

The Fish River Chain of Lakes Concept Plan

Volume 2 – The Concept Plan



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**Fish River Chain of Lakes Concept Plan
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THE CONCEPT PLAN

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The Concept Plan

CONCEPT PLAN DESCRIPTION

A. INTRODUCTION AND PURPOSE

1. Concept Planning

The Land Use Planning Commission (LUPC or Commission) established concept planning in 1990 as part of its Comprehensive Land Use Plan (CLUP). The criteria for approval of concept plans are outlined in the Resource Plan Protection Subdistrict (P-RP) of the Commission's *Land Use Districts and Standards* (Chapter 10).

Concept plans are a flexible alternative to traditional shoreland regulation and were established to encourage long-range land use planning based on resource characteristics and site suitability, and to prevent haphazard, incremental development. The planning process necessary to prepare a concept plan encourages landowners to chart the future of their ownership in a manner that is both thoughtful and forward-looking.

Through concept planning both the public and the landowner receive benefits that may not otherwise be available through the Commission's traditional regulatory process. The *public* benefits from (i) improved planning that results from a comprehensive evaluation of recreational and natural resources, thereby avoiding haphazard, incremental development patterns, (ii) provisions for the long-term protection of resources, (iii) greater understanding of future development patterns, and (iv) increased predictability of the development review process. The *landowner* benefits from (i) developing greater insight into its land holdings by preparing the plan, (ii) receiving expanded flexibility in the applicable development standards, (iii) greater certainty when making long-range land management decisions, and (iv) increased predictability regarding future Commission actions about the type and location of possible development.

2. The Fish River Lakes Concept Plan

This concept plan (Concept Plan or Plan) seeks to rezone approximately 51,015 acres of land around 4 of the lakes that comprise the Fish River chain of lakes to create a new Resource Protection Subdistrict (P-FRL-RP). The Concept Plan area (Plan Area) lies within 6 unorganized townships and includes over 400 existing camp lots.

The primary purposes of the Plan are to:

- Provide a significant public benefit by protecting the conservation values of the Plan Area, assuring that development in the Plan Area is appropriate, and maintaining opportunities for the public to access the Plan Area's recreational resources.
- Protect the forest values; aquatic resources and wetland values; wildlife, plant and natural community values; and scenic values that contribute to the unique character of the Plan Area, through both long-term restrictive land use regulation and permanent conservation.

- Encourage long-range decision-making about land holdings using a holistic approach that embraces and accounts for sound development planning, outcome based forest management practices, public use, and conservation, and avoids the adverse impacts of haphazard, incremental development encouraged by current zoning.
- Ensure the sustainability of the working forest economy by protecting large areas of mostly unfragmented, diverse, and substantially natural forestland through sustainable forest management practices.
- Provide economic growth opportunities to existing communities in the region through appropriate zoning allowances.
- Maintain the traditional uses that are intrinsic to the economy and character of the region by ensuring public access to most of the Plan Area for recreational activities, such as hunting and fishing.

Taken as a whole, the Plan strikes a publicly beneficial balance by protecting the Plan Area’s important natural resources while maintaining the working forest and providing zoning to allow for appropriate development. For example, of the Plan Area’s approximately 51,015 acres, only about 3% will be available for residential development. The Plan also enhances recreational, economic, and residential opportunities for residents, recreational users, and tourists. The Plan addresses the size, location, and type of any future development and takes into account abutting land uses, sensitive natural resources, and community needs. The Plan also provides for approximately 14,600 acres being subject to a permanent conservation easement (Conservation Easement) helping to protect the conservation values set out therein.

3. Future Development Projects

The Concept Plan has been established as a rezoning tool to help protect the resource characteristics of the Plan Area and to prevent haphazard, incremental development. The Plan does not propose any specific development projects. Before any proposed development could proceed in the development zones established by this Concept Plan, the applications normally required for development, such as for subdivision, building, or site plan review, will need to be submitted and the necessary approvals obtained.

B. PETITIONERS

The petitioners are Aroostook Timberlands LP, Allagash Timberlands LLC, and Maine Woodlands Realty Company, the owners of the Plan Area (collectively referred to as Irving, which term shall include its successors and assigns).

C. CONCEPT PLAN AREA

The Plan Area encompasses approximately 51,015 acres of land in the Unorganized Territory (UT) in northern Aroostook County and is specifically identified as those lands within the boundaries of the P-RP Subdistrict, as adopted on the Official Land Use Guidance Maps attached hereto as Volume 3.

The Plan Area includes land within 6 unorganized townships: T17 R3, T17 R4, T17 R5 (Cross Lake Township), T16 R4 (Madawaska Lake Township), T16 R5, and T15 R5. The closest organized towns are to the north of the Plan Area: St. Agatha, Madawaska, and Frenchville. Grand Isle and Van Buren are to the east of the Plan Area; New Sweden and Westmanland are to the south of the Plan Area; and Eagle Lake and New Canada are to the west of the Plan Area. The Plan Area includes substantial frontage on Long Lake, Mud Lake, Cross Lake, and Square Lake, as well as frontage along the thoroughfares that connect the lakes. The Plan Area also encompasses three smaller bodies of water: Carry Pond, Dickey Pond, and Little California Pond, as well as several named and unnamed streams. The Plan Area is traversed by two State roads (Route 161 and Route 162) and a network of forest management roads.

D. EFFECTIVE DATE, DURATION, EXPIRATION, AND AMENDMENT

1. Effective Date, Duration, and Expiration

The terms, conditions, and provisions of this Plan shall apply for 30 years (Initial Term) from the Effective Date, as this term is defined in the Chapter 10 Addendum, § 10.02,52A (see Tab 2(B)), except for the Conservation Easement, which shall exist in perpetuity. At the end of the Initial Term and following public notice and opportunity to comment, and with consent from Irving, the Commission may extend the Concept Plan without modification, or extend and modify the Concept Plan. Absent such extension, the Concept Plan automatically terminates upon expiration of the Initial Term.

At the expiration of the Concept Plan, the Commission shall designate new zoning for the Plan Area in accordance with statute, the CLUP, and the Commission's *Land Use Districts and Standards*, as may be in effect at that time.

2. Amendments

Upon mutual agreement of Irving and the Commission, this Plan may be amended at any time and from time to time. Proposed amendments shall be made in writing and shall be subject to Commission review and approval in accordance with the Commission's Concept Plan provisions in its CLUP and *Land Use Districts and Standards*. Amendments to this Plan shall, upon adoption, be promptly filed in the Aroostook County Registry of Deeds. Notice to abutters and the general public is required if amendments are proposed that would change the extent of development or reduce the extent and placement of conservation measures.

E. ELEMENTS OF THE PLAN

1. Development Zones

This Concept Plan will establish four types of development zones (Development Zones): Commercial Industrial Development (D-FRL-CI), General Development (D-FRL-GN), Residential Development (D-FRL-RS), and Residential/Recreational Lodging Development (D-FRL-RT). Each of these zones is summarized below. Additional information is provided in Sub-Chapter II of the Chapter 10 Addendum at Tab 2(C).

- **Commercial Industrial Development Zone (D-FRL-CI):**

The area proposed as a D-FRL-CI zone is approximately 279 acres with frontage on Route 162. A portion of the property abuts the west side of the Village of Sinclair’s wastewater treatment facility. It is labeled as **CD-1** on the Concept Plan Map (Vol. 3, Map 21 – Concept Plan Summary). CD-1 will provide the opportunity for commercial, industrial, or other forms of development that will benefit from easy road access, existing woods roads, the presence of a municipal wastewater treatment facility, and proximity to an established village (Sinclair). The D-FRL-CI zone provides the opportunity for commercial and industrial uses that may not typically be compatible with residential uses in other zones. Development density in this zone is capped at a maximum of 5 lots. Permitted uses and applicable development standards in the D-FRL-CI zone are included in Sub-Chapters II, III, and IV. See Tabs 2(C)-2(E).

- **General Development Zones (D-FRL-GN):**

There are two areas that are proposed as D-FRL-GN zones:

- The first area is labeled as **CD-2** on the Concept Plan Map (Vol. 3, Map 21 – Concept Plan Summary) and is located within the Village of Sinclair. A portion of CD-2 abuts the east side of the Village of Sinclair’s wastewater treatment facility. This proposed D-FRL-GN zone is approximately 167 acres with frontage on Route 162.
- The second area is labeled as **CD-3** on the Concept Plan Map (Vol. 3, Map 21 – Concept Plan Summary) and is located at the intersection of Routes 161 and 162. The proposed D-FRL-GN zone is approximately 101 acres.

The proposed D-FRL-GN zones encourage the location of compatible developments near each other while minimizing the impact of such development upon public services and facilities. These zones provide the opportunity for a wide range of uses similar in size, scale, and character to those typically found in community centers (i.e., a mix of commercial, light industrial, civic, or multi-unit residential complexes for senior or affordable housing development). Development in each of these Development Zones is capped at a maximum of five lots. Permitted uses and applicable development standards in these D-FRL-GN zones are included in Sub-Chapters II, III, and IV of the Chapter 10 Addendum. See Tabs 2(C)-2(E).

- **Residential Development Zone (D-FRL-RS):**

The proposed D-FRL-RS zones are shown on the Concept Plan Maps contained in Volume 3, Maps 27 through 31 – Proposed Land Use Zones, certain of which include areas where there are existing developed residential lots. While single-family homes may be the most common form of development in these areas, these Development Zones would allow other types of residential development and ownership (e.g., cluster development and condominium ownership). Allowed uses and applicable development standards in these D-FRL-RS zones are included in Sub-Chapters II, III, and IV of the Chapter 10 Addendum. See Tab 2(C)-2(E).

Below is an overview of the proposed new residential Development Zones, by lake, within the Plan Area. Note that no such areas are proposed for Mud Lake.

- **Long Lake.** There are three new D-FRL-RS zones proposed around Long Lake. These areas are primarily upland of, and either close to or abutting, existing residential development. **Long Lake A** is approximately 136 acres in size and is located on the east side of Van Buren Cove. **Long Lake B** is approximately 75 acres in size and is located on the west side of Van Buren Cove. **Long Lake C** is approximately 114 acres in size and is located above Barn Brook Road east of the Village of Sinclair. The location of these 3 new D-FRL-RS zones can be seen in Volume 3, Map 27 – Proposed Land Use Zones.
 - **Cross Lake.** There are five new D-FRL-RS zones proposed around Cross Lake. These areas contain some shore frontage, but are primarily upland of, and either close to or abutting, existing residential development. **Cross Lake A** is approximately 119 acres in size and is located adjacent to the existing camp lots on the West Side Road at the northwestern end of Cross Lake. **Cross Lake B** is approximately 79 acres in size, is primarily an infill area that includes several existing access roads, and is located at the northeastern end of Cross Lake. **Cross Lake C** is approximately 64 acres in size and is located off Cyr Road on the eastern shoreline of the lake, south of the Mud Lake thoroughfare. **Cross Lake D** is approximately 183 acres in size, is located in the vicinity of the Cross Lake Boat Launch, and can be accessed by both Disy Road and Mifs Lane. **Cross Lake E** is approximately 156 acres in size and is located on the southern end of Cross Lake. The location of these five new D-FRL-RS zones can be seen in Volume 3, Maps 29 and 30 – Proposed Land Use Zones.
 - **Square Lake.** There are two new D-FRL-RS zones proposed on Square Lake. **Square Lake E** is approximately 278 acres in size and is located on the east side of Square Lake. **Square Lake W** is approximately 121 acres in size and is located on the west side of Square Lake immediately south of Limestone Point, in the vicinity of 19 existing residential lots. The location of these two new D-FRL-RS zones can be seen in Volume 3, Map 31 – Proposed Land Use Zones.
- **Recreational Facility Development Zone (D-FRL-RF):**

The proposed D-FRL-RF zone (**Square Lake Yexas**) would allow for the establishment of a recreational lodging facility. The proposed D-FRL-RF zone is approximately 51 acres in size and is surrounded by Square Lake E. It has been selected based on the existence of a prior sporting camp, known as the Yexas Camp. Permitted uses within the proposed D-FRL-RF zone include development of a recreational lodging facility, associated amenities such as meals, fuel, and supplies, and residential development. To promote a recreational lodging development, for 10 years following the Effective Date, any residential development must be developed at the same time as, or subsequent to, development of a recreational lodging facility in this zone. Permitted uses and applicable development standards for the D-FRL-RF zone are included in Sub-Chapters II, III, and IV of the Chapter 10 Addendum. See Tab 2(C)-2(E). The location of the new D-FRL-RF zone can be seen in Volume 3, Map 31 – Proposed Land Use Zones.

2. Residential Unit Caps

Pursuant to the Chapter 10 Addendum § 10.28, included at Tab 2(E), the total number of new residential units (Units) within the new residential Development Zones (including Square Lake Yexas) is capped at a maximum of 330 Units. Maximum Total Units are established for Long Lake (75 Units), Cross Lake (125 Units), and Square Lake (130 Units). Units may not be transferred from one lake to another lake within the Plan Area. Final layout of subdivision lots and structures will be guided by the land use standards established in Sub-Chapters III and IV of the Chapter 10 Addendum, as well as any other applicable standard in effect at the time.

3. Existing Camp Lots

The Plan Area includes 424 existing camp lots that are licensed on an annual basis by Irving. These camp lots are located on Long Lake, the Mud/Cross Lake thoroughfare, Cross Lake, and Square Lake. See Maps 14 through 17 in Volume 3 for the specific locations. These lots were approved and developed prior to Irving ownership and, in many instances, prior to the establishment of the Commission. They are primarily established residential uses, but also include other permitted uses such as home occupations and small commercial activities. These areas will be included in the proposed D-FRL-RS zones to help maintain continuity in permitted uses and standards.

Depending on the approval of the Concept Plan and other business considerations, Irving currently intends to offer to sell existing licensed lots in the Plan Area. If sold, the lots will be valued using an equitable formula that takes into account the amount of water frontage a lot has and the area of the lot. This will be a standard calculation for all licensed lots within the Plan Area. The current license holders will be given the first option to purchase the lots at the determined valuation. It is anticipated that the sale of lots would occur over a number of years, as surveying and descriptions will need to be prepared and other business factors will determine the best time for multiple transactions.

4. Deed Restrictions

All residential development, including the existing camp lots, will, upon sale, be subject to certain covenants and deed restrictions related to, among other things, road maintenance, management of open space and other common areas, and certain compliance issues, as applicable. All development will, upon sale, be deeded guaranteed vehicular and utility access, to the extent necessary, over Irving's roads. This will be subject to Irving's right to relocate access at any time and from time to time to allow for continued forestry operations.

5. Resource Protection

This Plan uses the following tools to conserve the natural resources, working forest, and recreational opportunities that are valued by both the Commission and those who live, work, and recreate in the region.

