refer to subsection "e. Uses Regulated by the Maine Forest Service."

(7) Road projects: Level A road projects;
(8) Service drops;
(9) Short-term rentals, in conformance with the standards of Section 10.27,T; and
(10) Signs.

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within P-AR subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, subject to the applicable requirements set forth in Sub-Chapter III, and provided that the recharge capability of the area remains the same as it would be under the area's natural state:

(1) Agriculture management activities which are not in conformance with the standards of Section 10.27,A;
(2) Campsites, provided that sewage is disposed of in such a manner as not to endanger the water quality of the aquifer;
(3) Campsites, Residential, provided that sewage is disposed of in such a manner as not to endanger the water quality of the aquifer;
(4) Constructed ponds: Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;
(5) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
(6) Fertilizer application for forest or agricultural management activities;
(7) Hand-carry launches: Hand-carry launches addressed in Section 10.23,B,3,b which are not in conformance with the standards of Section 10.27,L;
(8) Home-based businesses: Major home-based businesses, except in those plantations and townships listed in Section 10.23,B,3,d;
(9) Mineral exploration activities: Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C;
(10) Natural resource extraction: Mineral extraction for road purposes affecting an area less than 30 acres in size, provided the unreclaimed area is less than 15 acres, except for gravel extraction for road purposes less than 5 acres in size;
(11) Peat extraction affecting an area less than 30 acres in size;
(12) Recreational lodging facilities: Level A (campground only) and Level B (campground only), at both facility levels provided that sewage is disposed of in such a manner as not to endanger the water quality of the aquifer;
(13) Residential: Single-family dwellings provided that sewage is disposed of in such a manner as not to endanger the water quality of the aquifer;
(14) Road projects: Level B road projects;
(15) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, and hand-carry launches;
(16) Signs which are not in conformance with the standards of Section 10.27,J;
(17) Utility facilities, excluding service drops;
(18) Water crossings, except for water crossings on/for land management roads;
(19) Water impoundments;
(20) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S. § 682(19); offshore wind power projects, as defined in 38 M.R.S. § 480-B(6A); and wind energy development in accordance with 35-A M.R.S., Chapter 34-A in areas identified in Appendix F herein;

(21) Other structures, uses or services that are essential for uses listed in Section 10.23,B,3,a through c; and

(22) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within P-AR subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-A(10), the criteria of Sections 10.24,B,1 through 3, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Docking structures: New or expanded permanent docking structures;

(2) Draining, dredging, or alteration of the water table or water level for purposes other than mineral extraction;

(3) Filling and grading, that is not in conformance with the standards of Section 10.27,F;

(4) Home-based businesses: Major home-based businesses in the following plantations and townships provided there is no suitable or reasonably available location in a development subdistrict:

- Dallas Plantation,
- Rangeley Plantation, and
- Sandy River Plantation;

(5) Mineral exploration activities: Level B mineral exploration activities;

(6) Road projects: Level C road projects;

(7) Trailered ramps:

(a) Commercial trailered ramps;

(b) Private trailered ramps, in accordance with Section 10.27,L,1; and

(c) Public trailered ramps; and

(8) Water-access ways, in accordance with Section 10.27,L,1.

The following use, and related accessory structures, may be allowed within P-AR subdistricts as a special exception upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-A(10), the criteria of Sections 10.24,B,2, 3, and 8, and subject to the applicable requirements set forth in Sub-Chapter III:

(9) Portable rock crushing equipment provided that:

(a) The seasonal high water table elevation is at least 5 feet below the surface in the area within 50 feet of the portable rock crusher, as determined by a test pit or monitoring well;

(b) An impermeable spill containment pad or container sufficient to accommodate the maximum capacity of fluids contained in the motor and fuel tank is installed under the fuel tank, motor, and refueling area;

(c) The borrow pit is internally drained and appropriate steps are taken to prevent any water produced during mineral washing or processing from contaminating surface water resources;

(d) No storage of fuel or other hazardous materials occurs in the P-AR subdistrict;

(e) No washing of equipment occurs in the P-AR subdistrict;

(f) Operations are conducted in accordance with a Commission approved spill prevention, control and countermeasures plan. A copy of the plan and an

adequately stocked oil and hazardous materials spill response kit are kept on site; and

(g) The portable rock crushing equipment is setback from existing drinking water sources at least:
- (i) 100 feet from a bedrock private drinking water well;
- (ii) 200 feet from a point driven or dug private drinking water well;
- (iii) 300 feet from a public drinking water source serving 500 or fewer people;
- (iv) 500 feet from a public drinking water source serving between 501 and 1,000 people;
- (v) 1,000 feet from a public drinking water source serving more than 1,000 people; and
- (vi) 1,000 feet from a public drinking water source with a valid filtration waiver issued by the EPA in accordance with the Safe Drinking Water Act;

e. Uses Regulated by the Maine Forest Service

Pursuant to Statute, the following uses are not regulated by the Commission within P-AR subdistricts but are regulated by the Maine Forest Service.

(1) Land management roads;
(2) Natural resource extraction: Gravel extraction for road purposes less than 5 acres in size;
(3) Timber harvesting; and
(4) Water crossings on/for land management roads.

f. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, must be prohibited in P-AR subdistricts.

C. FLOOD PRONE AREA PROTECTION SUBDISTRICT (P-FP)

1. Purpose

The purpose of the P-FP subdistrict is to regulate in all flood prone areas, including areas of special flood hazard, certain land use activities in order to minimize the human, environmental, and financial costs of floods and flood cleanup programs, by protecting on-site, adjacent, upstream and downstream property from flood damage; and by minimizing danger from malfunctioning water supply and waste disposal systems in flood prone areas; and to comply with the cooperative agreement between the Land Use Planning Commission and the Federal Emergency Management Agency (FEMA) regarding the regulation of land use according to the requirements of 44 CFR Part 60.3 of the National Flood Insurance Program, so that flood insurance can be made available to persons in flood prone areas.

2. Description

Areas located within the 100-year frequency floodplain, also known as areas of special flood hazard, as identified by the Commission after consideration of relevant data including, without limitation, areas determined to be flood prone by state or federal agencies, including Flood Insurance Studies, Flood Insurance Rate Maps, Flood Boundary and Floodway Maps or Flood Hazard Boundary Maps prepared by the Federal Emergency Management Agency, historical data, and the National Cooperative Soil Survey.

The areas identified by FEMA as areas of special flood hazard (Zones A, AE, and VE) on Flood Insurance Rate Maps, Flood Boundary and Floodway Maps or Flood Hazard Boundary Maps qualify as flood prone areas appropriate for protection within this subdistrict. The Commission adopts the FEMA maps, and a note on the corresponding Official Land Use Guidance Maps must refer to the FEMA maps so adopted. In any case where the boundaries of a Commission-mapped P-FP subdistrict on an Official Land Use Guidance Map differ from the boundaries of the FEMA zones, the FEMA boundaries also apply. The FEMA zones must be regulated according to the provisions of the P-FP subdistrict.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within P-FP subdistricts:

(1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
(2) Forest management activities, except for timber harvesting[11];
(3) Motorized vehicular traffic on roads and trails, and snowmobiling;
(4) Primitive recreational uses, including fishing, hunting, hiking, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
(5) Surveying and other resource analysis; and
(6) Wildlife and fishery management practices.

[11] Explanatory note: Timber harvesting is not prohibited in this subdistrict, but instead is regulated by the Maine Forest Service. (See P.L. 2011, ch. 599.) Refer to subsection "e. Uses Regulated by the Maine Forest Service."

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within P-FP subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

(1) Agricultural activities: Agricultural management activities;
(2) Home-based businesses: Minor home-based businesses;
(3) Normal maintenance and repair or renovation less than $1,000 in cost;
(4) Service drops; and
(5) Short-term rentals, in conformance with the standards of Section 10.27,T;

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within P-FP subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S., §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Agriculture management activities which are not in conformance with the standards of Section 10.27,A;
(2) Campsites;
(3) Campsites, Residential;
(4) Constructed ponds: Creation, alteration or maintenance of constructed ponds;
(5) Draining, dredging, or alteration of the water table or water level for other than mineral extraction;
(6) Driveways;
(7) Filling and grading;
(8) Hand-carry launches: Commercial, private and public hand-carry launches;
(9) Home-based businesses: Major home-based businesses;
(10) Mineral exploration activities: Level A mineral exploration activities, including associated access ways; and Level B mineral exploration activities;
(11) Natural resource extraction: Mineral extraction operations affecting an area up to 30 acres in size provided the unreclaimed area is less than 15 acres, for road purposes, except for gravel extraction for road purposes less than 5 acres in size;
(12) Normal maintenance and repair or renovation equaling or exceeding $1,000 in cost, or additions and expansions to any legally existing structure or use that do not meet the definition of substantial improvement;
(13) Recreational lodging facilities having not more than 1,000 square feet of gross floor area:
  (a) Level A; and
  (b) Level B;
(14) Road projects: Level A, B and C road projects;
(15) Shoreland alterations, including temporary docking structures, on-shore structures used to secure docks and moorings, and reconstruction of permanent docking structures; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, and hand-carry launches;
(16) Signs;
(17) Trailered ramps:
  (a) Commercial trailered ramps; and
  (b) Public trailered ramps;
(18) Trails;
(19) Utility facilities, except for service drops;
(20) Water crossings, except for water crossings on/for land management roads;
(21) Water impoundments;

(22) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S. § 682(19); offshore wind power projects, as defined in 38 M.R.S. § 480-B(6A); and wind energy development in accordance with 35-A M.R.S., Chapter 34-A in areas identified in Appendix F herein;
(23) Other structures, uses or services that are essential for the exercise of uses listed in Section 10.23,C,3,a through c; and
(24) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within P-FP subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-A(10), the criteria of Sections 10.24,B,1 through 3, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Commercial and industrial: Commercial and industrial structures of less than 8,000 square feet which rely upon the water resource for their existence, including their reconstruction, relocation, or replacement; new construction, reconstruction or replacement of a permanent foundation; substantial improvement or accessory structures;
(2) Docking structures: New or expanded permanent docking structures;
(3) Lobster sheds and fish sheds located on a wharf, pier, or dock; that are seaward of the reach of the mean high tide; and that meet the criteria in Sections 10.25,T,2,r,(6),(a),(i) through (ix);
(4) Recreational lodging facilities: Level B except as provided for in Section 10.23,C,3,c, and Level C having not more than 10,000 square feet of gross floor area for all principal buildings; provided that any recreational lodging facility must rely upon the water resource for their existence, including their reconstruction, relocation, or replacement; new construction, reconstruction or replacement of a permanent foundation; substantial improvement or accessory structures;
(5) Residential: Single family dwellings, including their reconstruction, relocation, or replacement; new construction, reconstruction or replacement of a permanent foundation; substantial improvement or accessory structures;
(6) Trailered ramps: Private trailered ramps, in accordance with Section 10.27,L,1; and
(7) Water-access ways, in accordance with Section 10.27,L,1.

e. Uses Regulated by the Maine Forest Service

Pursuant to Statute, the following uses are not regulated by the Commission within P-FP subdistricts but are regulated by the Maine Forest Service.

(1) Land management roads;
(2) Natural resource extraction: Gravel extraction for road purposes less than 5 acres in size;
(3) Timber harvesting; and
(4) Water crossings on/for land management roads.

f. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, must be prohibited in P-FP subdistricts.

D. FISH AND WILDLIFE PROTECTION SUBDISTRICT (P-FW)

1. Purpose

The purpose of the P-FW subdistrict is to conserve important fish and wildlife habitats essential to the citizens of Maine because of their economic, recreational, aesthetic, educational or scientific value.