- **Conservation Easement:** As part of this Concept Plan, approximately 14,600 acres will be placed in permanent conservation in accordance with the terms of the Conservation Easement between Irving and a qualifying easement holder, substantially in the form attached at Tab 3(A)

of the Plan. The purpose of the Conservation Easement is to provide a significant public benefit by protecting, in perpetuity, the conservation values of the protected property and by allowing, but not requiring, the protected property's continued operation as a commercial working forest. The lands covered by the Conservation Easement include portions of Irving properties within four different townships (T15 R5: 3,000 acres, T16 R4 (Madawaska Lake TWP): 278 acres, T16 R5: 4,853 acres, and Cross Lake TWP: 6,583 acres) (referred to as the Easement Area).

Monitoring and enforcement of the terms, conditions, and provisions of the Conservation Easement will be conducted by the easement holder. Irving will pay for a monitoring and enforcement fund to support these activities, in accordance with the Easement. The Conservation Easement will be executed promptly following the Effective Date. The Plan provides that either protection subdistricts or a General Management Zone (M-FRL-GN) will apply to the lands subject to the Conservation Easement and will, in combination with the terms and conditions of the Conservation Easement, regulate land uses in this area. The purposes, descriptions, and permitted land uses within each of these zones are set forth in Sub-Chapter II of the Chapter 10 Addendum. See Tab 2(C).

- **30-Year No Development Areas:** The Concept Plan establishes a restrictive General Management Zone (M-FRL-GN) that will apply to approximately 96% of the Plan Area. This includes approximately 14,600 acres in the Easement Area and another 33,800 acres of long-term restrictive zoning. Residential development will be prohibited, while other types of development will be severely limited in the M-FRL-GN zone. The purpose, description, and permitted land uses within the M-FRL-GN zone are set forth in Sub-Chapter II of the Chapter 10 Addendum. See Tab 2(C).
- **Protection Subdistricts:** Currently, there are several protection subdistricts within the Plan Area, including Great Pond (P-GP), Shoreland (P-SL), and Wetland (P-WL) Subdistricts. These subdistricts are subject to restrictions on land use to protect them from development. This Plan incorporates all of the existing protection subdistrict boundaries that are located within the Plan Area. The purpose, description, and permitted land uses within these zones are in set forth in the Chapter 10 Addendum § 10.23. See Tab 2(C).

6. Additional Plan Elements

- **Waterfront Access for New D-FRL-RS Zones:** Waterfront access for new residential developments in the new Development Zones and on certain waterbodies will be limited by this Plan. The descriptions for these limitations are set forth in the Chapter 10 Addendum § 10.29. See Tab 2(E).
- **Use of Land in New D-FRL-RS Zones that is Not Needed for Development:** The new D-FRL-RS zones identified on the Concept Plan Summary Map located in Volume 3, Map 21, are sized to provide flexibility in siting roads and residential units, as well as common open spaces, buffers, trail corridors, and other amenities. The intent of the allowable transfers of units within Development Zones on a given lake is to provide maximum flexibility for future development, helping to avoid or minimize impacts on protected natural resources, some of which may not be fully mapped as part of this planning process (e.g., wetlands and vernal pools). The expected

result is that development in these areas will be less dense than would otherwise be expected under the applicable zoning standards adopted in this Plan.

Irving may conduct forestry operations within these areas prior to their development. Land in the new D-FRL-RS zones that is not used for development may be managed as part of the working forest or incorporated into a recreational/open space system for the subdivision and managed by a homeowners association to serve as a buffer to the adjacent working forest.

- **Sustainable Forestry Requirements:** Forestry within the Plan Area will be subject to sustainable forest management practices that are based on ecologically sound, economically appropriate, and socially responsible outcomes (known as Outcome Based Forestry, or “OBF”). These practices include watercourse and wetland buffer requirements that meet or exceed current Commission and Maine Department of Environmental Protection regulations, aesthetic timber harvesting practices to minimize the visual impact of harvest operations, maintenance of biological diversity to maintain healthy populations of flora and fauna, and promotion of overall forest health.

Forest management activities in the Plan Area will only be conducted in accordance with a long-term Forest Management Plan that will establish sustainable harvest levels and habitat and biodiversity objectives and constraints. Overall management activities will be subject to independent 3rd party verification by a recognized forestry certification program (for example, American Tree Farm System, Forest Stewardship Council, or Sustainable Forestry Initiative).

See the Chapter 10 Addendum § 10.32, included at Tab 2(E), for more information on the sustainable forestry management principles that will apply in the Plan Area.

- **Deer Wintering Areas (DWA) Requirement:** DWAs will continue to be identified and managed to maintain or improve their quality. The Plan requires active monitoring and updating changes in deer use to ensure the long-term management of DWAs through cooperative agreements substantially in accord with the current cooperative agreement with the Maine Department of Inland Fisheries and Wildlife or its successor, attached hereto, as may be amended at any time and from time to time. See Tab 3(B) for the current agreement.
- **Public and Vehicular Access for Traditional Activities:** Access to private timberlands for hunting, fishing, and other low-intensity recreational activities is an intrinsic aspect of the culture of northern Maine. Therefore, maintaining public access for the majority of the Plan Area (such as the picnic area on Limestone Point, the beach at Van Buren Cove on Long Lake, and the smelt-dipping area on Mud Brook) is of primary importance. Public access for boating, swimming, fishing, smelt dipping, ice fishing, hiking, hunting, trapping, picnicking, nature observation and photography, cross-country skiing, snowshoeing, enjoyment of open space, and similar activities will be allowed; provided, however Irving reserves the right to make and enforce reasonable rules to protect public safety, protect the conservation values, ensure compliance with all applicable laws, and safely accommodate forestry operations, including, without limitation, rules regarding night use, camping (such as determining appropriate locations for campsites), loud activities, open fires, use of equipment, and areas of access. Irving also reserves the right to close certain roads to public access.

- **ATV/Snowmobile Access:** The managed use of ATVs and snowmobiles by the public will be permitted in the M-FRL-GN zone. As is Irving’s current policy, ATVs and snowmobiles will be restricted to dedicated trails that have been marked for these uses. ATV owners will continue to need to register with local clubs and follow recreational use guidelines based on Irving’s land management policies. The availability of trails for ATV and snowmobile use may be evaluated on an annual basis and will be subject to modification based on ongoing harvesting and other forest management activities. Irving reserves the right to make and enforce reasonable rules to protect public safety, protect the conservation values, ensure compliance with all applicable laws, and safely accommodate forestry operations, including without, limitation, rules regarding night use, camping (such as determining appropriate locations for campsites), loud activities, open fires, use of equipment, and areas of access. Irving also reserves the right to close certain trails to public access.

- **Lake Access:** The four lakes within the Plan Area are important resources used by the public throughout the year for a variety of recreational activities.
 - **Long Lake.** The beach at Van Buren Cove, as illustrated on Map 34 in Volume 3, will remain a public access point.

 - **Mud Lake.** A portion of the shoreline on the west end of Mud Lake (see Map 34 in Volume 3) will be zoned to allow for a water access site as such term is defined in the Chapter 10 Addendum § 10.29, included at Tab 2(E). The exact size of the facility would be established in consultation with Irving and the organization that would develop and maintain it. Irving anticipates that the facility would be designed, permitted, constructed, and managed by the State or a responsible Non-Governmental Organization (NGO). Irving will work with the development entity to provide it with current information on cover type, wetlands, topography, and wildlife habitats to minimize impacts on sensitive natural resources. Following approval, Irving would provide the appropriate access rights to the responsible party. In the event that such portion of the shoreline is located within the area covered by the Conservation Easement, the terms of the easement will apply.

 - **Cross Lake.** The Cross Lake boat launch, picnic area, and beach, as illustrated on Map 34 in Volume 3, will remain a public access point.

 - **Square Lake.** A portion of the shoreline on the east side of Square Lake (see Map 34 in Volume 3) will be zoned to allow for a water access site as such term is defined in the Chapter 10 Addendum § 10.29, included at Tab 2(E). The exact size of the facility would be established in consultation with Irving and the organization that would develop and maintain it. Irving anticipates that the facility would be designed, permitted, constructed, and managed by the State or a responsible NGO. Irving will work with the development entity to provide it with current information on cover type, wetlands, topography, and wildlife habitats to minimize impacts on sensitive natural resources. Following approval, Irving would provide the appropriate access rights to the responsible party. In the event that such portion of the shoreline is located within the area covered by the Conservation Easement, the terms of the easement will apply.

- **Remote Campsites and Remote Rental Cabins:** The Plan Area offers multiple recreational resource values and opportunities. While future development is largely limited to the specified Development Zones, the Plan allows for the development of small-scale facilities (e.g., remote rental cabins and remote campsites) in the areas set forth below and designated on the Future Recreational Resources Map (see Map 33 in Volume 3). These facilities will be used on a transient basis by persons primarily in pursuit of recreation and would be developed, managed, and maintained by an organization with capacity to oversee reservations and maintenance. The exact size of the facility is to be established in consultation with Irving and the organization that is going to develop and maintain it. Potential sites and facilities are:
 - **McLean Brook Outpost.** A remote campsite or remote rental cabin no larger than 400 SF in gross floor area will be permitted on McLean Brook.
 - **Mud Lake Campsite.** A remote campsite will be permitted on Mud Lake.
 - **Mud/Cross Lakes Thoroughfare Outpost.** A remote campsite or remote rental cabin no larger than 400 SF in gross floor area will be permitted on the Mud Lake/Cross Lake thoroughfare.
 - **Dickey Pond Outpost.** A remote campsite or remote rental cabin no larger than 400 SF in gross floor area will be permitted on Dickey Pond.
 - **Cross Lake Dinah Point.** A remote campsite will be permitted on Cross Lake at Dinah Point.
 - **Carry Pond Outpost.** A remote campsite or remote rental cabin no larger than 400 SF in gross floor area will be permitted on Carry Pond.
 - **Cross/Square Lakes Thoroughfare Outpost.** A remote campsite will be permitted on Cross Lake/Square Lake thoroughfare.
 - **Salmon Point: Square Lake.** A remote campsite will be permitted on Salmon Point on Square Lake.
 - **Barstow Brook: Square Lake.** A remote campsite will be permitted near Barstow Brook on Square Lake.
 - **The Carry: Square Lake.** A remote campsite will be permitted near The Carry on Square Lake.
 - **Square Lake/Eagle Lake Thoroughfare Outpost.** A remote campsite will be allowed on each side of the thoroughfare between Square Lake and Eagle Lake.
 - **Little California Pond.** A remote campsite or remote rental cabin no larger than 400 SF in gross floor area will be permitted on Little California Pond.

F. DEVELOPMENT REVIEW PROCESS AFTER PLAN APPROVAL

1. Development Review Process

No development is being proposed under this Plan. Permit applications for land uses and structures proposed within the Plan Area, including subdivisions and other projects, may be submitted to the Commission subsequent to the Effective Date. Any such applications will be reviewed and acted on by the Commission pursuant to the Commission's statutory and regulatory standards, including the provisions in this Plan and any applicable LUPC Amendable Provisions.

2. Development Review of Uses within the Conservation Easement

After the Effective Date, and as required pursuant to the provisions of the M-FRL-GN zone, protection zones, and applicable law and regulations, the Commission shall review any permit application for structures or uses located on lands covered by the Conservation Easement. The Commission shall grant any such permits as long as the proposal complies with the terms, provisions, and conditions of this Concept Plan and any other applicable criteria.

3. Timing of Implementation of Concept Plan Elements

After the Effective Date, the Conservation Easement will be finalized, recorded, and executed promptly.

G. STATISTICAL SUMMARY

The following information provides a more detailed statistical breakdown of the Plan Area. The acreages, percentages, dimensions, and other figures listed below and throughout the Plan are calculated using GIS and other readily available data. The figures may be revised or corrected as new information warrants.

**TABLE 1
STATISTICAL OVERVIEW OF PLAN AREA**

OVERVIEW	
Total Plan Area	51,015± acres (79.7 square miles)
Total Shoreline Owned by Irving	34.51± miles
Shoreline Currently Occupied	9.4± miles
Number of Existing Camp Lots	424

PROPOSED CONSERVATION ELEMENTS	
Area Within Conservation Easement	14,600± acres (22.8 square miles)
Percentage of Plan Area Subject to Easement	28.6%
Area with Restrictive Zoning	33,800± acres
Protected Shorelines (lakes and thoroughfares)	16.98± miles
Total	49% of All Irving Owned Shoreline in Plan Area

RATIO OF PERMANENTLY CONSERVED LAND NEW TO DEVELOPMENT AREAS (IRVING OWNED)	
Ratio of Conservation/Development - Mud Lake	Approximately 47% of Shoreline Owned by Irving within Conservation Area
- 1.68± miles conserved / 0.00 miles development	
Ratio of Conservation/Development - Cross Lake	2.4:1
- 2.11± miles conserved / 0.87± miles development	
Ratio of Conservation/Development - Square Lake	6:1
- 10.63± miles conserved / 1.77± miles development	
Total for Mud, Cross, Square Lakes (no development or conservation on Long Lake):	
- 14.42± miles conserved / 2.64± miles developed = 5.5:1 ratio	
- Add thoroughfares (2.56± miles conserved / 0.21± miles developed)	
- 16.98± miles conserved / 2.85± miles developed = 6.0:1 ratio	

**TABLE 2
OWNERSHIP BREAKDOWN BY TOWNSHIP**

TOWNSHIP	ACRES TO REZONE (APPROXIMATE)	WATERBODIES	ROADS
Cross Lake Twp	21,277	Cross Lake, Mud Lake, Dickey Pond, Little California Pond, Cross Lake Bog, Cross Lake Fens, Mud/Cross Lake thoroughfare, Dimock Brook, Daigle Brook, Dickey Brook, West Fork Dickey Brook, East Fork Dickey Brook, Harris Brook, Pelletier Brook, Black Brook, Snare Brook, California Brook	Route 161/Caribou Road, Route 162, Square Lake Road, Ouellette Road, West Side Road, Ackerson Road, Guerette Road, Thoroughfare Road, Cyr Road, St. Peter Road, Saint Euthrope Cemetery Road, Sunset Lane, Ford Road, Little Cottages Road, Austin Road, Huntress Road, Windy Cove Road, Jay Road, Durgin Road, Shady Lane Road, Duck Cove Road, Sylvios Road, Cormier Road, May Road, Sandy Point Road, Connection Lane, Garcelon Road, Cooper Road, Cote Road, Beaulieu Road
T17 R4 WELS	9,737	Mud Lake, Long Lake, Long/Mud Lake thoroughfare, McLean	Main Street/Sinclair Road/Route 162, Herbert Drive, Irving Road, Sullivan Road, Treatment Plant Road, Thoroughfare Road,

TOWNSHIP	ACRES TO REZONE (APPROXIMATE)	WATERBODIES	ROADS
		Brook, West Fork McLean Brook, North Fork McLean Brook, Armstrong Brook	Shore Road
T17 R3 WELS	5,325	Long Lake (Van Buren Cove), Violette Stream, Mud Brook	Town Line Road, Lake Road, Sullivan Road, Irving Road, W Van Buren Cove Road, East Road
T16 R5 WELS	7,040	Square Lake, Cross Lake, Cross Lake Fens, Square/Eagle Lake thoroughfare, California Pond Brook, Barstow Brook, Butler Brook, Black Brook, Halfway Brook	Square Lake Road, Gorfinkle Road, Black Brook Road, Landing Road, Disy Road, Mifs Lane, Gagnon Road
T16 R4 WELS	4,642	Carry Pond, Black Brook, Carry Brook	Black Brook Road, Route 161, To Lake Shore Road, Sullivan Road
T15 R5 WELS	2,994	Square Lake, Goddard Brook, Little Goddard Brook	Square Lake Road, Blackstone Road
TOTAL	51,015		

**TABLE 3
DEVELOPMENT SUMMARY**

PROPOSED DEVELOPMENT SUMMARY	
Area of Proposed New Development Zones	1,923± acres (2.64± square miles)
Percentage of Plan Area in New Development Zones	3.8%
Area for Proposed Residential Development Zones	1,376± acres
Area for Proposed Comm./Econ Development Zones	547± acres
Shoreline Affected by New Development Zones	2.64± miles
Total Number of New Residential Units Allowed	330
Maximum Total Units on Long Lake	75
Maximum Total Units on Cross Lake	125
Maximum Total Units on Square Lake	130

**TABLE 4
RESIDENTIAL DEVELOPMENT ZONES**

RESIDENTIAL DEVELOPMENT ZONES		
Development Zone	Location (township)	Acres (approximate)
Long Lake A	T17 R3	136
Long Lake B	T17 R3	75
Long Lake C	T17 R4	114
Cross Lake A	Cross Lake	119
Cross Lake B	Cross Lake	79
Cross Lake C	Cross Lake	64
Cross Lake D	T16 R5	183
Cross Lake E	T16 R5	156
Square Lake E	T16 R5	278
Square Lake Yexas	T16 R5	51
Square Lake W	T16 R5	121
TOTAL		1,376

**TABLE 5
COMMUNITY/ECONOMIC DEVELOPMENT ZONES**

COMMUNITY/ECONOMIC DEVELOPMENT ZONES		
Development Zones	Location (township)	Acres (approximate)
CD1	Cross Lake	279
CD 2	T17 R4	167
CD 3	Cross Lake	101

STATISTICAL SUMMARY BY WATER BODY

1. Long Lake

Total shoreline: 33.12± miles
 Shoreline owned by Irving: 4.00± miles
 Number of Irving camp lots: 148 lots
 Shoreline occupied by Irving camp lots: 3.02± miles
 Total occupied lots: 775± structures
 Developed shoreline (total): 27.50± miles
 Proposed permanent conservation easement: 0.00 miles
 Proposed for residential development: Infill (Long Lake B): 0.07 miles; New: 0.00 miles
 Lake area: 6,000± acres

2. Long Lake/Mud Lake thoroughfare

Length: 0.47± miles
Shoreline owned by Irving: 0.00 miles
Number of Irving camp lots: 0 lots
Shoreline occupied by Irving camp lots: 0.00 miles
Proposed permanent conservation easement: N/A
Proposed for residential development: N/A

3. Mud Lake

Total shoreline: 6.00± miles
Shoreline owned by Irving: 3.58± miles
Number of Irving camp lots: 0 lots
Shoreline occupied by Irving camp lots: 0.00 miles
Total occupied lots: 24± lots
Developed shoreline (total occupied lots): 1.02± miles
Proposed permanent conservation easement: 1.68± miles
Proposed for residential development: 0.00 miles
Lake area: 972 acres

4. Mud Lake / Cross Lake thoroughfare

Length: 1.93 Miles
Shoreline owned by Irving (both sides): 3.39 miles
Number of Irving camp lots: 20 lots
Shoreline occupied by Irving camp lots: 0.54 miles
Proposed permanent conservation easement: 2.00 miles
Proposed for residential development: 0.00 miles
Proposed for community/economic development: 0.21 miles

5. Cross Lake

Total shoreline: 13.12± miles
Shoreline owned by Irving: 9.03± miles
Number of Irving camp lots (including 6 on stream at north end): 237 lots
Shoreline occupied by Irving camp lots: 4.84± miles
Total occupied lots: 305 lots
Developed shoreline (total occupied lots): 6.23± miles
Proposed permanent conservation easement: 2.11± miles
Proposed for residential development: Cross Lake D/E 0.87± miles
Lake area: 2,515± acres

6. Cross Lake/Square Lake thoroughfare

Length: 0.78± miles
Shoreline owned by Irving (east side only): 0.56± miles
Number of Irving camp lots: 0 lots
Shoreline occupied by Irving camp lots: 0.00 miles
Developed shoreline (non-Irving land): 0.22± miles
Proposed permanent conservation easement: 0.56± miles
Proposed for residential development: 0.00 miles

7. Square Lake

Total shoreline: 19.43± miles
Shoreline owned by Irving: 13.95± miles
Number of Irving camp lots: 19 lots
Shoreline occupied by Irving camp lots: 1.00± miles
Total occupied lots: 60± lots
Developed shoreline (total occupied lots and Square Lake Yexas): 2.89± miles
Proposed permanent conservation easement: 10.63± miles
Proposed for residential development: Infill (Square Lake W): 0.40± miles; New: 1.77± miles
Lake area: 8,150± acres

8. Carry Pond

Total shoreline: 1.6± miles
Shoreline owned by Irving: 1.6± miles
Number of Irving camp lots: 0 lots
Potential recreational use: Remote campsite or remote rental cabin no larger than 400 SF in gross floor area
Lake area: 66± acres

9. Dickey Pond

Total shoreline: 1.3± miles
Shoreline owned by Irving: 1.3± miles
Number of Irving camp lots: 0 lots
Potential recreational use: Remote campsite or remote rental cabin no larger than 400 SF in gross floor area
Lake area: 16± acres

10. Little California Pond

Total shoreline: 0.6± miles

Shoreline owned by Irving: 0.6± miles

Number of Irving camp lots: 0 lots

Potential recreational use: Remote campsite or remote rental cabin no larger than 400 SF in gross floor area

Lake area: 7± acres

H. CONCEPT PLAN MAPS

See Volume 3.

Addendum to LUPC's Land Use Districts and Standards (Chapter 10)

ADDENDUM TO THE COMMISSION'S LAND USE DISTRICTS AND STANDARDS (CHAPTER 10)

A. Applicability and Organization

This addendum (referred to throughout as the “Chapter 10 Addendum” or the “Addendum”) to the Commission’s *Land Use Districts and Standards* (currently found in Chapter 10) contains regulatory provisions that include, *inter alia*, the land use zones into which the Resource Protection Plan Subdistrict (P-RP) established in the Concept Plan has been divided, and further contains certain development standards and review procedures that apply to development and other land uses authorized pursuant to the Concept Plan (hereinafter collectively and individually, “addendum provisions”). The addendum provisions are applicable only to the Concept Plan and are integral parts of it.

As an initial matter, statutory changes that would otherwise apply to the Plan Area will be fully applicable notwithstanding the existence of the Concept Plan. Irving, like any landowner, retains the right to challenge on constitutional grounds any statutory enactment that aggrieves it; however, the terms of the Concept Plan do not purport to constrain future legislative activity.

With respect to the provisions of Chapter 10, the Concept Plan takes the following actions:

- Some provisions of Chapter 10 are included in their entirety in the Addendum below, without any revisions to the current language. These provisions will be in effect throughout the Plan Area, but will apply only as set forth below (meaning, the current language of Chapter 10 is “frozen” as currently written and subsequent amendments to Chapter 10 shall not apply). The only exception to this will be if the Concept Plan itself is amended, pursuant to Section I.D of this Plan.
- Some provisions of Chapter 10 are included in the Addendum below, but have been amended from the current language. These amendments include replacements, in whole or in part, supplements, and new provisions. All of these types of provisions will also be in effect throughout the Plan Area. They are likewise frozen as written in the Plan, unless the Plan is amended pursuant to Section I.D.
- The remaining provisions of Chapter 10 in effect on the Effective Date of this Concept Plan are not addressed in this Addendum at all. These provisions are hereby incorporated by reference, and will apply throughout the Plan Area. If, through rulemaking, the Commission revises any of these provisions or adopts new provisions to Chapter 10, the revised or new provision shall apply throughout the Plan Area, except if the subject matter of the revision already has been addressed by one or more of the Addendum provisions. In such a situation, the Addendum provision shall control if the Commission reasonably determines that the revision is more stringent than the Addendum provisions. Provisions governed by this paragraph are referred to as “LUPC Amendable Provisions.”

B. Explanatory Table

The following table lists the provisions contained in this Addendum (“Addendum Provision” in the left-hand column) and explains the effect of each Addendum provision on the existing Chapter 10 provision

(“Impact to Existing Chapter 10 Provision” in the right-hand column).¹

Addendum Provision

Impact to Existing Chapter 10 Provision

Sub-Chapter I: General Provisions	
10.01 (Purpose)	Addendum neither replaces nor supplements 10.01 (Purpose)
10.02 (Definitions)	Addendum amends 10.02 (Definitions) in the following way: <ul style="list-style-type: none"> • Adds definitions
10.03 through 10.20	Addendum neither replaces nor supplements 10.03 through 10.20
Sub-Chapter II: Land Use Zones	
10.21,A (Commercial Industrial Development Zone – D-FRL-CI)	Addendum replaces 10.21,A,1 and 2 (Purpose and Description, D-CI Subdistrict) of Chapter 10; and supplements, but does not replace, 10.21,A,3 (Land Uses, D-CI Subdistrict) in the following way: <ul style="list-style-type: none"> • Deletes recreational lodging as a use allowed with a permit
10.21,C (General Development Zone – D-FRL-GN)	Addendum replaces 10.21,C,1 and 2 (Purpose and Description, D-GN Subdistrict) of Chapter 10; and supplements, but does not replace, 10.21,C,3 in the following way: <ul style="list-style-type: none"> • Deletes home occupation as a use allowed with a permit • Deletes recreational lodging as use allowed with a permit or as a special exception • Deletes single, two, and multi-family residential dwellings as a use allowed with a permit • Adds multi-family residential dwellings for affordable housing as a use allowed with a special exception
10.21,I (Recreational Facility Development Zone – D-FRL-RF)	Addendum replaces 10.21,I,1 and 2 (Purpose and Description, D-RF Subdistrict) of Chapter 10; and neither replaces nor supplements 10.21,I,3 of Chapter 10

¹ This table is intended to be a guide only. If it conflicts with the specific language of the Chapter 10 Addendum, the Addendum shall control.

10.21,J (Residential Development Zone – D-FRL-RS)	Addendum replaces 10.21,J,1 and 2 (Purpose and Description, D-RS Subdistrict) of Chapter 10; and supplements, but does not replace, 10.21,J,3, in the following way: <ul style="list-style-type: none"> • Deletes some types of recreational lodging as a use allowed with a permit • Adds single and two-family residential dwellings as a use allowed with a special exception, under certain conditions
10.22,A (General Management Zone –M-FRL-GN)	Addendum replaces 10.22,A,1 and 2 (Purpose and Description, M-GN Subdistrict) of Chapter 10; and supplements, but does not replace, 10.22,A,3 in the following way: <ul style="list-style-type: none"> • Deletes campsites as a use allowed without a permit • Deletes home occupation as a use allowed both without and with a permit or as a special exception • Adds remote campsites, remote rental cabins, and remote cabins as uses allowed without a permit subject to standards • Deletes residential campsites as a use allowed with a permit • Deletes sawmills as a use allowed with a permit • Deletes Recreational Lodging C and D as a use allowed with a permit or as a special exception • Deletes single and two-family residential dwellings as uses allowed with a permit
10.23 (Protection Subdistricts)	Addendum supplements 10.23 (Protection Subdistricts) of Chapter 10 in the following way: <ul style="list-style-type: none"> • Single family dwellings are a prohibited use
Sub-Chapter III: Land Use Standards	
10.24 (General Criteria for Approval of Permits)	Addendum neither replaces nor supplements 10.24 (General Criteria for Approval of Permit Applications) of Chapter 10
10.25 (Development Standards)	
10.25,A through 10.25,D	Addendum neither replaces nor supplements 10.25,A through 10.25,D
10.25,E (Scenic Character, Natural and Historic Features)	Addendum freezes the standards of 10.25,E
10.25,F (Noise and Lighting)	Addendum supplements 10.25,F (Noise and

	<p>Lighting) in the following way:</p> <ul style="list-style-type: none"> • Adds sounds emanating from snowmobiles, ATVs, vehicles, event-related activities, forestry and forestry-related activities as activities exempt from the requirements of 10.25,F,1,A • Add standards for exterior lighting to 10.25,F,2,b • Amends 10.25,F,2,e,5 to change the date by which lighting that was lawfully in place can be considered exempt
10.25,G through 10.25,K	Addendum neither replaces nor supplements 10.25,G through 10.25,K
10.25,L (Phosphorus Control)	Addendum freezes the standards of 10.25,L
10.25,M (Erosion and Sedimentation Control)	Addendum freezes the standards of 10.25,M
10.25,N through 10.25,O	Addendum neither replaces nor supplements 10.25,N through 10.25,O
10.25,P (Wetland Alternations)	Addendum freezes the standards of 10.25,P
10.25,Q (Subdivision and Lot Creation)	Addendum replaces 10.25,Q (Subdivision and Lot Creation)
10.25,R (Cluster Development)	Addendum replaces 10.25,R (Cluster Development)
10.25,S through 10.25,U	Addendum neither replaces nor supplements 10.25,S through 10.25,U
10.26 (Development Standards)	
10.26,A (Minimum Lot Size)	Addendum replaces 10.26,A (Minimum Lot Size)
10.26,B (Minimum Shore Frontage)	Addendum replaces 10.26,B (Minimum Shore Frontage)
10.26,C (Minimum Road Frontage)	Addendum neither replaces nor supplements 10.26,C (Minimum Road Frontage)
10.26,D (Minimum Setbacks)	Addendum replaces 10.26,D (Minimum Setbacks)
10.26,E (Maximum Lot Cover)	Addendum replaces 10.26,E (Maximum Lot Cover)
10.26,F (Maximum Structure Height)	Addendum replaces 10.26,F (Maximum Structure Height)
10.26,G (Exceptions to Dimensional Requirements)	Addendum replaces 10.26,G (Exceptions to Dimensional Requirements)
10.27 (Activity Specific Standards)	
10.27,A (Agricultural Management Activities)	Addendum neither replaces nor supplements 10.27,A (Agricultural Management Activities)
10.27,B (Vegetation Clearing)	Addendum replaces 10.27,B (Vegetation Clearing)
10.27,C (Mineral Exploration)	Addendum replaces 10.27,C (Mineral Exploration)