2. Description

This subdistrict must include wildlife and fishery habitat the Commission determines are in need of special protection pursuant to the following standards:

a. Significant fish spawning nursery and feeding areas, critical habitat of endangered and threatened fish and wildlife species ascertained by state or federal agencies, and habitat of fish or wildlife species needing special protection by other means, including by a state fish or wildlife conservation plan.

b. The shelter portions of deer wintering areas when the following conditions are met:

(1) The following must be shown for all shelter portions of deer wintering areas proposed for a P-FW subdistrict:

(a) Documentation of use as a deer wintering area during a minimum of two years over the most recent 10-year period at the time of designation; for at least one of such years, such documentations must be based upon ground observation by a wildlife biologist of the Maine Department of Inland Fisheries and Wildlife during or following a period of winter conditions, but no later than May 1 in any year, showing extent of deer use for winter shelter as evidenced by deer tracks, current and past deer browsing, deer pellet depositions, or bedding sites, such that a population of at least 20 deer per square mile in the shelter area may be estimated. A P-FW subdistrict may be established for an area with an estimated population of fewer than 20 deer per square mile if, in the Commission's judgment, it is necessary to meet the purpose of the P-FW subdistrict. In this regard, the Commission may be guided by “Planning for Maine's Inland Fish and Wildlife Resources, 1986-1991”, of the Maine Department of Inland Fisheries and Wildlife, and associated documents, including the white-tailed deer assessment and strategic plan; and

(b) Occurrence of forest stands that are composed of over 50 percent conifer stems and contain a conifer crown closure of over 50 percent with predominant tree heights of over 35 feet; and

(2) The Maine Department of Inland Fisheries and Wildlife (MDIFW) has submitted to the Commission a status report containing the following information:

(a) Deer population and deer habitat goals for the state and the applicable Wildlife Management District (WMD) – see Map 10.23,D-1;
(b) Estimated current population of deer in the state and the applicable WMD;
(c) Amount of land designated as P-FW subdistricts in the applicable WMD;
(d) Existing information on the amount of deer wintering habitat in organized towns within the applicable WMD;

(e) Amount and location of land designated as P-FW subdistricts in the subject township and all townships abutting the subject township;

(f) A qualitative and, if available, quantitative assessment, based on existing information, of the importance of the area proposed as a P-FW subdistrict to other wildlife species of particular significance, including those identified by state or federal agencies as Endangered, Threatened, Special Concern, Indeterminate Status, or Watch List; and

(3) The combined area of the shelter portions of deer wintering areas designated as P-FW subdistrict within the applicable WMD must not exceed 3.5 percent of the area of that WMD; and

(4) The Maine Department of Inland Fisheries and Wildlife has consulted with the landowner in one of the following ways:

(a) The Maine Department of Inland Fisheries and Wildlife has offered, in writing, to the landowner whose land is under consideration for designation as a P-FW subdistrict the opportunity to accompany the Department and observe its ground survey of the area proposed for designation, and has met with the landowner following such survey for the purpose of reaching agreement as to the area to be designated as a P-FW subdistrict. In making its offer, the Department may require prior agreement by the landowner to reasonably limit activities that would affect designation of the area while it remains under consideration:

(i) If the parties have reached agreement regarding the area to be designated, the terms of such agreement must be submitted to the Commission. Such agreement will not compel the landowner to join in an application for zone change to designate the area as a P-FW subdistrict;

(ii) If the parties are unable to reach agreement, the substance of and reasons for the disagreement must be reported in writing to the Commission by the Department and the landowner; or

(b) The Maine Department of Inland Fisheries and Wildlife has not offered, in writing, to the landowner whose land is under consideration for designation as a P-FW subdistrict the opportunity to accompany the Department and observe its ground survey of the area proposed for designation, but has met with the landowner following its ground survey for the purpose of reaching agreement as to the area to be designated as a P-FW subdistrict:

(i) If the parties have reached agreement regarding the area to be designated, the terms of such agreement must be submitted to the Commission. Such agreement will not compel the landowner to join in an application for zone change to designate the area as a P-FW subdistrict;

(ii) If the parties are unable to reach agreement, the substance of and reasons for the disagreement must be reported to the Commission by the Department and the landowner. Notwithstanding that disagreement, if the Commission finds that the area meets the criteria for designation as a P-FW subdistrict and applies the P-FW designation to the area, within two years of the date of that subdistrict designation, the landowner may request reconsideration of the designation if the landowner has obtained new information indicating the area did not meet the criteria set forth in Section 10.23,D,2,b,(1) at the time of designation. The Commission will give the Department at least 90 days notice of its receipt of a request for reconsideration prior to deciding that request.

c. Upon request or agreement by the landowner, the configuration of a P-FW subdistrict may be modified in order to provide the subdistrict with boundaries of reasonably regular shape.

d. The provisions of Section 10.23,D,2,b, as amended on June 20, 1991, must apply only to proposals to rezone areas to the P-FW subdistrict that are submitted to the Commission after June 20, 1991.

e. The Commission may change a P-FW subdistrict by reducing its size or by changing it to another subdistrict designation if it finds by substantial evidence that:

(1) The area designated as a P-FW subdistrict is no longer substantially used as a wintering area by deer and has not been so used for a period of ten years; and
(2) The change is consistent with the Comprehensive Land Use Plan; and
(3) The change is more appropriate for the protection and management of the resource within the affected area.

Alternatively, the Commission may approve such a subdistrict change if the owner of the affected land designated as P-FW and the Commissioner of the Maine Department of Inland Fisheries and Wildlife agree that such change is appropriate or the area is not needed to meet the deer management objectives established by the Department.

Notwithstanding the above, where a P-FW subdistrict has been established for the purposes of protecting a deer wintering area, that subdistrict must not be reduced in size as a result of timber harvesting activities which would cause such subdistrict to no longer satisfy the requirements of Section 10.23,D,2,b,(1),(b).

f. Coastal nesting islands or portions thereof, to be zoned as P-FW will be determined by the following:

(1) Documentation of use by significant numbers of island nesting sea birds through an on-site investigation as reported in the U.S. Fish and Wildlife Service, Maine Cooperative Wildlife Research Unit's Maine Sea Bird Inventory. Breeding population estimates must be based upon counts of individual nesting pairs and/or visual estimate of the total nesting population of a species.
(2) An island or portion thereof will be considered essential to the maintenance of sea bird populations when: (a) it provides habitat for one percent or more of Maine's total island breeding population of a particular species, or (b) the sum of such percentages for all species on the island is 1 or greater (the individual percentage is determined by dividing the island breeding population by Maine's total island breeding population for a particular species as determined by the latest information available from the Maine Sea Bird Inventory), or (c) when, in the Commission's judgment, protection of an island or portion thereof is essential to the maintenance of the distribution and abundance of a specific species of sea bird.

The colonial sea bird species considered in the above determination include, but are not limited to: common eider (Somateria moullissima), Atlantic puffin (Fratercula arctica), razorbilled auk (Alca torda), black guillemot (Cepphys grylle), snowy egret (Leucophogx thula), glossy ibis (Plegadis falcinellus), arctic tern (Sterna paradisaea), common tern (Sterna hirundo), roseate tern (Sterna dougallii), herring gull (Larus argentatus), great black-backed gull (Larus marinus), laughing gull (Larus artricilla), Leach's petrel (Oceanodroma leucorhoa), double-crested cormorant (Phalacrocorax auritus), black-crowned night heron (Nycticorax mycticorax), and great blue heron (Ardea herodias).

3. Land Uses

a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within P-FW subdistricts (provided, however, only wildlife and fishery management practices approved by the Maine Department of Inland Fisheries and Wildlife or the U.S. Fish and Wildlife Service must be permitted without prior approval of the Commission from May 1st to July 15th in P-FW subdistricts established for colonial nesting sea birds):

(1) Docking structures: Temporary docking structures for non-commercial use in the shelter portion of deer wintering areas;
(2) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
(3) Motorized vehicular traffic on roads and trails, and snowmobiling;
(4) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
(5) Surveying and other resource analysis;
(6) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
(7) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within P-FW subdistricts, subject to the applicable requirements set forth in Sub-Chapter III (provided, however, only wildlife and fishery management practices approved by the Maine Department of Inland Fisheries and Wildlife or the U.S. Fish and Wildlife Service must be permitted without prior approval of the Commission from May 1st to July 15th in P-FW subdistricts established for colonial nesting sea birds):

(1) Forest management activities, except for timber harvesting[12] and land management roads;
(2) Home-based businesses: Minor home-based businesses;
(3) Mineral exploration activities: Level A mineral exploration activities, excluding associated access ways;
(4) Road projects: Level A road projects;
(5) Service drops;
(6) Short-term rentals, in conformance with the standards of Section 10.27,T;
(7) Signs; and
(8) Water crossings of minor flowing waters, except for water crossings of minor flowing waters on/for land management roads.

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within P-FW subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Agricultural activities: Agricultural management activities;

[12] Explanatory note: Timber harvesting is not prohibited in this subdistrict, but instead is regulated by the Maine Forest Service. (See P.L. 2011, ch. 599.) Refer to subsection "e. Uses Regulated by the Maine Forest Service."

(2) Campsites;
(3) Campsites, Residential;
(4) Constructed ponds: Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;
(5) Filling and grading;
(6) Home-based businesses: Major home-based businesses, except in those plantations and townships listed in Section 10.23,D,3,d;
(7) Land application of septage, sludge and other residuals, and related storage and composting activities;
(8) Mineral exploration activities: Access ways for Level A mineral exploration activities; and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;
(9) Road projects: Level B road projects;
(10) Shoreland alterations, including temporary docking structures, and on-shore structures used to secure docks and moorings, except as provided for in Section 10.23,D,3,a; but excluding marinas, permanent docking structures, water-access ways, trailered ramps, and hand-carry launches;
(11) Signs which are not in conformance with the standards of Section 10.27,J;
(12) Utility facilities, excluding service drops;
(13) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D, except for water crossings on/for land management roads; water crossings of bodies of standing water and of major flowing waters, except for water crossings of bodies of standing water and of major flowing waters on/for land management roads;
(14) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S. § 682(19); offshore wind power projects, as defined in 38 M.R.S. § 480-B(6A); and wind energy development in accordance with 35-A M.R.S., Chapter 34-A in areas identified in Appendix F herein;
(15) Other structures, uses or services that are essential for uses listed in Section 10.23,D,3,a through c; and
(16) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within P-FW subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-A(10), the criteria of Sections 10.24,B,1 through 3, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Docking structures: Permanent docking structures;
(2) Driveways;
(3) Hand-carry launches;
(4) Home-based businesses: Major home-based businesses in the following plantations and townships provided there is no suitable or reasonably available location in a development subdistrict:
- Dallas Plantation,
- Rangeley Plantation, and
- Sandy River Plantation;

(5) Mineral exploration activities: Level B mineral exploration activities;

(6) Residential: Single family dwellings;
(7) Road projects: Level C road projects;
(8) Trailered ramps:
  (a) Commercial trailered ramps;
  (b) Private trailered ramps, not in conformance with Section 10.27,L,1; and
  (c) Public trailered ramps;
(9) Water-access ways, in accordance with Section 10.27,L,1; and
(10) Water impoundments.

e. Uses Regulated by the Maine Forest Service

Pursuant to Statute, the following uses are not regulated by the Commission within P-FW subdistricts but are regulated by the Maine Forest Service.

(1) Land management roads;
(2) Natural resource extraction: Gravel extraction for road purposes less than 5 acres in size;
(3) Timber harvesting; and
(4) Water crossings of minor flowing waters, major flowing waters, and bodies of standing water on/for land management roads.

f. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, must be prohibited in P-FW subdistricts.