10.27,D (Roads and Water Crossing)	Addendum replaces 10.27,D (Roads and Water Crossing)
10.27,E (Timber Harvesting)	Addendum neither replaces nor supplements 10.27,E (Timber Harvesting)
10.27,F (Filling)	Addendum replaces 10.27,F (Filling)
10.27,G (Motorized Recreational Gold Prospecting)	Addendum neither replaces nor supplements 10.27,G (Motorized Recreational Gold Prospecting)
10.27,H (Driveways Associates with Residential Structures and Uses)	Addendum freezes the standards of 10.27,H
10.27,I (Pesticide Application)	Addendum neither replaces nor supplements 10.27,I (Pesticide Application)
10.27,J (Signs)	Addendum neither replaces nor supplements 10.27,J (Signs)
10.27,K (Water Impoundments)	Addendum neither replaces nor supplements 10.27,K (Water Impoundments)
10.27,L (Trailer Ramps, Hand Carry Launches, Water Access Ways)	Addendum replaces 10.27,L (Trailer Ramps, Hand Carry Launches, Water Access Ways)
10.27,M (Service Drops)	Addendum neither replaces nor supplements 10.27,M (Service Drops)
10.27,N (Home Occupations)	Addendum neither replaces nor supplements 10.27,N (Home Occupations)
10.27,O (Permanent Docking Structures)	Addendum neither replaces nor supplements 10.27,O (Permanent Docking Structures)
10.27,P (Accessory Structures)	Addendum neither replaces nor supplements 10.27,P (Accessory Structures)
10.27,Q (Recreational Lodging Facilities)	Addendum replaces 10.27,Q (Recreational Lodging Facilities)

Sub-Chapter IV: Supplemental Review Processes and Requirements	
10.28 (Limitations on Numbers of Units and Unit Sequencing Requirements)	New addendum provision – no comparable Chapter 10 provision
10.29 (Limitations on Shoreland Structures and Water Access Sites)	New addendum provision – no comparable Chapter 10 provision
10.30 (Home Owners Association)	New addendum provision – no comparable Chapter 10 provision
10.31 (Sustainable Forestry Principles)	New addendum provision – no comparable Chapter 10 provision

**ADDENDUM TO THE COMMISSION'S
LAND USE DISTRICTS AND STANDARDS (CHAPTER 10)**

SUBCHAPTER I: GENERAL PROVISIONS

10.01 Purpose

Addendum neither replaces nor supplements 10.01, Purpose.

10.02 Definitions

The definitions below apply to terms as they appear in the Concept Plan. All definitions established in relevant statutes, which are identified herein by use of quotation marks, apply, as appropriate, to the Concept Plan; their citations herein are intended as cross-references only. Subsequent amendments to all relevant statutory definitions supersede any definitions contained herein.

1. Accessory Use or Accessory Structure:

A use or structure subordinate to a permitted or conditional use or structure and customarily incidental to the permitted or conditional use of the structure.

2. Adjacent Grade:

The natural elevation of the ground surface prior to construction next to the proposed wall of a structure.

3. Affordable Housing:

Affordable housing is decent, safe, and sanitary dwellings, apartments or other living accommodations that are affordable to lower income households and moderate income households, in accord with the following provisions.

- a. An owner-occupied housing unit is “affordable” to a household if the unit's expected sales price is reasonably anticipated to result in monthly housing costs (including mortgage principal and interest payments, mortgage insurance costs, homeowners' insurance costs, real estate taxes, and basic utility and energy costs) that do not exceed 28% to 33% of the household's gross monthly income. Determination of mortgage amounts and payments are to be based on down payment rates and interest rates generally available to lower and moderate income households.
- b. A renter-occupied housing unit is “affordable” to a household if the unit's monthly housing costs (including rent and basic utility and energy costs) do not exceed 28% to 33% of the household's gross monthly income.
- c. A “lower income household” is a household with a gross income less than or equal to 80% of the applicable HMFA/County median income. Lower income households include both very low income households and low income households. A “very low income household” is a household with a gross income less than or equal to 50% of the applicable HMFA/County median income. A “low income household” is a household with a gross income over 50%, but less than or equal to 80%, of the applicable HMFA/County median income.
- d. A “moderate income household” is a household with a gross income over 80%, but less than or equal to 150%, of the applicable HMFA/County median income.
- e. The “applicable HMFA/County median income” is the median family income most recently published by the U.S. Department of Housing and Urban Development (HUD) for the federally-designated Metropolitan Fair Market Rent Area (HMFA) or County (non-HMFA part) in which the housing unit is located. Where appropriate to use of this definition, median family income may be adjusted for family size.
- f. A household's “gross income” includes the income of all household members from all sources.

4. Affordable Housing Covenant:

Any agreement among one or more owners, one or more tenants of residential real estate and one or more qualified housing entities, or between one or more owners and one or more

qualified housing entities, or between one or more tenants and one or more qualified housing entities, that permits a qualified housing entity to control, either directly or indirectly, the purchase or rental price of residential housing for the primary purpose of providing that the housing remains affordable to lower income and moderate-income households.

5. Agricultural Management Activities:

Land clearing if the land topography is not altered, tilling, fertilizing, including spreading and disposal of manure, liming, planting, pesticide application, harvesting or cultivating crops, pasturing of livestock, minor drainage and maintenance of drainage, and other similar or related activities, but not the construction, creation or maintenance of land management roads, nor the land application of septage, sludge and other residuals and related storage and composting activities.

6. Alteration:

Dredging; bulldozing; removing or displacing soil, sand, vegetation or other materials; draining or dewatering; filling; or any construction, repair or alteration of any permanent structure. On a case-by-case basis and as determined by the Commission, the term “alteration” may not include:

- a. An activity disturbing very little soil such as installing a fence post or planting shrubs by hand;
- b. The addition of a minor feature to an existing structure such as a bench or hand rail; and
- c. The construction, repair or alteration of a small structure with minimal impact such as a nesting box, pasture fence, or staff gauge.

7. Aquatic Vegetation:

Plants that usually grow on or below the surface of the water for most of the growing season in most years.

8. Area of Special Flood Hazard:

The land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in a Flood Insurance Study, where available, and/or as delineated on the Flood Insurance Rate Map (FIRM), Flood Hazard Boundary Map (FHBM), or Commission’s Land Use Guidance Map.

9. Base Flood:

The flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

10. Basement:

Any area of the building having its floor subgrade (below ground level) on all sides.

11. Bed and Breakfast:

An owner-occupied, single-family dwelling comprising a single residential building and its accessory structures, in which up to six sleeping rooms are rented for a fee for transient occupancy by guests. Breakfast is the only meal to be served to overnight guests. There must be no kitchen facilities in rented rooms and no separate ownership of rooms.

12. Boathouse:

A structure that extends over or beyond the normal high water mark into which boats are directly

maneuvered without leaving the water body. Boathouses are distinct from boat storage buildings, which require the boat to be removed from the water for entry.

13. Boat Ramp:

See commercial trailered ramp, private trailered ramp, public trailered ramp, or trailered ramp.

14. Body of Standing Water:

A body of surface water that has no perceptible flow and is substantially permanent in nature. Such water bodies are commonly referred to as man-made or natural lakes or ponds.

15. Breakaway Wall:

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

16. Building:

“Any structure having a roof or partial roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or objects regardless of the materials of which it is constructed.” 12 M.R.S.A. §682. The Commission finds that a temporary camping tent constructed of fabric or similar materials is not considered a building.

17. Bulk:

The size, volume, and shape of buildings and structures, and the physical relationship of their exterior walls or their location to lot lines, other buildings, structures, and surrounding open space. Bulk does not suggest any architectural style or design. This term is used, for example, to ensure that new adjacent development is compatibly arranged and does not dwarf or overshadow existing development.

18. Bulk Sampling of Mineral Deposits:

The removal of samples of mineral deposits for the purpose of testing to determine the feasibility, method or manner of extraction and/or processing of minerals. Such testing may include metallurgical analyses, milling or grinding tests and/or pilot plant and processing tests. Methods of bulk sampling may include, but not be limited to drilling and boring, the digging of shafts and tunnels, or the digging of pits and trenches.

19. Bunkhouse:

An accessory structure consisting of detached sleeping quarters having no plumbing, for the temporary accommodations of guests of the property owner or facility while the owner or facility operator is an occupant of the principal dwelling or at the facility. A bunkhouse that is accessory to a dwelling can be up to 750 square feet or 50% of the footprint of the principal dwelling unit, whichever is larger.

20. Campground:

Any area, other than a campsite, designed for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes or similar facility designed for temporary shelter. Campground does not include Residential Campsites.

21. Campsite:

“A camping location containing tents, registered tent trailers, registered pickup campers,

registered recreational vehicles, registered trailers or similar devices used for camping. "Campsite" does not include a camping location that has access to a pressurized water system or permanent structures other than outhouses, fireplaces, picnic tables, picnic tables with shelters or lean-tos. A campsite may be designed to contain a maximum of 4 camping sites for transient occupancy by 12 or fewer people per site, or numbers of sites and occupancy rates consistent with a landowner's recreational policy filed with the commission. The commission may require a campsite permit if it determines that the recreational policy is inconsistent with the commission's comprehensive land use plan." 12 M.R.S.A §682(15).

The term "tents" includes but is not limited to tents with ground level platforms not to exceed 150 square feet in area. The shelters for picnic tables shall not exceed 120 square feet in area. Lean-tos shall not exceed 150 square feet, and outhouses shall not exceed 36 square feet. For the purpose of the application of the Commission's rules, the statutory provision that a "campsite may be designed to contain a maximum of 4 camping sites for transient occupancy by 12 or fewer people per site" means there may be not more than 4 camping parties occupying a campsite, that an individual party may not exceed a total of 12 people, and that each camping site shall be designed for a single party of not more than 12 people. A group of people sharing an association or relationship, apart from staying in the same camping site, traveling together, or sharing meals and camping equipment shall be considered a camping party unless the assemblage of the group is intended to avoid regulation of the camping facilities as a campground.

22. Campsite, Residential: See **Residential Campsite.**

23. Capacity Expansions of Utility Facilities:

The addition of new telephone or electric wires or similar equipment to existing electric or telephone transmission and distribution poles for the purpose of increasing the capacity thereof.

24. Checkpoint Building:

A structure on land under forest management which is used primarily for control of access to private roads or trails, provided it does not include more than one residence.

25. Children's Day Care Facility:

A building, not the residence of the operator, in which a person carries out a regular program, for consideration, for any part of a day providing care for three or more children under 19 years of age.

26. Cluster Development:

A compact form of development that results in buildings being located in a group such that a significant amount of open space is preserved.

27. Coastal Nesting Island:

An island used for nesting by sea birds during their breeding period.

28. Coastal Wetlands:

Tidal and subtidal lands, including all areas below any identifiable debris line left by tidal action; all areas with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous lowland which is subject to tidal action during the maximum spring tide level as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

- 29. Combined Floor Area:**
The total floor area of all principal and accessory structures on a lot.
- 30. Combined Septic System:**
A disposal system designed to dispose of gray and black waste water on or under the surface of the earth that includes but is not limited to: septic tanks; disposal fields; or any other fixture, mechanism, or apparatus used for this purpose.
- 31. Commercial Fishing Activities:**
Activities directly related to commercial fishing and those commercial activities commonly associated with or supportive of commercial fishing, such as the manufacture or sale of ice, bait and nets and the sale, manufacture, installation or repair of boats, engines and other equipment commonly used on boats.
- 32. Commercial Mineral Extraction:**
Mineral extraction other than Mineral Extraction for Road Purposes.
- 33. Commercial Sporting Camp:**
A “building or group of buildings devoted primarily to the offering of lodging facilities for a fee to persons primarily in pursuit of primitive recreation or snowmobiling.” 12 M.R.S.A. §682(14). In addition, for the purposes of the application of the Commission’s rules, the term “commercial sporting camp” shall be construed according to the following: A facility which functions primarily as a destination for the above activities rather than as a transient development unit or as a base of operations for activities in another location, such as whitewater rafting. A sporting camp is usually located in a remote location and typically consists of, but does not have to include, all of the following: a number of cabins for the housing of guests, including but not limited to housekeeping cabins; a main lodge for serving of meals and socializing for the guests; outbuildings for housing of the owners, guides, and other workers; workshop, woodsheds, laundry, equipment storage, and other utility buildings as needed. Outpost cabins are not a part of commercial sporting camp facilities. Guests of outpost cabins may use the services of the commercial sporting camp whether or not the commercial sporting camp is permitted for expanded access (Section 10.27,Q,1). A resident, on-site attendant must be available on a full-time basis to meet the needs of guests.
- 34. Commercial Trailered Ramp, Hand-Carry Launch, or Dock:**
A trailered ramp, hand-carry launch, or dock, including an associated parking area and access road, that is privately owned and operated, and open to all members of the public, with or without a fee, but not meeting the definition of a public trailered ramp, hand-carry launch, or dock.
- 35. Commercial Use:**
The use of lands, buildings or structures the intent or result of which is the production of income from the buying or selling of goods and/or services. Commercial use does not include a home occupation or the rental of a single dwelling unit on a single lot or incidental sales of goods or services as may be allowed by permit or standard within a recreational lodging facility or forest management activities where such activities are otherwise exempt from review.
- 36. Commission:**
The Maine Land Use Planning Commission.

37. Community Living Facility:

A housing facility for eight or fewer persons with disabilities that is approved, authorized, or certified by the State. A community living facility may include a group home, foster home, or intermediate care facility. Disability has the same meaning as the term “handicap” in the Federal Fair Housing Act, 42 USC §3602 [30-A M.R.S.A. §4357-A].

Residents of a community living facility cannot be using or addicted to a “controlled substance” as defined in the Controlled Substances Act, 21 USC §802(6), or living in the facility as a result of a criminal offense.

38. Compatible Use:

A land use which is capable of existing in harmony with other uses or resources situated in its immediate vicinity because that use does not adversely affect such other uses or resources.

39. Compensation:

Replacement of a lost or degraded wetland function with a function of equal or greater value.

39.A Concept Plan:

The Concept Plan for the Fish River Lakes, established pursuant to Zoning Petition ZP { enter ZP number }, as it may be amended from time to time pursuant to Section I.D.2. hereof, which consists of the following:

- a. Section 1: Concept Plan Description;
- b. Section 2: Addendum to the Commission’s Land Use Districts and Standards (Chapter 10);
and
- c. Section 3: Tabs A and B.