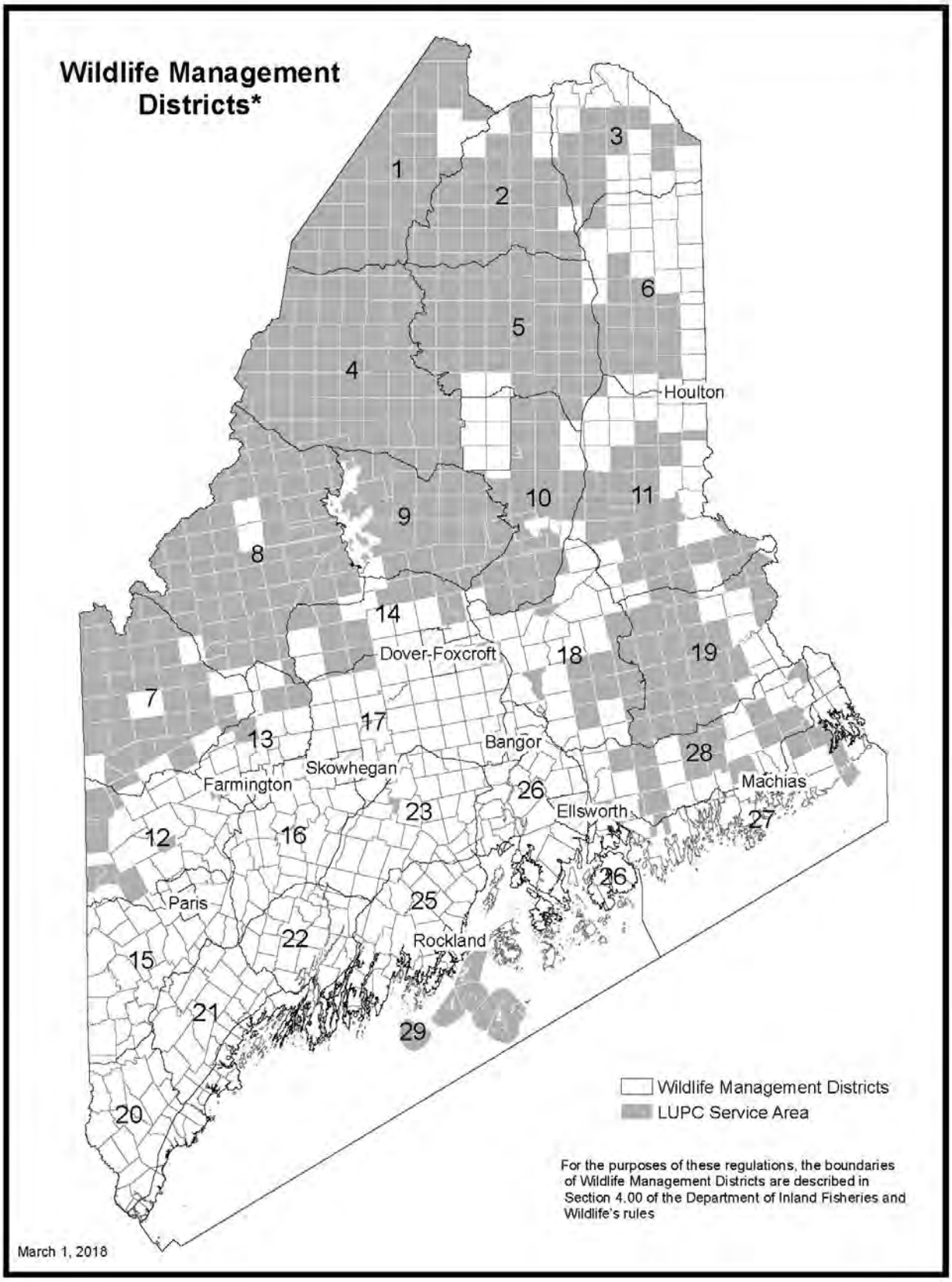

Figure 10.23,D-1 Wildlife Management Districts.

E. GREAT POND PROTECTION SUBDISTRICT (P-GP)

1. Purpose

The purpose of the P-GP subdistrict is to regulate residential and recreational development on Great Ponds to protect water quality, recreation potential, fishery habitat, and scenic character.

2. Description

Areas within 250 feet of the normal high water mark, measured as a horizontal distance landward of such high water mark, of those bodies of standing water 10 acres or greater in size.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within P-GP subdistricts:

(1) Docking structures: Temporary docking structures for non-commercial use;
(2) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
(3) Forest management activities, except for timber harvesting[13];
(4) Motorized vehicular traffic on roads and trails, and snowmobiling;
(5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
(6) Surveying and other resource analysis; and
(7) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within P-GP subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

(1) Accessory structures: New or expanded structures accessory to, and located on the same lot as, any legally existing principal structures and uses, in conformance with the requirements of Section 10.27,P;
(2) Agricultural activities: Agricultural management activities;
(3) Commercial: Recreation supply facilities that do not involve structural development, are not within one-quarter mile of Management Class 1 or Management Class 2 lakes, and not within one-half mile of Management Class 6 lakes, and that are in conformance with the requirements for such activities in Section 10.27,S;
(4) Constructed ponds: Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters, provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(5) Driveways associated with residential uses;
(6) Filling and grading;

[13] Explanatory note: Timber harvesting is not prohibited in this subdistrict, but instead is regulated by the Maine Forest Service. (See P.L. 2011, ch. 599.) Refer to subsection "e. Uses Regulated by the Maine Forest Service."

(7) Hand-carry launches: Commercial and public hand-carry launches;
(8) Home-based businesses: Minor home-based businesses;
(9) Mineral exploration activities: Level A mineral exploration activities, including associated access ways;
(10) Road projects: Level A road projects;
(11) Service drops;
(12) Short-term rentals, in conformance with the standards of Section 10.27,T;
(13) Signs;
(14) Trails, provided that any associated vegetation clearing or filling and grading are in conformance with the standards of Sections 10.27,B,1,c and d, 2, and 4 and Section 10.27,F, and provided the trails are constructed and maintained so as to reasonably avoid sedimentation of water bodies;
(15) Trailered ramps: Public trailered ramps; and
(16) Water crossings of minor flowing waters, except for water crossings of minor flowing waters on/for land management roads.

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within P-GP subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Agricultural activities: Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
(2) Campsites;
(3) Campsites, Residential;
(4) Commercial: Recreation supply facilities that do not involve structural development, and are not within one-quarter mile of Management Class 1 or Management Class 2 lakes, and not within one-half mile of Management Class 6 lakes, and that are not in conformance with the requirements for such activities in Section 10.27,S;
(5) Constructed ponds: Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(6) Draining, dredging, or alteration of the water table or water level for other than mineral extraction;
(7) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
(8) Filling and grading, which is not in conformance with the standards of Section 10.27,F;
(9) Hand-carry launches: Private hand-carry launches and hand-carry launches addressed in Section 10.23,E,3,b which are not in conformance with the standards of Section 10.27,L;
(10) Home-based businesses: Major home-based businesses, except in those plantations and townships listed in Section 10.23,E,3,d;
(11) Land application of septage, sludge and other residuals, and related storage and composting activities;
(12) Mineral exploration activities: Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C; and Level B mineral exploration activities;
(13) Residential: Single family dwellings;
(14) Road projects: Level B and C road projects, except for water crossings of minor flowing waters as provided for in Section 10.23,E,3,b;

(15) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
(16) Signs which are not in conformance with the standards of Section 10.27,J;
(17) Structures: Non-commercial structures for scientific, educational and/or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected by this subdistrict;
(18) Trails which are not in conformance with the standards of Sections 10.27,B,1,c and d, 2, and 4 and 10.27,F;
(19) Trailered ramps: Commercial trailered ramps and trailered ramps addressed in Section 10.23,E,3,b which are not in conformance with the standards of Section 10.27,L;
(20) Utility facilities, excluding service drops;
(21) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D, except water crossings of minor flowing waters on/for land management roads; and water crossings of bodies of standing water and of major flowing waters, except water crossings of bodies of standing water and of major flowing waters on/for land management roads;
(22) Water-dependent structures for recreational lodging facilities in compliance with Section 10.27,Q,7;
(23) Water impoundments;
(24) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S. § 682(19); offshore wind power projects, as defined in 38 M.R.S. § 480-B,(6A); and wind energy development in accordance with 35-A M.R.S., Chapter 34-A in areas identified in Appendix F herein;
(25) Other structures, uses, or services that are essential for uses listed in Section 10.23,E,3,a through c; and
(26) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within P-GP subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-A(10), the criteria of Sections 10.24,B,2 and 3, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Commercial:
  (a) Recreation supply facilities that may involve structural development and are not within one-quarter mile of Management Class 1 or Management Class 2 lakes, and not within one-half mile of Management Class 6 lakes;
  (b) Retail stores and restaurants in Primary Locations, as described in Section 10.08-A,C, with a gross floor area of no more than 2,000 square feet; and
(2) Recreational lodging facilities:
  (a) Level A;
  (b) Level B; and
  (c) Level C.

The following uses, and related accessory structures, may be allowed within P-GP subdistricts as special exceptions upon issuance of a permit from the Commission pursuant

to 12 M.R.S. §685-A(10), the criteria of Sections 10.24,B,1 through 3, and subject to the applicable requirements set forth in Sub-Chapter III:

(3) Docking structures: New or expanded permanent docking structures;
(4) Home-based businesses: Major home-based businesses in the following plantations and townships provided there is no suitable or reasonably available location in a development subdistrict:
- Dallas Plantation,
- Rangeley Plantation, and
- Sandy River Plantation;

(5) Peat extraction affecting an area less than 5 acres in size;
(6) Trailered ramps: Private trailered ramps, in accordance with Section 10.27,L,1; and
(7) Water-access ways, in accordance with Section 10.27,L,1.

e. Uses Regulated by the Maine Forest Service

Pursuant to Statute, the following uses are not regulated by the Commission within P-GP subdistricts but are regulated by the Maine Forest Service.

(1) Land management roads;
(2) Natural resource extraction: Gravel extraction for road purposes less than 5 acres in size;
(3) Timber harvesting; and
(4) Water crossings of minor flowing waters, major flowing waters, and bodies of standing water on/for land management roads.

f. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-GP subdistricts.

F. SEMI-REMOTE LAKE PROTECTION SUBDISTRICT (P-GP2)

1. Purpose

The purpose of the P-GP2 subdistrict is to accommodate seasonal, recreational uses on lakes valued for their semi-remote character and determined to be suitable for limited development through a prospective planning process. This subdistrict is designed to site appropriate uses at a density and in a pattern of development that conserves the essential character of these lakes, and to accommodate traditional uses such as commercial sporting camps and public access. This subdistrict also provides a greater degree of certainty to both the landowners and the public as to the amount of development and conservation that will occur along certain lake shorelines.

2. Description

This subdistrict includes areas within 500 feet of the normal high water mark, measured as a horizontal distance, of those lakes listed below:

- Aziscohos Lake within Lincoln Plantation, Oxford County;
- Lower Richardson Lake, Township C, Oxford County.

The depth of this subdistrict may be deeper than 500 feet to allow development design in the project area that better meets the purpose of this subdistrict. Adjustments will only be made that do not increase the acreage of the project area by more than 10 percent or deviate from the uses allowed in this subdistrict.

Lakes classified as Management Class 3 or 7 may be included on this list only after analysis and review by the Commission through a prospective planning process.

Using Section 10.08 of these rules, the Commission must designate areas for this subdistrict that are consistent with its purpose and suitable for supporting development when measured against the standards of 12 M.R.S. § 685-B(4) and the Commission's rules and regulations.

3. Land Uses

The provisions of the P-GP2 subdistrict will not apply to any applications that have been received and deemed complete for processing by the Commission staff on or before January 1, 2001.