39.B Concept Plan Area:

The area specifically described and identified in the Concept Plan and depicted on the Official Land Use Guidance Maps as being within the boundaries of the Resource Plan Protection Subdistrict (P-RP) established pursuant to Zoning Petition ZP { enter ZP number }. The Concept Plan Area is also referred to as the “Plan Area.”

40. Conversion of Use:

The alteration of a use or structure such that the use or structure constitutes a different use listing or defined term.

41. Creation:

An activity bringing a wetland into existence at a site where it did not formerly occur.

42. Critically Imperiled Natural Community (S1):

An assemblage of plants, animals and their common environment that is extremely rare in Maine or vulnerable to extirpation from the state due to some aspect of its biology. An example of an S1 community that occurs in freshwater wetlands is the Outwash Plain Pondshore community.

43. Cross-Sectional Area:

The cross-sectional area of a stream channel shall be determined by multiplying the stream channel width by the average stream channel depth. The stream channel width is the straight line distance from the normal high water mark of one side of the channel to such mark on the

opposite side of the channel. The average stream channel depth shall be the average of the vertical distances from a straight line between the normal high water marks of the stream channel to the bottom of the channel.

44. Deer Wintering Areas:

Areas used by deer during winter for protection from deep snows, cold winds, and low temperatures.

45. Development:

Any land use activity or activities directed toward using, reusing or rehabilitating air space, land, water or other natural resources, excluding, however, such specific uses or classes and categories of uses which by the terms of this chapter do not require a permit.

45.A. Development Area:

Each and any of the fourteen areas (including the sub-areas, development zones, and protection zones located therein) described in Section I.E.1 and identified as a “development area” on the Concept Plan maps in Section I.H of the Concept Plan.

46. Development Unit:

A single family dwelling unit or non-residential use containing a total of no more than 8,000 square feet of gross floor space for all principal buildings concerned. Multiple family dwelling units and larger non-residential uses shall be counted as an equivalent multiple number of development units.

46.A. Development Zones:

Any or all of the following land use zones, which are identified on the maps contained in Section I.H and described in Section 2, Sub-Chapter II of the Concept Plan: Commercial Industrial Development Zone (D-FRL-CI), General Development Zone (D-FRL-GN), Recreational Facility Development Zone (D-FRL-RF), Residential Development Zone (D-FRL-RS).

47. Dining Amenities:

A common space where meals are served to guests of the recreational lodging facility or the general public. Dining amenities do not include private kitchens for individual cabins.

48. Direct Watershed:

That portion of the land area which drains surface water directly to a body of standing water without such water first passing through an upstream body of standing water.

49. Disturbed Area:

The area of a parcel that is stripped, graded, grubbed or otherwise results in soil exposure at any time during the site preparation for, or construction of, a project. “Disturbed area” does not include maintenance of an existing impervious area, but does include a new impervious area or expansion of an existing impervious area.

50. Docking Structure:

A structure placed in or near water primarily for the purpose of securing and/or loading or unloading boats and float planes, including but not limited to docks, wharfs, piers, and associated anchoring devices, but excluding boathouses and floatplane hangars.

51. Driveways

A vehicular access-way, other than a land management road, less than 1,000 feet in length serving two or fewer lots or dwelling units.

52. Dwelling Unit:

A structure or any part thereof that is intended for use or is used for human habitation, consisting of a room or group of rooms designed and equipped for use primarily as living quarters, including any minor home occupations, for one family. Accessory structures intended for human habitation that have plumbing are considered separate dwelling units. Dwelling units do not include buildings or parts of buildings used as a hotel, motel, commercial sporting camp, outpost cabin, or other similar facility which is rented or leased on a relatively short term basis. Staff housing in such facilities is not considered to be a dwelling unit. However, the term shall include accommodations utilized by guests for transient occupancy that qualifies as a home occupation.

52.A. Effective Date:

The date upon which the Resource Plan Protection Subdistrict (P-RP) encompassing the Concept Plan Area becomes effective by virtue of the Commission's approval of Zoning Petition ZP { enter ZP number }, which is { enter applicable date }.

53. Elevated Building:

A building, without a basement,

- a. built, in the case of a building in FEMA zones A1-30, AE, or A, to have the top of the elevated floor, or in the case of a building in Zone VE, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and
- b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones A1-30, AE, or A, elevated building also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Section 10.25,T,2,I. In the case of Zone VE, elevated building also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standards of Section 10.25,T,2,p,(b),(iii).

54. Emergent Marsh Vegetation:

Plants that are erect, rooted and herbaceous; grow in saturated to permanently flooded areas; and do not tolerate prolonged inundation of the entire plant (e.g., cattails, burreed, tussock sedge, rice cut grass, phragmites, pickerel weed, arrowhead and bulrush).

55. Enhancement:

An activity increasing the net value of a wetland.

56. Excursion Service:

A water-borne transport service established to ferry tourists and other persons non-resident to the place of destination. This term shall also include sight-seeing and other recreational cruises such as "whale-watchers" where there may be no specific point of destination.

- 57. Expansion of a Structure:**
The increase in the floor area of a structure, including attached decks and porches, or the increase in the height of a structure.
- 58. Family:**
One or more persons occupying a premises as a single housekeeping unit.
- 59. FEMA:**
Federal Emergency Management Agency.
- 60. Fishery Management Practice:**
Activities engaged in for the exclusive purpose of management of freshwater and anadromous fish populations by manipulation of their environment for the benefit of one or more species. Such practices may include but not be limited to the construction of traps and weirs, barrier dams, stream improvement devices, fishways, and pond or stream reclamation, provided that any such activities are specifically controlled and designed for the purpose of managing such species and are conducted or authorized by appropriate state or federal fishery management agencies in compliance with the water quality standards contained in 38 M.R.S.A. §465.
- 61. Flood or Flooding:**
- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) the overflow of inland or tidal waters.
 - (2) the unusual and rapid accumulation or runoff of surface waters from any source.
 - b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Section 10.02,58,a,(1) of this definition.
- 62. Flood Boundary and Floodway Map (FBFM):**
An official map of a township, plantation or town, issued by the Federal Insurance Administrator, where the boundaries of the base flood and floodway have been designated.
- 63. Flood Elevation Study:**
An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.
- 64. Flood Hazard Boundary Map (FHBM):**
An official map of a township, plantation or town, issued by the Federal Insurance Administrator, where the boundaries of the base flood have been designated.
- 65. Flood Insurance Rate Map (FIRM):**
An official map of a township, plantation or town, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

- 66. Flood Insurance Study (FIS):** See **Flood Elevation Study**.
- 67. Floodplain or Flood Prone Area:**
Any land area susceptible to being inundated by water from any source (see Flood or Flooding).
- 68. Floodplain Wetland:**
Wetlands that are inundated with flood water during a 100-year event based on site specific information including, but not limited to, flooding history, landform, and presence of hydric, alluvial soils, and that under normal circumstances support a prevalence of wetland vegetation typically adapted for life in saturated soils.
- 69. Floodproofing:**
Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.
- 70. Floodway:** See **Regulatory Floodway**.
- 71. Floodway Encroachment Lines:**
The lines marking the limits of floodways on federal, state, and local floodplain maps.
- 72. Floor Area:**
The sum of the horizontal areas of the floor(s) of a structure, excluding basements, measured by their exterior dimensions. Floor area shall include, but not be limited to, all stories and lofts, decks, garages, porches and greenhouses.
- 73. Flowing Water:**
A surface water within a stream channel that has a perceptible flow and is substantially permanent in nature. Such waters are commonly referred to as rivers, streams, and brooks.
- 74. Footprint:**
The measure of the area in square feet within the exterior limits of the perimeter of a structure. This includes any overhangs, or attached porches or decks whether or not enclosed.
- 75. Forest:**
A plant community predominantly of trees and other woody vegetation growing more or less closely together.
- 76. Forest Management Activities:**
Forest management activities include timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar or associated activities, but not the construction, creation, or maintenance of land management roads, nor the land application of septage, sludge and other residuals and related storage and composting activities.
- 77. Forest Product:**
Any raw material yielded by a forest.

- 78. Forested Wetland:**
Freshwater wetlands dominated by woody vegetation that is 6 meters tall, or taller.
- 79. Freshwater Wetland:**
Freshwater swamps, marshes, bogs and similar areas that are inundated or saturated by surface or groundwater at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils and not part of a great pond, coastal wetland, river, stream or brook.
- 80. Functionally Dependent Use:**
For purposes of regulating development in flood prone areas, a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
- 81. Gatehouse: See Checkpoint Building.**
- 82. Gravel Extraction:**
Any extraction of a deposit of sand, fill or gravel.
- 83. Gravel Pit:**
A mining operation undertaken primarily to extract and remove sand, fill or gravel.
- 84. Hand-Carry Launch:**
A shoreland alteration, including, but not limited to, a landing area (that portion of the launch at or below the normal high water mark), a launch area (that portion of the launch immediately adjacent to and above the normal high water mark) any associated parking area, access pathway and/or road, and other similar related facilities to allow an item, including but not limited to a boat, personal watercraft, or dock float, to be moved by hand, to or from the surface of a water body. Unless otherwise specified by permit condition, boat trailers or dollies designed to be moved by hand may be used at such facilities provided no special site design is required to accommodate such devices.
- 85. Height of Structure:**
The vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.
- 86. Historic Structure:**
Any structure that is:
- a. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
 - c. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

- d. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) by an approved state program as determined by the Secretary of the Interior, or
 - (2) directly by the Secretary of the Interior in states without approved programs.

87. Home Adult Day Services Program:

A group program of care, therapeutic activities and supervision maintained or carried out on a regular basis by a person or persons in a private dwelling, for consideration, for at least two hours a day, for three to 12 adults 19 years of age or older, who are not related to, or under the guardianship of the provider.

88. Home Child Day Care Provider:

A person who receives consideration to provide child care in his or her residence on a regular basis, for three to 12 children under 13 years old, who are not related to, or under the guardianship of the provider

89. Home Occupation:

A business, profession, occupation, or trade undertaken for gain or profit which: a) is clearly incidental and secondary to the use of the dwelling unit for residential purposes; b) is wholly carried on within a dwelling unit or other structure accessory to a dwelling unit; c) is carried on by a resident of the dwelling unit; and d) utilizes no more than 50 percent of all floor area of the dwelling unit or of the total combined floor area of the dwelling unit and accessory structure(s) in which the occupation is carried out. The term is further defined as minor and major home occupation as follows:

Minor home occupation: A home occupation not noticeable from the exterior of a building, except as herein allowed, that utilizes no more than 50 percent of all floor area of all principal and accessory structures up to a limit of 1,000 square feet.

Major home occupation: A home occupation not noticeable from the exterior of a building, except as herein allowed, that utilizes no more than 50 percent of all floor area of all principal and accessory buildings up to a limit of 1,500 square feet.

90. Imperiled Natural Community (S2):

An assemblage of plants, animals and their common environment that is rare in Maine or vulnerable to further decline. Examples of S2 communities that occur in freshwater wetlands are Atlantic White Cedar Swamp, Alpine Bog-Meadow, Circumneutral Fen, Maritime Slope Bog, and Coastal Plain Pocket Swamp.

91. Impervious Area:

The area of a parcel that consists of buildings and associated constructed facilities or areas that will be covered with a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common impervious areas include, but are not limited to, rooftops, walkways, decks, porches, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of stormwater. A natural or man-made water body is not considered an impervious area.

92. Incidental:

A use, activity, service, or amenity that occurs by chance and not on a regular basis. Any use, activity, service, or amenity that is advertised individually is not incidental.

93. Land Management Road:

A route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing material constructed for, or created by, the repeated passage of motorized vehicles and used primarily for agricultural or forest management activities, including associated log yards but not including skid trails, skid roads, and winter haul roads.

94. Land Use Subdistrict:

The area located within the boundaries of air, land or water delineated vertically or horizontally by the Commission to provide for distinct categories of uses or resources.

94A. Land Use Zone:

The area located within the boundaries of air, land or water delineated vertically or horizontally by the Commission pursuant to Zoning Petition ZP { enter ZP number } to provide for distinct categories of uses or resources within the Concept Plan Area. For purposes of the Concept Plan, the following land use zones, identified on the maps contained in Section I.H and described in Section 2, Sub-Chapter II of the Concept Plan, shall apply for the term of the Concept Plan: Commercial Industrial Development Zone (D-FRL-CI), General Development Zone (D-FRL-GN), Recreational Facility Development Zone (D-FRL-RF), Residential Development Zone (D-FRL-RS), General Management Zone (M-FRL-GN), Flood Prone Area Zone (P-FRL-FP), Great Pond Protection Zone (P-FRL-GP), Wetland Protection Zone (P-FRL-WL), Fish and Wildlife Protection Zone (P-FRL-FW), and Shoreland Protection Zone (P-FRL-SL).

95. Lean-To:

A three-sided, roofed structure, limited to no larger than 200 square feet in area and no more than nine feet in height, used for transient occupancy and commonly constructed for campsites.

96. Level A Mineral Exploration Activities:

Mineral exploration activities engaged in for purposes of determining the location, extent and composition of mineral deposits, provided that such activities are limited to test boring, test drilling, hand sampling, the digging of test pits having a maximum surface opening of 100 square feet, or other test sampling methods which cause minimum disturbance to soil and vegetative cover. Level A mineral exploration activities shall not include bulk sampling of mineral deposits.

Access ways for Level A mineral exploration activities shall include only access ways the creation of which involves little or no recontouring of the land or ditching, and does not include the addition of gravel or other surfacing materials. Clearing of the vegetative cover shall be limited to the minimum necessary to allow for the movement of equipment.

97. Level B Mineral Exploration Activities:

Mineral exploration activities involving the bulk sampling of mineral deposits, or any mineral exploration activities which exceed those defined as Level A mineral exploration activities and which are not defined as Level C metallic mineral exploration activities.

98. Level C Mineral Exploration Activities:

Metallic mineral exploration activities involving the disturbance of a site, by excavation, of more

than two (2) acres of surface area or the excavation or removal of more than ten thousand (10,000) cubic yards of soil, overburden, ore or other earthen materials from the site of exploration.

99. Level A Road Projects:

Reconstruction within existing rights-of-way of public or private roads other than land management roads, and of railroads, excepting bridge replacements. Examples of such activities include, without limitation, culvert replacements, resurfacing, ditching, and bridge repair. When there is no existing layout of right-of-way, the right-of-way should be assumed to extend 33 feet on either side of the existing centerline.

100. Level B Road Projects:

Minor relocations, and reconstructions, involving limited work outside of the existing right-of-way of public roads or private roads other than land management roads and of railroads; bridge reconstruction and minor relocations whether within or outside of existing right-of-way of such roads; "Minor relocations" as used herein may not exceed 300 feet in horizontal displacement of centerline. "Reconstruction" as used herein may involve widening of existing rights-of-way not to exceed 50 feet on either side.