Development in this subdistrict will be for seasonal and recreational uses designed to conserve the shoreline character of these lakes and other values such as fisheries and solitude. Except where already in place or in locations near an existing three-phase line, utility facilities and service drops are not an allowed use in order to maintain the existing character and semi-remote experience.

a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within P-GP2 subdistricts:

(1) Docking structures: Temporary docking structures for non-commercial use;
(2) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;

(3) Forest management activities, except for timber harvesting[14];
(4) Motorized vehicular traffic on roads and trails, and snowmobiling;
(5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
(6) Surveying and other resource analysis; and
(7) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within P-GP2 subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

(1) Agricultural activities: Agricultural management activities;
(2) Constructed ponds: Creation, alteration, or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(3) Driveways associated with residential uses;
(4) Filling and grading;
(5) Hand-carry launches: Commercial and public hand-carry launches;
(6) Home-based businesses: Minor home-based businesses;
(7) Mineral exploration activities: Level A mineral exploration activities, including associated access ways;
(8) Road projects: Level A road projects;
(9) Service drops within one half-mile of three phase utility lines in existence as of January 1, 2001;
(10) Short-term rentals, in conformance with the standards of Section 10.27,T;
(11) Signs;
(12) Trails, provided that any associated vegetation clearing or filling and grading are in conformance with the standards of Sections 10.27,B,1,c and d, 2, and 4 and 10.27,F, and provided the trails are constructed and maintained so as to reasonably avoid sedimentation of water bodies;
(13) Trailered ramps: Public trailered ramps; and
(14) Water crossings of minor flowing waters, except for water crossings of minor flowing waters on/for land management roads.

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within P-GP2 subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, and subject to the applicable requirements set forth in Section 10.25,A:

(1) Agricultural activities: Agricultural management activities within 250 feet of the normal high water mark which are not in conformance with the standards of Section 10.27,A;
(2) Campsites, in accordance with Section 10.23,F,3,g and h;
(3) Campsites, Residential;
(4) Constructed ponds: Creation, alteration, or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such

[14] Explanatory note: Timber harvesting is not prohibited in this subdistrict, but instead is regulated by the Maine Forest Service. (See P.L. 2011, ch. 599.) Refer to subsection "e. Uses Regulated by the Maine Forest Service."

ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;

(5) Draining, dredging, or alteration of the water table or water level for other than mineral extraction;

(6) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;

(7) Filling and grading which is not in conformance with the standards of Section 10.27,F;

(8) Hand-carry launches: Private hand-carry launches and hand-carry launches addressed in Section 10.23,F,3,b which are not in conformance with the standards of Section 10.27,L;

(9) Mineral exploration activities: Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C; and Level B mineral exploration activities;

(10) Recreational lodging facilities: Level A; and Level B having not more than 8,000 square feet of gross floor area, and in accordance with Section 10.23,F,3,g and h. Individual cabins may not include permanent foundations, otherwise main lodges may be built with or without permanent foundations;

(11) Residential: Single family seasonal dwellings without permanent foundations, and in accordance with Section 10.23,F,3,g and h;

(12) Road projects: Level B and C road projects, except for water crossings of minor flowing waters, as provided for in Section 10.23,F,3,b;

(13) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;

(14) Signs which are not in conformance with the standards of Section 10.27,J;

(15) Structures: Non-commercial structures for scientific, educational and/or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected by this subdistrict;

(16) Subdivisions:

(a) Commercial subdivisions for uses allowed in this subdistrict; and

(b) Residential subdivisions: Moderate-density subdivisions;

(17) Trailered ramps: Commercial trailered ramps and trailered ramps addressed in Section 10.23,F,3,b which are not in conformance with the standards of Section 10.27,L;

(18) Trails which are not in conformance with the standards of Sections 10.27,B,1,c and d, 2, and 4 and 10.27,F;

(19) Utility facilities within one half mile of existing three-phase power lines existing as of January 1, 2001;

(20) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D, except for water crossings of minor flowing waters on/for land management roads; and water crossings of bodies of standing water and of major flowing waters, except for water crossings of bodies of standing water and of major flowing waters on/for land management roads;

(21) Water-dependent structures for recreational lodging facilities in compliance with Section 10.27,Q,7;

(22) Water impoundments;

(23) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S. § 682(19); offshore wind power projects, as defined in 38 M.R.S. § 480-B(6A); and wind energy development in accordance with 35-A M.R.S., Chapter 34-A in areas identified in Appendix F herein;

(24) Other structures, uses, or services that are essential for uses listed in Section 10.23,F,3,a through c; and

(25) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within P-GP2 subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-A(10), the criteria of Sections 10.24,B,1 through 3, the criteria of Section 10.25,A, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Docking structures: New or expanded permanent docking structures;
(2) Trailered ramps: Private trailered ramps, in accordance with Section 10.27,L,1; and
(3) Water-access ways, in accordance with Section 10.27,L,1.

e. Uses Regulated by the Maine Forest Service

Pursuant to Statute, the following uses are not regulated by the Commission within P-GP2 subdistricts but are regulated by the Maine Forest Service.

(1) Land management roads;
(2) Natural resource extraction: Gravel extraction affecting areas less than 2 acres in size, for road purposes;
(3) Timber harvesting; and
(4) Water crossings of minor flowing waters, major flowing waters, and bodies of standing water on/for land management roads.

f. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, must be prohibited in P-GP2 subdistricts.

g. Allowed Densities

Parcels within the P-GP2 subdistrict that are in existence as of January 1, 2001 and that have more than 200 feet but less than 400 feet of shore frontage must be allowed one dwelling unit provided that other applicable requirements are met.

All parcels within the P-GP2 subdistrict that have more than 400 feet of shore frontage may be further developed subject to the following requirements:

(1) Maximum density of building units. Overall density within each lot must be no greater than 1 dwelling unit, principal building, or rental cabin for every 400 feet of shoreline up to a maximum density of 13 units per mile of shoreline.

If physical constraints restrict the development potential of more than 50 percent of the shore frontage of a parcel, the maximum allowable number of building units per mile of shoreline must be reduced to one per 200 feet of shoreline that is not constrained. Constraints must include slopes greater than 15 percent; wetlands; wildlife habitat such as deer wintering areas, eagle or loon nesting areas; habitat for rare or endangered plant and animals; unique natural communities and natural areas; and historic and archeological resources.

(2) Building units and density. For the purpose of determining density the following structures must count as individual building units:

(a) single family seasonal dwelling units;
(b) rental cabins associated with campgrounds, sporting camps, or other commercial recreational facilities;
(c) sporting camp lodges or other commercial recreational base lodge facilities containing three or fewer rental rooms; and
(d) campgrounds.

Individual campsites, public and private trailered ramps, permanent docking facilities and water-access ways, and non-commercial structures for scientific, educational and/or nature observation purposes must not count as building units for the purposes of calculating allowable densities. Each set of up to three additional rental rooms, at sporting camp lodges or other commercial recreational base lodge facilities with more than three rental rooms, must count as an additional unit.

(3) Phosphorous control. All development must be designed in accordance with "Maine Stormwater Management Design Manual, Volume II, Phosphorus Control Manual" Maine Department of Environmental Protection. (March 2016) Development density must conform to the requirements of this manual.

(4) Extent of shoreline to be conserved. Within subdivisions, at least 50 percent of a landowner's ownership on a shoreline must be conserved to a depth of 500 feet or the depth of the lot, whichever is less, and set aside as open space according to the provisions of Section 10.25,S. The area to be conserved must be located so that it will create large and contiguous blocks of open space and/or to conserve sensitive resources and areas used traditionally by the public. This conservation of shoreline must not affect the amount of development allowed under the maximum density provision above.

(5) Build-out rate. No more than 20 individual units may be constructed in any ten-year period per lot of record as of the date of adoption of these rules, except that credit for unbuilt units may be carried over to the following time period where a maximum of 40 building units in any 10-year period may be developed.

(6) Required buffer. No structural development must be allowed within a one-quarter mile radius of any commercial sporting camp, campground, or group of rental cabins associated with a commercial sporting camp or campground. Individual campsites are excluded from this buffering requirement.

The buffer must extend from the edge of the principal building, dwelling unit, rental unit, or campsite that is closest to any adjacent use.

h. Other Development Considerations

(1) Campground, campsite, and rental cabin management. All such facilities offered for rent must be managed and supervised by an attendant who provides regular and routine oversight.

G. MOUNTAIN AREA PROTECTION SUBDISTRICT (P-MA)

1. Purpose

The purpose of the P-MA subdistrict is to regulate certain land use activities in mountain areas in order to preserve the natural equilibrium of vegetation, geology, slope, soil and climate in order to reduce danger to public health and safety posed by unstable mountain areas, to protect water quality, and to preserve mountain areas for their scenic values and recreational opportunities.

2. Description

a. Areas above 2,700 feet in elevation, except where the Commission determines from substantial evidence presented to it that designation otherwise would not jeopardize significant natural, recreational or historic resources and where such other designation would be consistent with the purpose, intent and provisions of the Comprehensive Land Use Plan and 12 M.R.S. § 206-A.

Evidence submitted for consideration in determining whether areas above 2,700 feet in elevation should not be included in a P-MA subdistrict must include the following:

(1) Proof that the area meets the definition of the subdistrict in which it is proposed to be placed;
(2) A soils map showing soil type or soil group names, and a description of their characteristics, demonstrating that the area possesses the following soil conditions:

(a) Depth to bedrock of 20" or more,
(b) Well or moderately well drained,
(c) Slope of less than 25%,
(d) A mature soil profile, and
(e) Nutrient content and pH status proper to encourage the establishment of vegetation.

(3) A topographic map indicating the area to be excluded from the P-MA subdistrict;
(4) A description of scenic conditions and recreational opportunities which shows that there are no areas of scenic value or recreational opportunity which will be unreasonably impaired by excluding such area from the P-MA subdistrict;
(5) A description of the land use history of the area; and
(6) Other information pertinent to the suitability of the area, pursuant to 12 M.R.S. § 685-B(4) for the specific use proposed.

b. Mountain areas the Commission identifies below 2,700 feet in elevation when vegetative cover, geology, degree of slope, soil type, and climatic conditions indicate the need to protect such areas in order to achieve the purpose of the P-MA subdistrict.

Evidence submitted for consideration in determining whether areas below 2,700 feet in elevation should be included in a P-MA subdistrict must include the following:

(1) A soils map showing soil types or groups and a description of their characteristics demonstrating that the area possesses the following soil conditions:

(a) Depth to bedrock of less than 20",
(b) Less than moderately well drained,

(c) Slope of 25% or greater,
(d) Soil profile which is not mature, and
(e) Nutrient content and pH status not conducive to the establishment of vegetation.

(2) A topographic map indicating the area to be included in the P-MA subdistrict;
(3) A description of scenic conditions and recreational opportunities in the area which demonstrates that the same should be included in the P-MA subdistrict;
(4) A description of the land use history of the area; and
(5) Other information pertinent to the suitability of the area for inclusion in P-MA subdistrict.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within P-MA subdistricts:

(1) Docking structures: Temporary docking structures for non-commercial use;
(2) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
(3) Forest and agricultural management activities, except for timber harvesting[15];
(4) Motorized vehicular traffic on roads and trails, and snowmobiling;
(5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
(6) Surveying and other resource analysis; and
(7) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within P-MA subdistricts, subject to the applicable requirements set forth in Sub-Chapter III:

(1) Mineral exploration activities: Level A mineral exploration activities, excluding associated access ways;
(2) Road projects: Level A road projects;
(3) Service drops; and
(4) Signs.

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within P-MA subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Campsites;
(2) Constructed ponds: Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;
(3) Draining or altering the water table or water level for other than mineral extraction;

[15] Explanatory note: Timber harvesting is not prohibited in this subdistrict, but instead is regulated by the Maine Forest Service. (See P.L. 2011, ch. 599.) Refer to subsection "e. Uses Regulated by the Maine Forest Service."

(4) Filling and grading;
(5) Land application of septage, sludge and other residuals, and related storage and composting activities;
(6) Mineral exploration activities: Access ways for Level A mineral exploration activities; and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;
(7) Road projects: Level B road projects;
(8) Signs which are not in conformance with the standards of Section 10.27,J;
(9) Trails;
(10) Water crossings, except for water crossings on/for land management roads;
(11) Water impoundments;
(12) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S. § 682(19); offshore wind power projects, as defined in 38 M.R.S. § 480-B(6A); and wind energy development in accordance with 35-A M.R.S., Chapter 34-A in areas identified in Appendix F herein;
(13) Other structures, uses, or services that are essential for exercise of uses listed in Section 10.23,G,3,a through c; and
(14) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within P-MA subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-A(10), the criteria of Sections 10.24,B,1 through 3, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Driveways;
(2) Mineral exploration activities: Level B mineral exploration activities;
(3) Road projects: Level C road projects;
(4) Structures: Structures relating to downhill skiing and other mountain related recreation facilities; and
(5) Utility facilities.

e. Uses Regulated by the Maine Forest Service

Pursuant to Statute, the following uses are not regulated by the Commission within P-MA subdistricts but are regulated by the Maine Forest Service.

(1) Land management roads;
(2) Timber harvesting; and
(3) Water crossings on/for land management roads.

f. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-MA subdistricts.

H. RESOURCE PLAN PROTECTION SUBDISTRICT (P-RP)

1. Purpose

The purpose of the P-RP subdistrict is to provide for the more efficient and effective management of single or multiple protection subdistricts (and in some cases adjoining management subdistricts) than can be realized through the use of other protection subdistricts and their related standards. Resource Plans for such areas that are consistent with the requirements of Section 10.23,H,2 through 9 below may be submitted to the Commission for review, and upon approval, such areas must be designated as P-RP subdistricts.

"Concept plans," as outlined in the Comprehensive Land Use Plan, are included under the purpose of this subdistrict.

2. Description

P-RP subdistricts must be designated in areas where the Commission has approved a Resource Plan that:

a. Incorporates standards, which, taken as a whole, are at least as protective of the natural environment as those standards which would otherwise be applicable; and

b. Establishes procedures that reduce the need for repetitious permit applications to the Commission; and

c. Complies with the criteria established below for their review; and

d. Has as its primary purpose the protection of those resources in need of protection or, in the case of concept plans, includes in its purpose the protection of those resources in need of protection.

3. Permitted Uses

Unless the Commission otherwise provides in approving the Resource Plan, those uses that are specified in the approved Resource Plan must be allowed without a permit. The Commission may approve the creation of a subdivision within the context of a Resource Plan approved by the Commission without the need for rezoning to a development subdistrict provided such subdivision is consistent with the purpose and intent of this subdistrict.

For land within a P-RP Subdistrict, sub-areas identified in the resource or concept plan as development areas will be regulated (in regards to timber harvesting, land management roads, water crossings on/for land management roads, and gravel extraction) by the Land Use Planning Commission as development subdistricts. Areas not so identified will be regulated by the Maine Forest Service according to the underlying protection and/or management subdistrict. Specific standards incorporated into the resource or concept plans will continue to apply until the expiration or revision of the related plan.

4. Ownership

Before the Commission must consider an application, the applicant must submit proof that the applicant owns or leases the area for which the Resource Plan is proposed.

5. Application Procedures

All P-RP subdistrict applications must include at least the following information:

a. A statement of how the proposed Resource Plan conforms with the purpose of this subdistrict and what objectives will be achieved by the proposed redistricting;

b. A copy of an existing district map on which the area of the proposed P-RP subdistrict is clearly shown;

c. A description of the management procedures, conservation easements, covenants, agreements or other formalized procedures that the applicant proposes to use to replace the restrictions and regulations that currently apply. The description must specify how the Resource Plan achieves equal or better protection of resources in the area than the subdistrict(s) which would otherwise apply;

d. A copy of all those formal procedures and agreements that will ensure the continued protection of the resources; and

e. A statement that specifies the expiration date (if any) of the proposed Resource Plan, and of the procedures the applicant may wish to use to extend the provisions thereof.

When the Resource Plan application involves structural development, it must include, in addition to (a) through (e) above:

f. Forms, plans, and exhibits as are required by the Commission;

g. Evidence that the proposal will conform with 12 M.R.S. § 685-B; and

h. A covenant stating that no subdivision of the designated area will take place, except as approved by the Commission as part of an approved concept plan.

6. Criteria for Review

The Commission may approve a Resource Plan and any associated redistricting only if it finds that all of the following criteria are satisfied:

a. The plan conforms with redistricting criteria;

b. The plan conforms, where applicable, with the Commission's Land Use Districts and Standards;

c. The plan conforms with the Commission's Comprehensive Land Use Plan;

d. The plan, taken as a whole, is at least as protective of the natural environment as the subdistricts which it replaces. In the case of concept plans, this means that any development gained through any waiver of the location of development criteria in Section 10.08,B is matched by comparable conservation measures;

e. The plan has as its primary purpose the protection of those resources in need of protection, or, in the case of concept plans, includes in its purpose the protection of those resources in need of protection;

f. In the case of concept plans, the plan strikes a reasonable and publicly beneficial balance between appropriate development and long-term conservation of lake resources; and

g. In the case of concept plans, conservation measures apply in perpetuity, except where it is demonstrated by clear and convincing evidence that other alternative conservation measures fully provide for long-term protection or conservation.

7. Approval or Denial of Resource Plan

The Commission, after staff review and recommendation, must approve or deny the redistricting application. If the Resource Plan proposal contemplates structural development, except as provided in Section 10.23,H,3, the Commission may simultaneously with its approval of the P-RP subdistrict, grant, grant with conditions, or deny, applications for such permits as are required for structural development.

Upon approval of the Resource Plan, a P-RP subdistrict must be designated on the official Land Use Guidance Map and recorded in accordance with the provisions of Section 10.04.

8. Duration of Plan

The provisions of an approved and recorded Resource Plan must apply for the duration of the approved time period, except that any conservation measures taken to strike a reasonable and publicly beneficial balance in a lake concept plan must continue to apply to the extent that they are covered by legal contract, deeded covenants, permit requirements, or other legal instruments. The Resource Plan must be for a minimum of 10 years and may be extended upon approval of the Commission and the applicant. The Resource Plan must become invalidated if the provisions therein are not complied with.

At the termination of a plan, the Commission will, in conformity with its comprehensive plan, statutes, and standards, designate appropriate zoning which is reasonably consistent with zoning in accordance with Section 10.08,A

In the event that a plan is terminated, all transactions initiated as a component of the plan, including without limitation, the granting of conservation easements or restrictive covenants on subdivided lands will continue to apply to the extent that they are covered by legal contract, deeded covenants, permit or other legal requirements.

9. Amendments

Proposed amendments to the Resource Plan must be made in writing to the Commission. An amendment must be granted provided it meets the criteria for review listed in Section 10.23,H,6 above. An increase in the size of a P-RP subdistrict may be allowed by amendment, upon approval of the Commission, provided that the Resource Plan is amended to include such expanded area.

I. RECREATION PROTECTION SUBDISTRICT (P-RR)

1. Purpose

The purpose of the P-RR subdistrict is to provide protection from development and intensive recreational uses to those areas that currently support, or have opportunities for, unusually significant primitive recreation activities. By so doing, the natural environment that is essential to the primitive recreational experience will be conserved.

2. Description

P-RR: Trails, and areas surrounding bodies of standing and flowing water and other areas which the Commission identifies as providing or supporting unusually significant opportunities for primitive recreational experiences.

Bodies of standing water so classified include, but are not limited to, those found to meet the definition of Management Class 1 or Management Class 6 Lakes.

In the case of Management Class 1 Lakes, the Protection District shall extend 1/4 mile out from and around the water body; in the case of Management Class 6 Lakes, the Protection District must extend 1/2 mile out from and around the water body; and in the case of trails and flowing water, the Protection District must extend 250 feet on each side of the trail or flowing water, measured from the center of the trail or the normal high water mark of the water, provided that such distance may be decreased where a lesser distance will satisfy the purpose of this subdistrict. The extent, as delineated above, of any P-RR subdistrict may be increased upon land owner agreement.

The river segments within the Commission's jurisdiction identified as meriting special protection in the Governor's Executive Order on Maine Rivers Policy, issued July 6, 1982, based upon the 1982 Maine Rivers Study of the Department of Conservation, must qualify as flowing water appropriate for protection within this subdistrict.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within P-RR subdistricts:

(1) Docking structures: Temporary docking structures for non-commercial use;
(2) Emergency operations conducted for the public health, safety, or general welfare, such as resource protection, law enforcement, and search and rescue operations;
(3) Motorized vehicular traffic and snowmobiling with the following exceptions:
  (a) in the instance of trails designated as P-RR, such traffic and snowmobiling is allowed only on those portions of such trails which are located within the right-of-way of a roadway or utility line; and
  (b) within any P-RR subdistrict surrounding a body of standing water, such traffic is allowed only in connection with forest or agricultural management activities or in connection with access to and use of existing remote camps; but snowmobiling must be allowed in such subdistrict;
(4) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;

(5) Surveying and other resource analysis; and
(6) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within P-RR subdistricts, subject to the applicable requirements set forth in Sub-Chapter III:

(1) Forest and agricultural management activities, except for timber harvesting[16];
(2) Mineral exploration activities: Level A mineral exploration activities, including associated access ways, provided that such access ways located in P-RR subdistricts established to protect bodies of standing water must be discontinued, gated, obstructed or otherwise made impassable to two wheel drive vehicles upon completion of the mineral exploration activity, further provided that, when approval for such is legally required, the Maine Forest Service approves the discontinuance of such access ways, which approval the operator must request;
(3) Road projects: Level A road projects;
(4) Service drops;
(5) Signs;
(6) Trails, provided that any associated vegetation clearing or filling and grading are in conformance with the standards of Sections 10.27,B,1,c and d, 2, and 4 and 10.27,F, and provided the trails are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
(7) Water crossings of minor flowing waters, except as provided in Section 10.23,I,3,c below, except water crossings of minor flowing waters on/for land management roads.

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within P-RR subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Campsites;
(2) Constructed ponds: Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;
(3) Land application of septage, sludge and other residuals, and related storage and composting activities;
(4) Mineral exploration activities: Level A mineral exploration activities, including associated access ways, which are not in conformance with Section 10.23,I,3,b or Section 10.27,C;
(5) Road projects: Level B road projects;
(6) Shoreland alterations, including permanent on-shore structures used to secure docks and moorings, but excluding marinas, permanent docking structures, water-access ways, trailered ramps, and hand-carry launches;
(7) Signs which are not in conformance with the standards of Section 10.27,J;
(8) Trails which are not in conformance with the standards of Sections 10.27,B,1,c and d, 2, and 4 and 10.27,F;
(9) Water crossings of major flowing waters, except for water crossings of major flowing waters on/for land management roads; water crossings of all flowing waters surrounded by a P-RR subdistrict established to protect such waters, except for water

[16] Explanatory note: Timber harvesting is not prohibited in this subdistrict, but instead is regulated by the Maine Forest Service. (See P.L. 2011, ch. 599.) Refer to subsection "e. Uses Regulated by the Maine Forest Service."

crossings of all flowing waters surrounded by a P-RR subdistrict established to protect such waters on/for land management roads;

(10) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S. § 682(19); offshore wind power projects, as defined in 38 M.R.S. § 480-B(6A); and wind energy development in accordance with 35-A M.R.S., Chapter 34-A in areas identified in Appendix F herein;

(11) Other structures, uses or services that are essential for the exercise of uses listed in Section 10.23,I,3,a through c; and

(12) Other structures, uses or services which the Commission determines are consistent with the purpose of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the uses or resources they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within P-RR subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-A(10), the criteria of Sections 10.24,B,1 through 3, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Docking structures: Permanent docking structures;
(2) Filling and grading;
(3) Hand-carry launches;
(4) Mineral exploration activities: Level B mineral exploration activities;
(5) Natural resource extraction: Mineral extraction for road purposes, except for gravel extraction less than 5 acres in size and except as provided in Sections 10.23,I,3,b and c above;
(6) Road projects: Level C road projects;
(7) Trailered ramps: Public trailered ramps on rivers and streams zoned P-RR to protect flowing waters;
(8) Utility facilities other than service drops; and
(9) Water-access ways, in accordance with Section 10.27,L,1.

e. Uses Regulated by the Maine Forest Service

Pursuant to Statute, the following uses are not regulated by the Commission within P-RR subdistricts but are regulated by the Maine Forest Service. Instances where a permit for the activity issued by the Maine Forest Service also requires review and approval by the Commission are noted.