101. Level C Road Projects:

Construction of new roads, and relocations or reconstruction of existing roads, other than that involved in level A or level B road projects; such roads shall include both public and private roadways excluding land management roads.

102. Locally Established Datum:

For purposes of regulating development in flood prone areas, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

103. Lot Coverage:

The total footprint area of all structures, which includes, but is not limited to, buildings, parking lots, and driveways.

104. Lowest Floor:

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Section 10.25,T,2,I.

104.A. LUPC Amendable Provisions:

Either a provision of the Commission's *Land Use Districts and Standards* (Chapter 10) in existence as of the Effective Date that has not been frozen or replaced by the provisions contained in Section 2, "Addendum to the Commission's *Land Use Districts and Standards* (Chapter 10)" of the Concept Plan, or a new or amended provision to the Commission's *Land Use Districts and Standards* promulgated subsequent to the Effective Date that the Commission determines is not inconsistent with the provisions contained in Section 2.

105. Maintenance:

Activities required to assure continuation of a wetland or the accomplishment of project goals after a restoration or creation project has been technically completed, including, but not limited to, water level manipulations and control of non-native plant species.

106. Major Flowing Water:

A flowing water downstream from the point where such water drains 50 square miles or more.

107. Management Class 1 Lake:

Lake, also referred to as a “Least Accessible, Undeveloped, High Value Lake”, which meets the following criteria:

- a. Relatively undeveloped: As of November 17, 1988, having less than one development unit per shore mile within 250 feet of the normal high water mark, taken as an average over the entire lake shore. The shoreline is measured by following the shoreline of the lake, including all the shoreline irregularities, on the Commission's Land Use Guidance Map.
- b. Relatively inaccessible: As of November 17, 1988, having no road passable during summer months with a two-wheel drive vehicle within 1/4 mile of the normal high water mark of the lake.
- c. High resource value(s): Found to have one or more outstanding resource values according to the Commission's Wildlands Lake Assessment as shown in Appendix C of these regulations.

Such lakes are designated as MC1 on the Commission's Land Use Guidance Maps. All lakes included in the Wildlands Lake Assessment are listed in Appendix C to these regulations with their Management Class noted.

108. Management Class 2 Lake:

Lake, also referred to as an “Accessible, Undeveloped, High Value Lake”, which meets the following criteria:

- a. Relatively Undeveloped: As of November 17, 1988, having less than one development unit per shore mile within 250 feet of the normal high water mark, taken as an average over the entire lake shore. The shoreline is measured by following the shoreline of the lake, including all the shoreline irregularities, on the Commission's Land Use Guidance Map.
- b. Relatively Accessible: As of November 17, 1988, having a road passable during the summer months with a 2-wheel drive motor vehicle within 1/4 mile of the normal high water mark of the lake.
- c. High Resource Value: Having at least two of the following outstanding resource values according to the Commission's Wildlands Lake Assessment:
 - (1) An outstanding rating for fisheries
 - (2) An outstanding rating for scenic value
 - (3) An outstanding rating for shore character
 - (4) An outstanding rating for wildlife when the rating was due to exceptional concentration and/or diversity of wildlife species.

Such lakes are designated as MC2 on the Commission's Land Use Guidance Maps. All lakes included within the Wildlands Lake Assessment are listed in Appendix C to these regulations with their Management Class noted.

109. Management Class 3 Lake:

Lake, also referred to as “Potentially Suitable for Development” which through a consideration of existing water quality, potential water quality impacts, location, access, conflicting uses, available shoreline, water level fluctuation, regional considerations, and special planning needs is found by the Commission to be a potentially suitable location for shoreland development. Such lakes are more specifically defined in the Commission's Comprehensive Land Use Plan.

Such lakes are designated as MC3 on the Commission's Land Use Guidance Maps encompassing such lakes. All lakes included within the Wildlands Lake Assessment are listed in Appendix C to these regulations with their Management Class noted.

110. Management Class 4 Lake:

Lake, also referred to as a “High Value, Developed Lake”, which meets the following criteria:

- a. Two or more “outstanding” resource values as identified in the Maine Wildlands Lake Assessment;
- b. Relatively accessible: As of November 17, 1988, accessible to within 1/4 mile of the normal high water mark of the lake by 2-wheel drive motor vehicle during summer months;
- c. Relatively developed: As of November 17, 1988, having an average of more than one development unit per mile of shore within 250 feet of the normal high water mark of the lake. The shoreline is measured by following the shoreline of the lake, including all the shoreline irregularities, on the Commission's Land Use Guidance Map; and
- d. Not meeting the criteria for Management Class 3 Lakes.

Such lakes are designated as MC4 on the Commission's Land Use Guidance Maps. All lakes included within the Wildlands Lake Assessment are listed in Appendix C to these regulations with their Management Class noted.

111. Management Class 5 Lake:

Lake, also referred to as a “Heavily Developed Lake”, which meets the following criteria:

- a. As of November 17, 1988, having more than one development unit per 10 acres of lake surface area; or
- b. As of November 17, 1988, having more than one development unit per 400 feet of shore frontage, taken as an average around the entire lake shore. The shoreline is measured by following the shoreline of the lake, including all the shoreline irregularities, on the Commission's Land Use Guidance Map.

Such lakes are designated as MC5 on the Land Use Guidance Maps. All lakes included within the Wildlands Lake Assessment are listed in Appendix C to these regulations with their Management Class noted.

112. Management Class 6 Lake:

Lake, also referred to as a “Remote Pond”, which meets the following criteria:

- a. Having no existing road access by two-wheel drive motor vehicles during summer months within 1/2 mile of the normal high water mark of the water body;
- b. Having existing buildings within 1/2 mile of the normal high water mark of the water body limited to no more than one non-commercial remote camp and its accessory structures; and
- c. Supporting cold water game fisheries.

Such lakes are designated as MC6 on the Commission's Land Use Guidance Maps. All lakes included within the Wildlands Lake Assessment are listed in Appendix C to these regulations with their Management Class noted.

113. Management Class 7 Lake:

All lakes which are not otherwise classified in one of the other six lake Management Classes.

114. Manufactured Home:

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For purposes of regulating development in flood prone areas, the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 90 consecutive days.

115. Manufactured Home Park or Subdivision:

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

116. Maple Sugar Processing Operations:

The facilities and related structures and equipment for use in the processing of raw maple sap resources into maple syrup but not including the trees, taps and collection lines associated with the harvesting and collection of the raw maple sap resources. Commercial maple sugar processing operations may include temporary accommodations for a reasonable number of employees but shall not include other types of accommodations, dwelling units, or residential use.

117. Mean High Water Level:

The shoreline of tidal waters; the average high tide level for the previous 19 years.

118. Mean Lower Low Water Level:

By a 1980 international convention, a standard for all nautical charts, as providing the lowest low water levels likely to be encountered in navigation.

119. Mean Sea Level:

For purposes of regulating development in flood prone areas, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

120. Metallic Mineral Mining Activity:

"Metallic mineral mining activity" means any activity or process that is for the purpose of extraction or removal of metallic minerals, and includes processes used in the separation or extraction of metallic minerals from other material including, but not limited to: crushing, grinding, beneficiation by concentration (gravity, flotation, amalgamation, electrostatic, or magnetic); cyanidation; leaching; crystallization; or precipitation; mine waste handling and disposal; and processes substantially equivalent, necessary, or incidental to any of the foregoing.

Metallic mineral mining or metallic mineral mining activity does not include Level A, B or C exploration activities, or thermal or electric smelting.

- 121. Mineral Deposit:**
Any deposit of peat, sand, gravel, rock, topsoil, limestone, slate, granite, coal, gems, metallic or non-metallic ores or other minerals.
- 122. Mineral Extraction:**
Any extraction of a mineral deposit, other than peat extraction, metallic mineral mining activities or Level A, B, or C, exploration activities.
- 123. Mineral Extraction for Road Purposes:**
Mineral extraction where at least 75% by volume of the minerals extracted over any three year period are used for the purposes of construction or maintenance of land management or other roads.
- 124. Mineral Processing Equipment:**
Equipment used to process minerals following extraction including, but not limited to, rock crushers and batch plants. The term does not include equipment used to remove, sort or transport minerals, such as front end loaders, screens or trucks.
- 125. Mineral Soil:**
Soil material in which inorganic (mineral) constituents predominate.
- 126. Minor Flowing Water:**
A flowing water upstream from the point where such water drains less than 50 square miles.
- 127. Mitigation:**
Actions taken to off-set potential adverse environmental impact. Such actions include the following:
- a. Avoiding an impact altogether by not taking a certain action or parts of an action;
 - b. Minimizing an impact by limiting the magnitude or duration of an activity, or by controlling the timing of an activity;
 - c. Rectifying an impact by repairing, rehabilitating, or restoring the affected environment;
 - d. Reducing or eliminating an impact over time through preservation and maintenance operations during the life of the project; and
 - e. Compensating for an impact by replacing affected resources or environments.
- 128. Mitigation Banking:**
Wetland restoration, enhancement, preservation or creation for the purpose of providing compensation credits in advance of future authorized impacts to similar resources.
- 129. Mooring:**
A structure for securing a vessel or aircraft that consists of a line and buoy that is fixed to the bottom of a water body, or attached to a weight that rests on the bottom of a water body.
- 130. Motorized Recreational Gold Prospecting:**
Operation of small-scale, motorized equipment for the removal, separation, refinement, and redeposition of sediments and other substrates occurring below the normal high water mark of a stream, for the noncommercial, recreational discovery and collecting of gold specimens. This includes, but is not limited to, the operation of a motorized suction dredge, sluice, pump, rocker box, or winch, individually or together.

- 131. Multi-Family Dwelling:**
A building containing three or more dwelling units.
- 132. National Geodetic Vertical Datum (NGVD):**
The national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also has been called “1929 Mean Sea Level (MSL)”.
- 133. Nonconforming Lot:**
A preexisting lot which, upon the effective date of adoption or amendment of these rules, does not meet the area, frontage or other dimensional requirements for a legally existing or proposed use.
- 134. Nonconforming Structure:**
“A structure, lawfully existing at the time of adoption of district regulations or subsequent amendment made thereto, that does not conform to the district regulations.” 12 M.R.S.A. §682
More specifically, a nonconforming structure is legally existing, but does not meet one of the following dimensional requirements: setback, lot coverage, or height requirements.
- 135. Nonconforming Use:**
“A use of air, land, water or natural resources or a parcel of land, lawfully existing at the time of adoption of district regulations or subsequent amendments made thereto, that does not conform to the district regulations.” 12 M.R.S.A. §682. More specifically, a nonconforming use is a legally existing use of buildings, structures, premises, lands, or parts thereof which would not be allowed to be established under current regulations in the subdistrict in which it is situated.
- 136. Non-Tidal Waters:**
All waters or portions thereof, which do not ebb and flow as the result of tidal action.
- 137. Normal High Water Mark of Non-Tidal Waters:**
That line on the shores and banks of non-tidal waters which is discernible because of the different character of the soil or the vegetation due to the influence of surface water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (aquatic vegetation includes but is not limited to the following plants and plant groups - water lily, pond lily, pickerel-weed, cat tail, wild rice, sedges, rushes, marsh grasses; and terrestrial vegetation includes but is not limited to the following plants and plant groups - upland grasses, aster, lady slipper, wintergreen, partridge berry, sasparilla, pines, cedars, oaks, ashes, alders, elms, spruces, birches, beeches, larches, and maples). In places where the shore or bank is of such character that the normal high water mark cannot be easily determined (as in the case of rock slides, ledges, rapidly eroding or slumping banks) the normal high water mark shall be estimated from places where it can be determined by the above method.
- 138. Normal High Water Mark of Tidal Waters:**
That line on the shore of tidal waters reached by the shoreward limit of the rise of the medium tides between the spring and the neap, commonly referred to as the mean high water level. This line may be identified where appropriate by discerning the debris line left by tidal action.
- 139. Normal Maintenance and Repair:**
Unless otherwise provided, work necessary to maintain an improvement, structure, or docking

structure in its original or previously improved state or condition, as long as there is no expansion of a nonconforming structure and less than 50 percent of a structure is replaced. This includes general upkeep, such as painting, fixing portions of the structure that are in disrepair, or the replacement of sill logs, roofing materials, siding, or windows. In-kind and in-place replacement of decking or exterior stairs is considered to be normal maintenance and repair. Normal maintenance and repair shall not include reconstruction, or change in design, change in structure, change in use, change in location, or a change in size or capacity. Activities involving a permanent docking structure constitute normal maintenance and repair only when less than 50 percent of those portions of the permanent docking structure that are above the level of the water during normal high water are maintained or repaired.

140. North American Vertical Datum (NAVD):

The national datum, established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps.

141. On Premise Sign:

A sign which is located upon the same lot or parcel of real property where the business, facility, or point of interest being advertised is located.

142. Open Space:

Any parcel or area of land essentially unimproved and set aside, dedicated, designated, or reserved for the public use, for the common use of owners and occupants of land adjoining or neighboring such open space, or for purposes intended to preserve important natural features of the site.

143. 100-year Flood: See Base Flood.

144. Outpost Cabin:

A building used primarily by the guests of a commercial sporting camp on a transient basis primarily in pursuit of primitive recreation or snowmobiling in an isolated setting and which is located more than one half mile from a commercial sporting camp as measured in a straight line from the nearest structure providing guest services. Outpost cabins are not a part of commercial sporting camp facilities and are not served by an on-site attendant while guests are present. Guests of outpost cabins may use the services of the commercial sporting camp whether or not the commercial sporting camp is permitted for expanded access (10.27, Q.1.).

145. Parking Area:

A place, whether or not paved, designed primarily for parking motor vehicles. "Parking area" includes parking lots, parking spaces, parking lanes, and circulation aisles and corridors.

146. Peatland:

Freshwater wetlands, typically called bogs or fens, consisting of organic soils at least 16" deep, predominantly vegetated by ericaceous shrubs (heath family), sedges, and sphagnum moss and usually having a saturated water regime.

147. Permanent Docking Structure:

A docking structure in place for longer than seven months in any calendar year or which is so large or otherwise designed as to make it impracticable to be removed on an annual basis without

alteration of the shoreline, and associated on-shore structures used to secure a permanent dock or mooring.

148. Permanent Foundation:

A supporting substructure that either extends below the frost line or is designed to permanently withstand freeze-thaw conditions. Permanent foundations include full foundations, basements, slabs and frost walls. For the purposes of this definition “sono tubes” or posts installed with augers are not considered permanent foundations.

149. Person:

“An individual, firm, association, organization, partnership, trust, company, corporation, state agency or other legal entity.” 12 M.R.S.A. §682.