(1) Land management roads (Permits for land management roads in P-RR subdistricts must require review and approval by the Commission);
(2) Natural resource extraction: Gravel extraction for road purposes less than 5 acres in size (Permits for gravel pits less than 5 acres in size in P-RR subdistricts must require review and approval by the Commission);
(3) Skid trails, skid roads, and winter haul roads in P-RR subdistricts established to protect a trail or flowing water;
(4) Timber harvesting (Permits for timber harvesting in P-RR subdistricts established to protect a trail or flowing water must require review and approval by the Commission); and
(5) Water crossings of minor flowing waters, major flowing waters, and of all flowing waters surrounded by a P-RR subdistrict established to protect such waters on/for land

management roads (Permits for water crossings on/for land management roads in P-RR subdistricts must require review and approval by the Commission).

In instances where review and approval by the Commission are required, the Commission will consider all applicable requirements set forth in Sub-Chapter III, except for any criteria that are duplicative of criteria considered by another state agency, and the Commission will consider whether the activity will adversely affect the resources protected by the P-RR subdistrict.

In the case of land management roads in P-RR subdistricts around bodies of standing water, the Commission must also consider whether there is any reasonable alternative route for the road and whether reasonable and adequate provisions will be made by the applicant to make the road impassable to two wheel drive vehicles following termination of the road's use.

In the case of gravel extraction for road purposes in P-RR subdistricts other than those established to protect flowing waters, the Commission must require the applicant to show by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan.

f. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, must be prohibited in P-RR subdistricts.

J. SPECIAL RIVER TRANSITION PROTECTION SUBDISTRICT (P-RT)

1. Purpose

The purpose of the P-RT subdistrict is to protect the special resource values of the flowing waters and shorelands of Maine's outstanding river segments as defined in 12 M.R.S. § 403, while allowing for responsible land management and compatible development in those communities situated as transition areas between unorganized townships and municipalities outside of the Commission's jurisdiction. Such areas are subject to different pressures and uses than those in less developed areas of the jurisdiction.

2. Description

Areas within 250 feet of special rivers as identified in The Maine Rivers Act, 12 M.R.S. § 403, that are transition areas because they (a) are on the downstream ends of these rivers within the Commission's jurisdiction, and thus are situated between municipalities outside the Commission's jurisdiction and less developed upstream areas, and (b) have established communities and substantial development either on or proximate to the shoreline.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within P-RT subdistricts:

(1) Emergency operations conducted for the public health, safety, or general welfare, such as resource protection, law enforcement, and search and rescue operations;
(2) Motorized vehicular traffic and snowmobiling;
(3) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
(4) Surveying and other resource analysis; and
(5) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within P-RT subdistricts, subject to the applicable requirements set forth in Sub-Chapter III:

(1) Driveways associated with residential uses;
(2) Forest and agricultural management activities, except for timber harvesting[17];
(3) Home-based businesses: Minor home-based businesses;
(4) Mineral exploration activities: Level A mineral exploration activities, including associated access ways;
(5) Road projects: Level A road projects;
(6) Service drops;
(7) Short-term rentals, in conformance with the standards of Section 10.27,T;
(8) Signs; and

[17] Explanatory note: Timber harvesting is not prohibited in this subdistrict, but instead is regulated by the Maine Forest Service. (See P.L. 2011, ch. 599.) Refer to subsection "e. Uses Regulated by the Maine Forest Service."

(9) Trails, provided that any associated vegetation clearing or filling and grading are in conformance with the standards of Sections 10.27,B,1,c and d, 2, and 4 and 10.27,F, and provided the trails are constructed and maintained so as to reasonably avoid sedimentation of water bodies.

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within P-RT subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Campsites;
(2) Campsites, Residential, provided the setback from the normal high water mark is a minimum of 125 feet;
(3) Constructed ponds: Creation, alteration or maintenance of constructed ponds which are not fed or drained by a flowing water;
(4) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
(5) Filling and grading;
(6) Home-based businesses: Major home-based businesses, except in those plantations and townships listed in Section 10.23,J,3,d;
(7) Land application of septage, sludge and other residuals, and related storage and composting activities;
(8) Mineral exploration activities: Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C;
(9) Residential: Single family dwellings, provided the setback from the normal high water mark is a minimum of 125 feet;
(10) Road projects: Level B road projects provided that such roads are set back as far as practicable from the normal high water mark and screened from the river by existing vegetation;
(11) Shoreland alterations, including temporary docking structures and on-shore structures used to secure docks and moorings for non-commercial use; but excluding marinas, permanent docking structures, water-access ways, trailered ramps, and hand-carry launches;
(12) Signs which are not in conformance with the standards of Section 10.27,J;
(13) Trails which are not in conformance with the standards of Sections 10.27,B,1,c and d, 2, and 4 and 10.27,F;
(14) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S. § 682(19); offshore wind power projects, as defined in 38 M.R.S. § 480-B(6A); and wind energy development in accordance with 35-A M.R.S., Chapter 34-A in areas identified in Appendix F herein;
(15) Other structures, uses or services that are essential for the exercise of uses listed in Sections 10.23,J,3,a through c; and
(16) Other structures, uses or services which the Commission determines are consistent with the purpose of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the uses or resources they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within P-RT subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-A(10), the criteria of Sections 10.24,B,1 through 3, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Docking structures: Permanent docking structures on rivers and streams zoned P-RT;
(2) Hand-carry launches on rivers and streams zoned P-RT;
(3) Home-based businesses: Major home-based businesses in the following plantations and townships provided there is no suitable or reasonably available location in a development subdistrict:
- Dallas Plantation,
- Rangeley Plantation, and
- Sandy River Plantation;

(4) Mineral exploration activities: Level B mineral exploration activities;
(5) Road projects: Level C road projects, provided that:
  (a) no reasonable alternative route outside of the P-RT subdistrict exists and that;
  (b) such roads are set back as far as practicable from the normal high water mark; and
  (c) they are screened from the river by existing vegetation;
(6) Trailered ramps: Public trailered ramps on rivers and streams zoned P-RT;
(7) Utility facilities other than service drops; and
(8) Water-access ways on rivers and streams zoned P-RT, in accordance with Section 10.27,L,1.

e. Uses Regulated by the Maine Forest Service

Pursuant to Statute, the following uses are not regulated by the Commission within P-RT subdistricts but are regulated by the Maine Forest Service. Instances where a permit for the activity issued by the Maine Forest Service also requires review and approval by the Commission are noted.

(1) Land management roads (Permits for land management roads in P-RT subdistricts must require review and approval by the Commission);
(2) Natural resource extraction: Gravel extraction for road purposes less than 5 acres in size (Permits for gravel pits less than 5 acres in size in P-RT subdistricts must require review and approval by the Commission);
(3) Skid trails, skid roads, and winter haul roads;
(4) Timber harvesting (Permits for timber harvesting in P-RT subdistricts must require review and approval by the Commission); and
(5) Water crossings for skid trails, skid roads and winter haul roads of minor flowing waters and water crossings of major flowing waters (Permits for water crossings in P-RT subdistricts must require review and approval by the Commission).

In instances where review and approval by the Commission are required, the Commission will consider all applicable requirements set forth in Sub-Chapter III, except for any criteria that are duplicative of criteria considered by another state agency, and the Commission will consider whether the activity will adversely affect the resources protected by the P-RT subdistrict.

In the case of land management roads in P-RT subdistricts, the Commission must also consider whether: no reasonable alternative route outside of the P-RT subdistrict exists; they

are set back as far as practicable from the normal high water mark; they follow the shortest practicable route in traversing the subdistrict; they are screened from the river by existing vegetation; and they are built in compliance with the road standards for P-SL1 subdistricts.

In the case of gravel extraction, the Commission must also consider whether the developer has demonstrated that no reasonable alternative mining sites exist outside of the P-RT subdistrict. When new sites must be located within the P-RT subdistrict, the Commission must require that they shall be set back as far as practicable from the normal high water mark and no less than 75 feet and must be screened from the river by existing vegetation.

f. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, must be prohibited in P-RT subdistricts.

K. SOILS AND GEOLOGY PROTECTION SUBDISTRICTS (P-SG)

1. Purpose

The purpose of the P-SG subdistrict is to protect areas that have precipitous slopes or unstable characteristics from uses or development that can cause accelerated erosion, water sedimentation, mass movement, or structural damage, all of which could cause public danger or threaten public health.

2. Description

Areas, 10 acres or more in size, identified by the Commission as having average slopes greater than 60 percent, or areas, 10 acres or more in size, identified by the Commission as having unstable soil which, due to a combination of slope, vegetation, soil type and underlying geology, are subject to accelerated erosion or mass movement.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses must be allowed without a permit from the Commission within P-SG subdistricts:

(1) Docking structures: Temporary docking structures for non-commercial use;
(2) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
(3) Forest management activities, except for timber harvesting[18];
(4) Motorized vehicular traffic on roads and trails, and snowmobiling;
(5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
(6) Surveying and other resource analysis; and
(7) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses must be allowed without a permit from the Commission within P-SG subdistricts, subject to the applicable requirements set forth in Sub-Chapter III:

(1) Agricultural activities: Agricultural management activities;
(2) Mineral exploration activities: Level A mineral exploration activities, excluding associated access ways;
(3) Road projects: Level A road projects;
(4) Service drops; and
(5) Signs.

[18] Explanatory note: Timber harvesting is not prohibited in this subdistrict, but instead is regulated by the Maine Forest Service. (See P.L. 2011, ch. 599.) Refer to subsection "e. Uses Regulated by the Maine Forest Service."

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within P-SG subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Agricultural activities: Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
(2) Constructed ponds: Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;
(3) Draining, dredging, or alteration of the water table or level for other than mineral extraction;
(4) Filling and grading;
(5) Metallic mineral mining activities: Tier one advanced exploration;
(6) Mineral exploration activities: Access ways for Level A mineral exploration activities, Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C, and Level B mineral exploration activities;
(7) Natural resource extraction: Mineral extraction for road purposes not to exceed 30 acres in size provided the unreclaimed area is less than 15 acres, except for gravel extraction for road purposes less than 5 acres in size;
(8) Road projects: Level B and C road projects;
(9) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, and boat ramps and ways;
(10) Signs which are not in conformance with the standards of Section 10.27,J;
(11) Trails;
(12) Utility facilities, except service drops;
(13) Water crossings, except for water crossings on/for land management roads;
(14) Water impoundments;
(15) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S. § 682(19); offshore wind power projects, as defined in 38 M.R.S. § 480-B(6A); and wind energy development in accordance with 35-A M.R.S., Chapter 34-A in areas identified in Appendix F herein;
(16) Other structures, uses, or services that are essential for the exercise of uses listed in Section 10.23,K,3,a through c; and
(17) Other structures, uses or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within P-SG subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-A(10), the criteria of Sections 10.24,B,1 and 3, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Driveways.

e. Uses Regulated by the Maine Forest Service

Pursuant to Statute, the following uses are not regulated by the Commission within P-SG subdistricts but are regulated by the Maine Forest Service.

(1) Land management roads;
(2) Natural resource extraction: Gravel extraction for road purposes less than 5 acres in size;
(3) Timber harvesting; and
(4) Water crossings on/for land management roads.

f. Prohibited Uses

All uses not expressly allowed, with or without a permit, or by special exception, shall be prohibited in P-SG subdistricts.