150. Personal Watercraft:

“Any motorized watercraft that is 14 feet or less in hull length as manufactured, has as its primary source of propulsion an inboard motor powering a jet pump and is capable of carrying one or more persons in a sitting, standing or kneeling position. 'Personal watercraft' includes, but is not limited to, a jet ski, wet bike, surf jet and miniature speedboat. 'Personal watercraft' also includes motorized watercraft whose operation is controlled by a water skier. 'Personal watercraft' does not include a motorized watercraft that does not have a horsepower rating greater than 15 horsepower and does not generate an unreasonable amount of noise.” 12 M.R.S.A. §13001, sub-§23.

151. Pesticide:

A chemical agent or substance employed to kill or suppress pests (such as insects, weeds, fungi, rodents, nematodes or other organisms) or intended for use as a plant regulator, defoliant or desiccant.

152. Piped Water:

Water supplied to a building by means other than hand pump or hand carry.

153. Portable Mineral Processing Equipment:

Mineral processing equipment that is not fixed to a location on the ground but rather is designed to be readily moved from one mineral extraction operation to another.

154. Practicable:

Available and feasible considering cost, existing technology and logistics based on the overall purpose of the project.

155. Preservation:

The maintenance of a wetland area or associated upland areas that contribute to the wetland's functions so that it remains in a natural or undeveloped condition. Preservation measures include, but are not limited to, conservation easements.

156. Primitive Recreation:

Those types of recreational activities associated with non-motorized travel, 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.

157. Primitive Septic System:

A septic system that uses an alternative toilet, such as a pit privy, compost, chemical, recirculating, incinerating, and vacuum types and a minimal disposal field designed to treat gray waste water that originates from a non-pressurized water supply.

158. Principal Building:

A building which provides shelter for the primary use of a parcel. On a single parcel, all buildings related to forest or agricultural management activities, including dwellings of the owner or lessee and employees, are considered one principal building.

159. Principal Use:

A use other than one which is wholly incidental or accessory to another use on the same premises.

160. Private Trailered Ramp, Hand-Carry Launch, or Dock:

A trailered ramp, hand-carry launch, or dock that is privately owned and operated, and not open to all members of the public.

161. Projecting Sign:

A sign which is attached to a wall of a building and extends more than 15 inches from any part of the wall.

162. Property Line:

Any boundary between parcels of land owned or leased by different persons or groups of persons.

163. Public Road or Roadway:

Any roadway which is owned, leased, or otherwise operated by a governmental body or public entity.

164. Public Trailered Ramp, Hand-Carry Launch, or Dock :

A trailered ramp, hand-carry launch, or dock, including associated facilities, that is owned, leased, or operated by a public entity and made available with or without a fee. Such entities include owners of federally licensed hydropower projects within the resource affected by the hydropower project for use by all members of the public.

165. Reclamation:

The rehabilitation of the area of land affected by mineral extraction, including but not limited to, the stabilization of slopes and the creation of safety benches, the planting of vegetation including grasses, crops, shrubs, and/or trees, and the enhancement of wildlife and aquatic habitat and aquatic resources.

166. Reconstruction:

Unless otherwise provided, the addition of a permanent foundation or the rebuilding of a structure after more than 50 percent by area of its structural components, including walls, roof, or foundation, has been destroyed, damaged, demolished or removed. Leaving one or two walls or the floor of a structure in place, while rebuilding the remaining structure, is considered reconstruction, not normal maintenance and repair or renovation.

167. Recreation Activity, Features, and/or Services:

Recreation activity, features, and/or services do not include modes of transportation to and from the site (e.g., airplane, snowmobile, ATV, or car), but do include any on-site track or trail that does not extend off-site (e.g., motocross track, mud runs, airplane rides). Measures taken to reduce noise and odor, including but not limited to, soundproofing, buffering, hours of operation, or emissions control devices may be considered when evaluating noise and odor levels. Examples of on-site recreation activities, features, and/or services grouped by noise and odor impacts:

- a. Low noise/odor – climbing wall, horseshoes, open field activities, tennis, swimming, small range for sighting of firearms, archery, guiding, vehicle shuttle or transportation services, rental of non-motorized equipment, and mini golf;
- b. Some noise/odor – facilities for organized team sports (e.g., baseball), paintball, rafting base, rental of motorized equipment, and airplane rides for overnight guests; and
- c. Routine noise/odor – shooting range, atv/snowmobile/motocross racing, amusement park, public airplane rides.

168. Recreational Lodging Facilities:

Site improvements, a building or group of buildings, or any part thereof, used, maintained, advertised or held out to the public as a place where sleeping accommodations are furnished to the public for commercial purposes. Recreational lodging facilities primarily cater to recreational users who engage in recreation activities that are primarily natural resource-based. The term includes, but is not limited to, commercial sporting camps, youth or group camps, back-country huts, rental cabins, outpost cabins, campgrounds, lodges, hotels, motels, inns, or any combination of these types of uses that exhibit characteristics of a unified approach, method or effect such as unified ownership, management or supervision, or common financing. To be included in a recreational lodging facility, rental units must be served by an on-site attendant while guests are present. Related development that is located more than one half mile, measured in a straight line, from the nearest structure providing guest services, such as dining, gathering places, retail shower house, dumping station, check-in office, and equipment rental shall be considered a separate facility, unless the owner chooses to consider them as one facility. Caretaker or attendant housing will not be used to establish the one half mile distance unless no other guest services are provided. If no guest services are provided then all development on the regulatory parcel shall be considered part of the same facility and may be part of a facility on an adjoining parcel. For the purposes of Land Use Planning Commission rules, recreational lodging facilities are divided into five levels:

Level A Facilities have minimal impacts on existing resources within the development site and surrounding areas. Level A recreational lodging facilities are specifically designated by Section 10.27,Q,1.

Level B Facilities have low impacts on existing resources within the development site and surrounding areas. Level B facilities are specifically designated by Section 10.27,Q,1.

Level C Facilities have moderate impacts on existing resources within the development site and surrounding areas. The standards for these facilities are designed to allow development while conserving the natural resource and recreation values of the development site and surrounding areas. Level C facilities are specifically designated by Section 10.27,Q,1. A Level C facility characterized by any of the factors in Section 10.27,Q,1, Table B is referred to as a “Level C – Expanded Access” facility.

Level D Facilities have moderate to high impacts on existing resources within the development site and surrounding areas. Level D facilities may provide limited on-site goods and/or services to meet the needs of guests, though these are not of a type, scale or design intended to meet the goods and services needs of the public at large that is not an overnight guest. The standards for these facilities are designed to allow larger-scale development while conserving the natural resource and recreation values of the development site and surrounding areas. Level D facilities are specifically designated by Section 10.27,Q,1. A Level D facility characterized by any of the factors in Section 10.27,Q,1, Table B is referred to as a “Level D – Expanded Access” facility. A Level D facility may be located in a geographic allowance area as provided in Section 10.27,Q,3.

Level E Facilities have the potential to have significant local and regional impacts. Level E facilities may include a range of lodging options at larger scales and typically include a broad range of recreational services and/or amenities that make the facility not only a recreation destination but also may meet some of the goods and services needs of the greater region. The standards for these facilities are designed to allow large scale development while conserving the natural resource and recreation values of the development site and surrounding areas. Level E facilities are specifically designated by Section 10.27,Q,1.

169. Recreational Vehicle:

A vehicle which is:

- a. built on a single chassis;
- b. designed to be self-propelled or permanently towable by a motor vehicle;
- c. designed to provide temporary living quarters for recreational, camping, travel, or seasonal use, but not for use as a permanent dwelling;
- d. without structural additions to or removal of wheels from the vehicles; and
- e. 400 square feet or less when measured at the largest horizontal projection, not including slideouts, when located in a flood prone area.

170. Regulatory Floodway:

The channel of a river or other flowing water and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. When not designated on the township’s, plantation’s, or town’s Flood Insurance Rate Map, Flood Boundary and Floodway Map, or Flood Hazard Boundary Map, it is considered to be the channel of a river or other flowing water and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

171. Remote Camp:

A dwelling unit consisting of not more than 750 square feet of gross floor area, that is not served by any public utilities, except radio communications.

172. Remote Campsites:

Campsites which are not part of commercial campgrounds and which are characterized by their remoteness, limited scale, dispersed nature, and limited usage. More specifically, remote campsites include sites which:

- a. are designed to be accessible and generally are only accessible by water or on foot;
- b. are comprised of not more than four individual camping areas designed for separate camping parties, and are designed for a total of not more than 12 overnight campers;

- c. have permanent structures limited to privies, fireplaces or fire rings, picnic tables, and picnic table shelters not larger than 80 square feet in area consisting of a roof without walls; and
- d. require no other construction or grading and only minimal clearing of trees.

173. Remote Rental Cabin:

A building used only as a commercial lodging facility on a transient basis by persons primarily in pursuit of primitive recreation or snowmobiling in an isolated and remote setting. A remote rental cabin cannot be larger than 750 square feet in gross floor area; cannot be served by any public utilities providing electricity, water, sewer, or telephone services; cannot have pressurized water; and cannot have a permanent foundation. Placement of these buildings does not create a lot for subsequent lease or sale.

A remote rental cabin cannot be located within 1,000 feet of any public road or within 1,000 feet of any other type of residential or commercial development.

See Section 10.25,Q “Subdivision and Lot Creation” to determine how such buildings are counted for purposes of subdivision.

174. Renovation:

Restoring or remodeling a structure. Renovation includes interior modifications, and the installation of new windows, floors, heating systems, or other features, as long as there is no expansion of a nonconforming structure and less than 50 percent of the building’s structural components are replaced. The introduction of plumbing to a structure may constitute a change in use that requires a permit.

175. Rental Unit:

A structure or any part thereof that is intended for use or is used for human habitation, consisting of a room or group of rooms designed and equipped for use primarily as living quarters for a single party, and which is rented or leased on a relatively short term basis. This term does not include outpost cabins or remote rental cabins.

176. Residential:

Pertaining to a dwelling unit.

177. Residential Campsite:

A camping location containing tents, registered tent trailer, registered pickup camper, registered recreational vehicle, registered trailer or similar device used for private non-commercial camping. “Residential campsite” includes a camping location that has permanent structures other than outhouses, fireplaces, picnic tables, picnic tables with shelters or lean-tos. Such additional permanent structures shall not have more than 100 square feet in floor area. A residential campsite may be designed to contain not more than one (1) camping site for transient occupancy by 12 or fewer people. The term “tents” includes but is not limited to tents with ground level platforms not to exceed 150 square feet in area. The shelters for picnic tables shall not have more than 120 square feet in area. Lean-tos shall not exceed 150 square feet, and outhouses shall not exceed 36 square feet. A residential campsite is distinguished from a “Campsite”, defined in Section 10.02,(21) above, by the presence of a permanent structure other than fireplaces, picnic tables, picnic table with shelters, lean-tos, tent platforms, and/or an outhouse.

178. Residential Directional Sign:

An off-premise sign erected and maintained by an individual or family to indicate the location of his or its residence.

179. Residual:

“Residual means solid wastes generated from municipal, commercial or industrial facilities that is suitable for agronomic utilization. These materials may include: food, fiber, vegetable and fish processing wastes; dredge materials; sludges; dewatered septage; and ash from wood or sludge fired boilers.” DEP Rules, Chapter 400, §1.

180. Restoration:

An activity returning a wetland from a disturbed or altered condition with lesser acreage or fewer functions to a previous condition with greater acreage or function.

181. Roadway:

A public or private road including any land management road.

182. Roof Sign:

A sign which is attached flat to, painted on, or pinned away from the roof of a building.

183. Septage:

“Septage means waste, refuse, effluent, sludge, and any other materials from septic tanks, cesspools, or any other similar facilities.” 38 M.R.S.A. §1303-C “Septage is defined as a mixture of liquids and solids derived from residential sanitary wastewater, and includes sanitary wastewater from tanks connected to commercial and institutional establishments which have inputs similar to residential wastewater. Septage also includes wastes derived from portable toilets.” DEP Rules, Chapter 420, §1

184. Service Drop:

Any utility line extension which does not cross or run beneath any portion of a body of standing water provided that:

- a. in the case of electric service
 - (1) the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
 - (2) the total length of the extension within any 5 year period is less than 2,000 feet.
- b. in the case of telephone service
 - (1) the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles; or
 - (2) the total length of the extension within any 5 year period, requiring the installation of new utility poles or placed underground, is less than 2,000 feet.

185. Setback:

The minimum horizontal distance from the lot line, shoreline, upland edge of a wetland, or road to the nearest part of the structure or other regulated area such as a driveway or parking area.

186. Shoreland Alteration:

Any land use activity, which alters the shoreland area, either at, adjacent to or below the normal high water mark, of any surface water body, including but not limited to:

- a. dredging or removing materials from below the normal high water;
- b. construction or repairing any permanent structure below the normal high water mark.

For purposes of this subsection, permanent structure shall mean any structure, including but not limited to, causeways, wharfs, piers, docks, concrete or similar slabs, bridges, hand-carry launches, trailered ramps, water-access ways, piles, marinas, retaining walls, riprap, buried or submarine utility cables and lines, permanent docking structures, mooring structures, and water lines. A structure which is not fixed in or over the water or below the normal high water mark for more than 7 months in a calendar year shall not be a permanent structure;

- c. depositing any dredged spoil or fill below the high water mark; and
- d. depositing dredged spoil or fill, or bulldozing, scraping or grading, on land adjacent to a water body in such a manner that the material or soil may fall or be washed into the water body, except that filling and grading or water crossings which do not require a permit as specified in Section 10.27, or other provisions of these rules shall not constitute shoreland alteration.

Activities which cause additional intrusion of an existing structure into or over the water body, are also considered shoreland alterations.

187. Shoreline:

The mean high water level of tidal water, or the normal high water mark of a body of standing water, flowing water, or stream channel.

188. Sign:

Any structure, display, logo, device or representation which is designed or used to advertise or call attention to any thing, person, business, activity, or place and is visible from any roadway or other right-of-way. It does not include the flag, pennant, or insignia of any nation, state or town.

Visible shall mean capable of being seen without visual aid by a person of normal visual acuity.

The size of a ground, roof, or projecting sign shall be the area of the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses the facing of a sign, including copy, insignia, background and borders; the structural supports of a sign are to be excluded in determining the sign area; where a supporting structure bears more than one sign, all such signs on the structure shall be considered as one sign, and so measured; only one face of a double-faced sign is included as the area of such sign. The area of a wall or window sign shall be the area of a regular geometric form enclosing a single display surface or display device containing elements organized, related, and composed to form a unit; where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

189. Significant Wildlife Habitat:

The following areas to the extent that they have been identified by the Department of Inland Fisheries and Wildlife: habitat, as determined by the Department of Inland Fisheries and Wildlife, for species appearing on the official state or federal lists of endangered or threatened animal species; deer wintering areas and travel corridors as determined by the Department of Inland Fisheries and Wildlife; high and moderate value water fowl and wading bird habitats, including nesting and feeding areas as determined by the Department of Inland Fisheries and Wildlife; critical spawning and nursery areas for Atlantic sea run salmon as determined by the Atlantic Sea

Run Salmon Commission; shorebird nesting, feeding and staging areas and seabird nesting islands as determined by the Department of Inland Fisheries and Wildlife; and significant vernal pools as defined and identified in specific locations by the Department of Inland Fisheries and Wildlife.