L. SHORELAND PROTECTION SUBDISTRICT (P-SL)

1. Purpose

The purpose of the P-SL subdistrict is to regulate certain land use activities in certain shoreland areas in order to maintain water quality, plant, fish and wildlife habitat and in order to protect and enhance scenic and recreational opportunities.

2. Description

P-SL1: Areas within 250 feet of the normal high water mark, measured as horizontal distance landward of such high water mark, of (a) coastal wetlands, and (b) flowing waters downstream from the point where such waters drain 50 square miles or more.

P-SL2: Areas within 75 feet, measured as a horizontal distance landward, of (a) the normal high water mark of flowing waters upstream from the point where such channels drain 50 square miles; (b) the upland edge of those freshwater wetlands identified in Section 10.23,N,2,a,(1),(c) and (2), and (3); and (c) the normal high water mark of bodies of standing water less than 10 acres in size, but excluding bodies of standing water which are less than three acres in size and which are not fed or drained by a flowing water.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within P-SL subdistricts:

(1) Docking structures: Temporary docking structures for non-commercial use;
(2) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
(3) Forest management activities, except for timber harvesting[19];
(4) Motorized vehicular traffic on roads and trails, and snowmobiling;
(5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
(6) Surveying and other resource analysis; and
(7) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within P-SL subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

(1) Agricultural activities: Agricultural management activities;
(2) Commercial: Recreation supply facilities that do not involve structural development, and are not within one-quarter mile of Management Class 1 or Management Class 2 lakes, and not within one-half mile of Management Class 6 lakes, and that are in conformance with the requirements for such activities in Section 10.27,S;

[19] Explanatory note: Timber harvesting is not prohibited in this subdistrict, but instead is regulated by the Maine Forest Service. (See P.L. 2011, ch. 599.) Refer to subsection "e. Uses Regulated by the Maine Forest Service."

(3) Constructed ponds: Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(4) Driveways associated with residential uses;
(5) Filling and grading;
(6) Hand-carry launches: Commercial and public hand-carry launches;
(7) Home-based businesses: Minor home-based businesses;
(8) Mineral exploration activities: Level A mineral exploration activities, including associated access ways;
(9) Road projects: Level A road projects;
(10) Service drops;
(11) Short-term rentals, in conformance with the standards of Section 10.27,T;
(12) Signs;
(13) Trailered ramps: Public trailered ramps;
(14) Trails, provided that any associated vegetation clearing or filling and grading are in conformance with the standards of Sections 10.27,B,1,c and d, 2, and 4 and 10.27,F, and provided the trails are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
(15) Water crossings of minor flowing waters, except for water crossings of minor flowing waters on/for land management roads.

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within P-SL subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Agricultural activities: Agricultural management activities which are not in conformance with the standards of Section 10.27,A and cranberry cultivation;
(2) Campsites;
(3) Campsites, Residential;
(4) Commercial: Recreation supply facilities that do not involve structural development, and are not within one-quarter mile of Management Class 1 or Management Class 2 lakes, and not within one-half mile of Management Class 6 lakes, and that are not in conformance with the requirements for such activities in Section 10.27,S;
(5) Constructed ponds: Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(6) Draining, dredging, or alteration of water table or water level for other than mineral extraction;
(7) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
(8) Filling and grading which is not in conformance with the standards in Section 10.27,F;
(9) Hand-carry launches: Private hand-carry launches and hand-carry launches addressed in Section 10.23,L,3,b which are not in conformance with the standards of Section 10.27,L;
(10) Home-based businesses: Major home-based businesses, except in those plantations and townships listed in Section 10.23,L,3,d;
(11) Land application of septage, sludge and other residuals, and related storage and composting activities;

(12) Mineral exploration activities: Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C; and Level B mineral exploration activities;
(13) Peat extraction affecting an area less than 5 acres in size;
(14) Recreational lodging facilities: Level A;
(15) Residential: Single family dwellings;
(16) Road projects: Level B and C road projects, other than crossings of minor flowing waters as provided for in Section 10.23,L,3,b;
(17) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
(18) Signs which are not in conformance with the standards of Section 10.27,J;
(19) Structures: Non-commercial structures for scientific, educational or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected by this subdistrict;
(20) Trailered ramps: Commercial trailered ramps and trailered ramps addressed in Section 10.23,L,3,b which are not in conformance with the standards of Section 10.27,L;
(21) Trails which are not in conformance with the standards of Section 10.27,B,1,c and d, 2, and 4 and 10.27,F;
(22) Utility facilities, excluding service drops;
(23) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D, except for water crossings of minor flowing waters on/for land management roads; water crossings of coastal wetlands, bodies of standing water, and of major flowing waters, except water crossings of coastal wetlands, bodies of standing water and of major flowing waters on/for land management roads;
(24) Water-dependent structures for recreational lodging facilities in compliance with Section 10.27,Q,7;
(25) Water impoundments;
(26) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S. § 682(19); offshore wind power projects, as defined in 38 M.R.S. § 480-B(6A); and wind energy development in accordance with 35-A M.R.S., Chapter 34-A in areas identified in Appendix F herein;
(27) Other structures, uses or services that are essential for the exercise of uses listed in Section 10.23,L,3,a through c; and
(28) Other structures, uses or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within P-SL subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-A(10), the criteria of Sections 10.24,B,2 and 3, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Commercial and industrial:
  (a) Commercial and industrial structures of less than 8,000 square feet which rely on the water resource for their existence; and
  (b) Recreation supply facilities that may involve structural development and are not within one-quarter mile of Management Class 1 or Management Class 2 lakes, and not within one-half mile of Management Class 6 lakes;
(2) Recreational lodging facilities:
  (a) Level B; and
  (b) Level C.

The following uses, and related accessory structures, may be allowed within P-SL subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-A(10), the criteria of Sections 10.24,B,1 through 3, and subject to the applicable requirements set forth in Sub-Chapter III:

(3) Docking structures: New or expanded permanent docking structures;
(4) Home-based businesses: Major home-based businesses in the following plantations and townships provided there is no suitable or reasonably available location in a development subdistrict:
  - Dallas Plantation,
  - Rangeley Plantation, and
  - Sandy River Plantation;
(5) Trailered ramps: Private trailered ramps, in accordance with Section 10.27,L,1; and
(6) Water-access ways, in accordance with Section 10.27,L,1.

e. Use Regulated by the Maine Forest Service

Pursuant to Statute, the following uses are not regulated by the Commission within P-SL subdistricts but are regulated by the Maine Forest Service.

(1) Gravel extraction for road purposes less than 5 acres in size;
(2) Land management roads;
(3) Timber harvesting; and
(4) Water crossings of minor flowing waters, major flowing waters, bodies of standing water, and coastal wetlands on/for land management roads.

f. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, must be prohibited in P-SL subdistricts.

M. UNUSUAL AREA PROTECTION SUBDISTRICT (P-UA)

1. Purpose

The purpose of the P-UA subdistrict is to protect areas of significant natural, recreational, historic, scenic, scientific or aesthetic value which are susceptible to significant degradation by man's activities, and for which protection cannot adequately be accomplished by inclusion in any of the other subdistricts.

2. Description

Areas identified by the Commission as important in preserving the historic, scenic, scientific, recreational, aesthetic or water resources of the region or State and which have special land management requirements which cannot adequately be accomplished within another subdistrict, provided that the area is essential to the values sought to be preserved and is no larger than reasonable to protect such values. P-UA subdistricts must include, but are not limited to, historic or archeological sites or structures, scientific phenomena, natural areas, or important water supply sources. Federal and State Parks and lands, except for public reserved lots, that are not included in P-RP subdistricts may be placed in this subdistrict.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within P-UA subdistricts:

(1) Docking structures: Temporary docking structures for non-commercial use;
(2) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
(3) Forest management activities, except timber harvesting[20];
(4) Motorized vehicular traffic on roads and trails, and snowmobiling;
(5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
(6) Surveying and other resource analysis;
(7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
(8) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within P-UA subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

(1) Agricultural activities: Agricultural management activities on Federal or State owned land;
(2) Campsites owned or operated by Federal or State agencies;
(3) Hand-carry launches: Public hand-carry launches;

[20] Explanatory note: Timber harvesting is not prohibited in this subdistrict, but instead is regulated by the Maine Forest Service. (See P.L. 2011, ch. 599.) Refer to subsection "e. Uses Regulated by the Maine Forest Service."

(4) Home-based businesses: Minor home-based businesses;
(5) Mineral exploration activities: Level A mineral exploration activities, excluding associated access ways;
(6) Road projects: Level A road projects;
(7) Service drops;
(8) Short-term rentals, in conformance with the standards of Section 10.27,T;
(9) Signs; and
(10) Trailered ramps: public trailered ramps.

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within P-UA subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Agricultural activities: Agricultural management activities, except as provided for in Section 10.23,M,3,b;
(2) Campsites except as provided for in Section 10.23,M,3,b;
(3) Constructed ponds: Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;
(4) Driveways;
(5) Hand-carry launches: Commercial and private hand-carry launches, and hand-carry launches addressed in Section 10.23,M,3,b which are not in conformance with the standards of Section 10.27,L;
(6) Land application of septage, sludge and other residuals, and related storage and composting activities;
(7) Mineral exploration activities: Access ways for Level A mineral exploration activities; and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;
(8) Recreational lodging facilities owned or operated by Federal or State agencies:
  (a) Level A (campground only);
  (b) Level B (campground only); and
  (c) Level C (campground only);
(9) Road projects: Level B road projects;
(10) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, and hand-carry launches;
(11) Trailered ramps: Trailered ramps addressed in Section 10.23,M,3,b which are not in conformance with the standards of Section 10.27,L;
(12) Water crossings, except for water crossings on/for land management roads;
(13) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S. § 682(19); offshore wind power projects, as defined in 38 M.R.S. § 480-B(6A); and wind energy development in accordance with 35-A M.R.S., Chapter 34-A in areas identified in Appendix F herein;
(14) Other structures, uses or services that are essential for the uses listed in Section 10.23,M,3,a through c; and
(15) Other structures, uses or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect, and are of similar type, scale and intensity as other allowed uses.

The following uses, and related accessory structures, are may be allowed within P-UA subdistricts upon issuance of a permit from the Commission according to 12 M.R.S. § 685-B and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant can show by substantial evidence that the use is compatible with and will not detract from the values of the resources protected by the P-UA subdistricts:

(16) Campsites, Residential;
(17) Commercial: Retail stores and restaurants with a gross floor area of no more than 1,000 square feet;
(18) Filling and grading;
(19) Home-based businesses: Major home-based businesses, except in those plantations and townships listed in Section 10.23,M,3,d;
(20) Recreational lodging facilities: Level A, except as provided for in Section 10.23,M,3,c;
(21) Residential: Single family dwellings;
(22) Road projects: Level C road projects;
(23) Signs which are not in conformance with the standards of Section 10.27,J; and
(24) Water impoundments.

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within P-UA subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-A(10), the criteria of Sections 10.24,B,1 through 3, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Docking structures: New or expanded permanent docking structures;
(2) Home-based businesses: Major home-based businesses in the following plantations and townships provided there is no suitable or reasonably available location in a development subdistrict:
- Dallas Plantation,
- Rangeley Plantation, and
- Sandy River Plantation;

(3) Mineral exploration activities: Level B mineral exploration activities;
(4) Peat extraction affecting an area less than 5 acres in size;
(5) Trailered ramps:
  (a) Commercial trailered ramps; and
  (b) Private trailered ramps, in accordance with Section 10.27,L,1;
(6) Utility facilities excluding service drops; and
(7) Water-access ways, in accordance with Section 10.27,L,1.

e. Uses Regulated by the Maine Forest Service

Pursuant to Statute, the following uses are not regulated by the Commission within P-UA subdistricts but are regulated by the Maine Forest Service. Instances where a permit for the activity issued by the Maine Forest Service also requires review and approval by the Commission are noted.

(1) Land management roads (Permits for land management roads in P-UA subdistricts require review and approval by the Commission);
(2) Natural resource extraction: Gravel extraction for road purposes less than 5 acres in size (Permits for gravel pits in P-UA subdistricts require review and approval by the Commission);

(3) Timber harvesting (Permits for timber harvesting in P-UA subdistricts require review and approval by the Commission); and
(4) Water crossings on/for land management roads (Permits for water crossings on/for land management roads in P-UA subdistricts require review and approval by the Commission).

In instances where review and approval by the Commission are required, the Commission will consider all applicable requirements set forth in Sub-Chapter III, except for any criteria that are duplicative of criteria considered by another state agency, and the Commission will consider whether the activity will adversely affect the resources protected by the P-UA subdistrict.

f. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception must be prohibited in a P-UA subdistrict.

N. WETLAND PROTECTION SUBDISTRICT (P-WL)

1. Purpose

The purpose of the P-WL subdistrict is to conserve coastal and freshwater wetlands in essentially their natural state because of the indispensable biologic, hydrologic and environmental functions which they perform.

Preserving wetlands will promote the public health and safety of persons and protect property against the hazards of flooding and drought by holding back water during floods and retaining water during dry periods. Wetlands also maintain water quality for drinking, store nutrients from upland run-off in plant tissue, serve as settling basins for silt and sediment from upland erosion, stabilize water supply by maintaining the groundwater table and groundwater recharge and discharge areas, and provide plant, fish and wildlife habitat. Wetlands function as integral and irreplaceable parts of a larger natural system, influencing our climate, economy, environment, and natural heritage.

Insofar as this protection subdistrict also includes the area enclosed by the normal high water mark of surface water bodies within the Commission's jurisdiction, the purpose of this subdistrict must also be to help ensure compatible surface water uses on those water bodies where there is the potential for conflict with other uses and values of such water bodies.

2. Description

a. Except as allowed in Section 10.23,N,2,d, water bodies and areas meeting the definition of coastal or freshwater wetlands must be included in P-WL subdistricts as described below:

(1) **P-WL1:** Wetlands of special significance:

(a) Areas enclosed by the normal high water mark of flowing waters and bodies of standing water, except for constructed ponds less than 10 acres in size which are not fed or drained by flowing waters;

(b) Coastal wetlands, together with areas below the normal high water mark extending seaward to the limits of the State's jurisdiction; or

(c) Freshwater wetlands, as follows:

(i) Within 250 feet of the normal high water mark of a coastal wetland or any body of standing water greater than 10 acres;

(ii) Containing at least 20,000 square feet in total of the following: aquatic vegetation, emergent marsh vegetation, or open water, unless the wetlands are the result of constructed ponds less than 10 acres in size which are not fed or drained by flowing waters;

(iii) That are inundated with floodwater during a 100 year flood event;

(iv) Containing significant wildlife habitat;

(v) Consisting of, or containing, peatlands, except that the Commission may determine that a previously mined peatland, or portion thereof, is not a wetland of special significance;

(vi) Within 25 feet of the normal high water mark of a flowing water; or

(vii) Containing a natural community that is critically imperiled (S1) or imperiled (S2).

(2) **P-WL2:**

(a) Scrub shrub and other nonforested freshwater wetlands, excluding those covered under P-WL1; and
(b) Constructed ponds less than 10 acres in size which are not fed or drained by flowing waters.

(3) **P-WL3:** Forested freshwater wetlands, excluding those covered under P-WL1 and P-WL2.

b. Areas meriting protection as P-WL1, P-WL2, or P-WL3 subdistricts will be identified by the Commission after consideration of relevant data including, without limitation:

(1) Identification of freshwater and coastal wetlands 15,000 square feet or larger by the National Wetlands Inventory; and
(2) When on-site delineation is required, identification of freshwater and coastal wetlands of any size by methods described in the "Corps of Engineers Wetlands Delineation Manual," U.S. Army Corps of Engineers (1987) and the "Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region," U.S. Army Corps of Engineers (Version 2.0, January 2012).

c. P-WL subdistricts described in Section 10.23,N,2,a above and identified on the Commission Land Use Guidance Maps may contain inclusions of upland areas or other wetland types smaller than 15,000 square feet that do not conform to the description of P-WL subdistricts in Section 10.23,N,2,a. Such inclusions will be regulated in accordance with the mapped P-WL subdistrict in which they are located.

d. Areas that qualify for inclusion in a P-WL subdistrict pursuant to Section 10.23,N,2,a may remain in an existing development subdistrict or be included in a new development subdistrict. A person engaging in a land use activity requiring a permit within a portion of a development subdistrict that otherwise could be zoned P-WL must comply with all applicable land use standards, including the standards of Section 10.25,P, Protected Natural Resources.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within P-WL subdistricts:

(1) Boating, with the exception of the use of personal watercraft on bodies of standing water listed in Appendix D of these rules;
(2) Docking structures: Temporary docking structures, and moorings for non-commercial use;
(3) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
(4) Fish weirs and traps;
(5) Forest management activities, except for timber harvesting[21];
(6) Motorized vehicular traffic on roads and trails, and snowmobiling;

[21] Explanatory note: Timber harvesting is not prohibited in this subdistrict, but instead is regulated by the Maine Forest Service. (See P.L. 2011, ch. 599.) Refer to subsection "e. Uses Regulated by the Maine Forest Service."

(7) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
(8) Sea or ski plane use;
(9) Surveying and other resource analysis; and
(10) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within P-WL subdistricts, subject to the applicable requirements set forth in Sub-Chapter III:

(1) Agricultural activities: Agricultural management activities, excluding cranberry cultivation;
(2) Constructed ponds: Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size within P-WL2 or P-WL3 subdistricts which are not fed or drained by flowing waters, provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
(3) Draining, dredging or otherwise altering less than 4,300 square feet of a P-WL2 or P-WL3 subdistrict;
(4) Driveways associated with residential uses within P-WL2 and P-WL3 subdistricts;
(5) Filling and grading or otherwise altering less than 4,300 square feet of a P-WL2 or P-WL3 subdistrict;
(6) Hand-carry launches: Commercial, private and public hand-carry launches within a P-WL2 or P-WL3 subdistrict or below the normal high water mark of flowing waters or bodies of standing water;
(7) Mineral exploration activities: Mineral exploration to discover or verify the existence of mineral deposits, including the removal of specimens or trace quantities, provided such exploration is accomplished by methods of hand sampling, including panning, hand test boring and digging and other non-mechanized methods which create minimal disturbance and take reasonable measures to restore the disturbed area to its original condition;
(8) Motorized recreational gold prospecting within the normal high water mark of flowing waters;
(9) Road projects: Level A road projects;
(10) Service drops for telephone or electrical service, including associated vegetative clearing, provided:
  (a) the line extension does not cross or run beneath a coastal wetland, or flowing water;
  (b) the placement of wires or installation of utility poles is located entirely upon the premises of the customer requesting service, upon an established utility line easement, upon a roadway right-of-way or, in the case of telephone service, on existing utility poles; and
  (c) the total length of the extension is less than 2,000 feet;
(11) Signs;
(12) Trailered ramps: Public trailered ramps within a P-WL2 or P-WL3 subdistrict or extending below the normal high water mark of flowing waters or bodies of standing water;
(13) Trails, provided that any associated vegetation clearing or filling and grading are in conformance with the standards of Sections 10.27,B,1,c and d, 2, and 4 and 10.27,F, and provided the trails are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and

(14) Water crossings of minor flowing waters, except water crossings of minor flowing waters on/for land management roads.

c. Uses Requiring a Permit

Except as provided for in Sections 10.23,N,3,b,(3) and (5), the following uses, and related accessory structures, may be allowed within P-WL subdistricts upon issuance of a permit from the Commission according to 12 M.R.S. § 685-B and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Constructed ponds: Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters
  (a) of less than 4,300 square feet in size within a P-WL2 or P-WL3 subdistrict which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
  (b) 4,300 square feet in size or greater within a P-WL2 or P-WL3 subdistrict; and
  (c) within a P-WL1 subdistrict;
(2) Cranberry cultivation;
(3) Docking structures: Temporary docking structures and moorings associated with commercial marinas and recreational lodging facilities, and moorings established for rent or lease on a commercial basis in areas not regulated by a harbor master;
(4) Dredging, other than for riprap associated with water crossings and except as provided for in Section 10.23,N,3,b;
(5) Driveways associated with non-residential uses within P-WL2 and P-WL3 subdistricts; driveways associated with residential uses within P-WL2 and P-WL3 subdistricts which are not in conformance with the standards of Section 10.27,H; driveways within P-WL1 subdistricts;
(6) Filling and grading except as provided for in Section 10.23,N,3,b;
(7) Hand-carry launches addressed in Section 10.23,N,3,b which are not in conformance with the standards of Section 10.27,L;
(8) Motorized recreational gold prospecting which is not in conformance with the standards of section 10.27,G;
(9) Peat extraction affecting an area less than 30 acres in size;
(10) Road projects: Level B road projects, other than crossings of minor flowing waters as provided for in Section 10.23,N,3,b;
(11) Shoreland alterations, including reconstruction of permanent docking structures; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, hand-carry launches, water crossings of minor flowing waters, and motorized recreational gold prospecting;
(12) Signs which are not in conformance with the standards of Section 10.27,J;
(13) Trailered ramps: Public trailered ramps addressed in Section 10.23,N,3,b which are not in conformance with the standards of Section 10.27,L;
(14) Trails which are not in conformance with the standards of Section 10.27,B,1,c and d,2, and 4 and 10.27,F;
(15) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D, except water crossings of minor flowing waters on/for land management roads; and water crossings of coastal wetlands, bodies of standing water, and of major flowing waters, except water crossings of coastal wetlands, bodies of standing water, and of major flowing waters on/for land management roads;
(16) Water impoundments;
(17) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S. § 682(19); offshore wind power projects, as defined in 38 M.R.S.A §480-

B(6A); and wind energy development in accordance with 35-A M.R.S., Chapter 34-A in areas identified in Appendix F herein;

(18) Other structures, uses or services that are essential to the uses listed in Section 10.23,N,3,a through c; and

(19) Other structures, uses or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

Except as provided for in Sections 10.23,N,3,b,(3) and (5), the following uses, and related accessory structures, may be allowed within P-WL subdistricts as special exceptions upon issuance of a permit from the Commission according to 12 M.R.S. § 685-A(10), the criteria of Sections 10.24,B,1 through 3, and subject to the applicable requirements set forth in Sub-Chapter III:

(1) Docking structures: New or expanded permanent docking structures;
(2) Draining or altering of the water table or water level for other than mineral extraction;
(3) Hand-carry launches, except as provided for in Sections 10.23,N,3,b and c;
(4) Lobster sheds and fish sheds located on a pier, wharf, or dock; in the P-FP subdistrict; that are seaward of the reach of the mean high tide; and that meet the criteria in Sections 10.25,T,2,r,(6),(a),(i) through (ix);
(5) Marinas;
(6) Mineral exploration activities: Level A mineral exploration activities, except as provided for in Section 10.23,N,3,b,(7), and Level B mineral exploration activities;
(7) Road projects: Level C road projects;
(8) Trailered ramps: Trailered ramps except as provided in Section 10.23,N,3,b and c;
(9) Utility facilities, including service drops except as provided for in Section 10.23,N,3,b; and
(10) Water-access ways, in accordance with Section 10.27,L,1.

e. Uses Regulated by the Maine Forest Service

Pursuant to Statute, the following uses are not regulated by the Commission within P-WL subdistricts but are regulated by the Maine Forest Service.

(1) Land management roads;
(2) Timber harvesting; and
(3) Water crossings of minor flowing waters, major flowing waters, bodies of standing water and coastal wetlands on/for land management roads.

f. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, must be prohibited in P-WL subdistricts.