190. Sludge:

“Sludge means non-hazardous solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, or wet process air pollution control facility or any other such waste having similar characteristics and effect. The term does not include industrial discharges that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended.” DEP Rules, Chapter 400, §1

191. Soil Survey:

An inventory of soil resources that is based on a systematic field examination, description and classification of soils in an area. Using the results of the field investigation, a soil map and a written report are prepared which describe and classify the soil resources and interpret the soil suitability for various uses based upon soil limitations.

192. Spaghetti-lot:

“A parcel of land with a lot depth to shore-frontage ratio greater than 5 to 1. Shore frontage means land abutting a river, stream, brook, coastal wetland, or great pond as these features are defined in 38 M.R.S.A. §480-B.” 12 M.R.S.A. §682(13)

193. Special Flood Hazard Area: See Area of Special Flood Hazard.

194. Sporting camp: See Commercial Sporting Camp.

195. Stream Channel:

A channel between defined banks created by the action of surface water and characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil parent material or bedrock.

196. Structure:

“[A]nything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground, including, but not limited to, buildings, mobile homes, retaining walls, billboards, signs, piers and floats.” 12 M.R.S.A. §682. For purposes of regulating development in flood prone areas, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

197. Subdivision:

Except as provided in 12 M.R.S.A. §682-B, “subdivision” means a division of an existing parcel of land into 3 or more parcels or lots within any 5-year period, whether this division is accomplished by platting of the land for immediate or future sale, by sale of land or by leasing. The term “subdivision” also includes the division, placement or construction of a structure or structures on a tract or parcel of land resulting in 3 or more dwelling units within a 5-year period. 12 M.R.S.A. §682(2-A)

Refer to Section 10.25,Q, “Subdivision and Lot Creation” for additional criteria on types of lots that are included or are exempt from this definition.

Level 1 subdivision: Any subdivision that does not meet the criteria of a level 2 subdivision is considered a level 1 subdivision.

Level 2 subdivision: Any subdivision that meets the criteria of Section 10.25,Q,2 is considered a level 2 subdivision.

198. Substantial Damage:

For purposes of regulating development in areas of special flood hazard, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

199. Substantial Improvement:

For purposes of regulating development in areas of special flood hazard, any reconstruction, rehabilitation, renovation, expansion, normal maintenance and repair or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term also includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure exclusively to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by any state or local enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure, and a variance is obtained from the Commission in conformance with Section 10.10, Variances.

200. Subsurface Waste Water Disposal System:

"Subsurface waste water disposal system means:

- a. Any system for the disposal of waste or waste water on or beneath the surface of the earth including, but not limited to:
 - (1) Septic tanks;
 - (2) Drainage fields;
 - (3) Grandfathered cesspools;
 - (4) Holding tanks; or
 - (5) Any other fixture, mechanism or apparatus used for these purposes; but
- b. Does not include:
 - (1) Any discharge system licensed under Title 38, §414;
 - (2) Any surface waste water disposal system; or
 - (3) Any municipal or quasi-municipal sewer or waste water treatment system." 30-A M.R.S.A. §4201(5).

201. Subsurface Waste Water Disposal Rules:

The Maine Subsurface Waste Water Disposal Rules, 144A CMR 241, administered by the Department of Human Services.

202. Temporary Docking Structure:

A docking structure in place for less than seven months during any calendar year upon or over flowed or submerged lands and which is of such a size or design that it can be removed on an annual basis without requiring alteration of the shoreline, and associated temporary on-shore structures used to secure a temporary dock or mooring.

203. Tidal Waters:

All waters or portions thereof which customarily ebb and flow as the result of tidal action.

204. Timber Harvesting:

The cutting and removal of trees from their growing site, and the attendant operation of mobile or portable chipping mills and of cutting and skidding machinery, including the creation and use of skid trails, skid roads, and winter haul roads, but not the construction or creation of land management roads.

205. Traffic Control Sign or Device:

A route marker, guide sign, warning sign, sign directing traffic to or from a bridge, ferry or airport, or sign regulating traffic, which is not used for commercial or advertising purposes.

206. Trail:

A route or path other than a roadway, and related facilities, developed and used primarily for recreational activities including but not limited to hiking, backpacking, cross-country skiing and snowmobiling, which passes through or occurs in a natural environment. Related facilities may include but not be limited to subsidiary paths, springs, view points, and unusual or exemplary natural features in the immediate proximity of the trail which are commonly used or enjoyed by the users of the trail.

207. Trailered Ramp:

A shoreland alteration, including, but not limited to, an associated parking area, access road, and other similar related facilities to allow a trailer to be backed below the normal high water level of a water body in order to load or unload an item, including but not limited to a boat, personal watercraft, float plane, or dock float.

208. Transient Occupancy:

“Occupancy that does not exceed 120 consecutive days” 12 M.R.S.A. §682(18). For the purposes of the application of the Commission’s rules regarding campsites, the Commission considers occupancy to mean the length of time the tent, trailer, camper, recreational vehicle, or similar device used for camping is located on the site.

209. Unorganized and Deorganized Areas:

“Unorganized and deorganized areas includes all unorganized and deorganized townships, plantations that have not received commission approval under section 685-A, subsection 4 to implement their own land use controls, municipalities that have organized since 1971 but have not received commission approval under section 685-A, subsection 4 to implement their own land use controls and all other areas of the State that are not part of an organized municipality except Indian reservations.” 12 M.R.S.A. §682.

210. Utility Facilities:

Structures normally associated with public utilities, including without limitation: radar, radio,

television, or other communication facilities; electric power transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; municipal sewage lines; gas, oil, water, slurry or other similar pipe lines or above ground storage tanks.

211. Wall Sign:

A sign which is attached flat to, painted on or pinned away from the wall of a building and does not project more than 15 inches from such wall.

212. Water Bar:

An obstruction placed across a roadway which effectively diverts surface water from and off the road.

213. Water-Access Ways:

A structure consisting of a pair of parallel rails, tracks, or beams extending from above the normal high water mark to below the normal high water mark of a water body, and designed as the conveying surface from which an item, including but not limited to a boat, personal watercraft, float plane, or dock float, with or without a support cradle, is launched into or removed from the water body.

214. Water Crossing:

A roadway or trail crossing of any body of standing or flowing water (including in its frozen state) by means of a bridge, culvert, or other means.

215. Water-Dependent Structures for Recreational Lodging Facilities: Accessory structures, located within a recreational lodging facility, that require direct access or proximity to a water body or flowing water, and that are solely utilized to store or display water-related recreation or safety equipment. See Section 10.27,Q,7.

216. Water-Dependent Uses:

Those uses that require for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal waters and which cannot be located away from these waters. These uses include commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish storage and retail and wholesale marketing facilities, waterfront dock and port facilities, boat building facilities, navigation aides, basins and channels, uses dependent upon water-borne transportation that cannot reasonably be located or operated at an inland site and uses which primarily provide general public access to marine or tidal waters.

217. Water Impoundment:

Any water body created, or elevation of which is raised, by man through the construction of a dam.

218. Wetland Functions:

The roles wetlands serve which are of value to society or the environment including, but not limited to, flood water storage, flood water conveyance, ground water recharge and discharge, erosion control, wave attenuation, water quality protection, scenic and aesthetic use, food chain support, fisheries, wetland plant habitat, aquatic habitat and wildlife habitat.

219. Wetland Value:

The importance of a wetland with respect to the individual or collective functions it provides.

220. Wildlife:

All vertebrate species, except fish.

221. Wildlife Management District (WMD):

A geographic area identified by the Maine Department of Inland Fisheries and Wildlife to facilitate the management of wildlife. For purposes of these regulations, the boundaries of Wildlife Management Districts are as shown in Figure 10.23,D-1 and the area of a Wildlife Management District is based on land and water acreage within LURC jurisdiction.

222. Wildlife Management Practices:

Activities engaged in for the exclusive purpose of management of wildlife populations by manipulation of their environment for the benefit of one or more species. Such practices may include, but not be limited to, harvesting or removal of vegetation, controlled burning, planting, controlled hunting and trapping, relocation of wildlife, predator and disease control, and installation of artificial nesting sites, provided that such activities are specifically controlled and designed for the purpose of managing such species. This term does not include impounding water.

223. Winter Haul Road:

A route or travel way that is utilized for forest management activities conducted exclusively during frozen ground conditions. Winter haul roads must have the following characteristics:

- a. they are constructed with no significant soil disturbance;
- b. they do not make use of fill or surfacing material; and
- c. they are substantially revegetated by the end of the following growing season and are maintained in a vegetated condition.

224. Zones A, AE, A1-30, VE:

The areas identified by FEMA as areas of special flood hazard on Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

10.03 MAJOR DISTRICT CLASSIFICATIONS

Addendum neither replaces nor supplements 10.03, Major District Classifications.

10.04 OFFICIAL LAND USE GUIDANCE MAPS

Addendum neither replaces nor supplements 10.04, Official Land Use Guidance Maps.

10.05 INTERPRETATION OF DISTRICT BOUNDARIES

Addendum neither replaces nor supplements 10.05, Interpretation of District Boundaries.

10.06 INTERPRETATION OF LAND USE STANDARDS

Addendum neither replaces nor supplements 10.06, Interpretation of Land Use Standards.

10.07 EXEMPTIONS

Addendum neither replaces nor supplements 10.07, Exemptions.

10.08 CRITERIA FOR ADOPTION OR AMENDMENT OF LAND USE DISTRICT BOUNDARIES

Addendum neither replaces nor supplements 10.08, Criteria for Adoption or Amendment of Land Use District Boundaries.

10.09 CRITERIA FOR AMENDMENT OF LAND USE STANDARDS

Addendum neither replaces nor supplements 10.09, Criteria for Amendment of Land Use Standards.

10.10 VARIANCES

Addendum neither replaces nor supplements 10.10, Variances.

10.11 NONCONFORMING USES AND STRUCTURES

Addendum neither replaces nor supplements 10.11, Nonconforming Uses and Structures.

10.12 SEVERABILITY

Addendum neither replaces nor supplements 10.12, Severability.

10.13 EFFECTIVE DATE

Addendum neither replaces nor supplements 10.13, Effective Date.

10.14 PENALTIES FOR VIOLATIONS

Addendum neither replaces nor supplements 10.14, Penalties for Violations.

10.15 APPEALS

Addendum neither replaces nor supplements 10.15, Appeals.

10.16 NOTIFICATION FORMAT

Addendum neither replaces nor supplements 10.16, Notification Format.

10.17 EXPIRATION OF PERMIT

Addendum neither replaces nor supplements 10.02, Expiration of Permit.

10.18 RESERVED

10.19 RESERVED

10.20 RESERVED

**ADDENDUM TO THE COMMISSION'S
LAND USE DISTRICTS AND STANDARDS (CHAPTER 10)**

SUBCHAPTER II: LAND USE ZONES

10.21,A. COMMERCIAL INDUSTRIAL DEVELOPMENT ZONE (D-FRL-CI)

1. Purpose

The purpose of the D-FRL-CI Zone is to allow for commercial, industrial, and other development that might not be compatible with residential uses. Designation of the D-FRL-CI Zone will ensure that other land values and community standards are not adversely affected by and will provide for the location of important commercial and industrial facilities.

2. Description

The D-FRL-CI Zone is located in the CD-1 Development Area, as delineated on the maps contained in Section I.H of the Concept Plan.

No additional areas within the Concept Plan Area shall be designated as D-FRL-CI Zone, or added to or removed from the D-FRL-CI Zone identified herein, except for the purpose of establishing more accurate zone boundaries for the D-FRL-CI Zone defined herein. Any boundary modification request shall be submitted for the Commission's consideration along with supporting documentation that must include, at minimum, boundary surveys, updated Concept Plan maps, updated spatial data of any proposed boundary modifications, and documentation that the total acreage of land within the Land Use Zone will not materially change. Commission acceptance of any such minor boundary modifications shall not constitute an amendment pursuant to Section I.D,2 of the Concept Plan.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within D-FRL-CI Zone.

- (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 shall be allowed without a permit from the Commission within the D-FRL-CI Zone subject to the applicable requirements set forth in Sub-Chapter III.

- (1) Accessory structures: New and expanded structures accessory to any legally existing principal structures and uses, provided that the total square footage of the footprint

of all new or expanded accessory structures built on a lot within a two (2) year period is not more than 750 square feet and all other requirements and standards of Section 10.27.P, Accessory Structure, are met;

- (2) 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 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 may be allowed within D-FRL-CI Zone upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, 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 10.21, A, 3, f, g, and h below:

- (1) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (2) Commercial and industrial: Any commercial and industrial uses;
- (3) 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;
- (4) Draining or altering the water table or water level for other than mineral extraction;
- (5) Driveways;
- (6) Filling and grading, which is not in conformance with the standards of Section 10.27,F;
- (7) Hand-carry launches addressed in Section 10.21,A,3,b which are not in conformance with the standards of Section 10.27,L;
- (8) Land application of septage, sludge and other residuals, and related storage and composting activities and structures;
- (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) Mineral extraction including the use of mineral processing equipment and associated structural development;
- (12) Peat extraction, including the use of any related processing equipment;
- (13) ~~Recreational lodging facilities: Omitted~~
 - (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) Solid waste disposal;
- (18) Subdivisions: Commercial and industrial subdivisions for uses permitted in this subdistrict;
- (19) Timber harvesting;
- (20) Trailered ramps: Commercial and private trailered ramps;
- (21) Utility facilities, excluding service drops, and wire and pipe line extensions which do not meet the definition of service drops;
- (22) Water access ways;
- (23) 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;
- (24) Water impoundments;
- (25) Wind projects: Community based offshore wind energy projects, as defined in Title 12 M.R.S.A., Section 682, Subsection 19; offshore wind projects, as defined in Title 38 M.R.S.A., Section 480-B, Subsection 6A, and wind energy development in accordance with Title 35-A, M.R.S.A., 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,A,3,a through c; and
- (27) Other structures, uses, or services which the Commission determines are consistent with the purposes of this zone 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. Prohibited Uses

All uses not expressly allowed, with or without a permit, shall be prohibited in D-FRL-CI Zones.

e. Water Quality Limiting Lakes

For information relative to water quality limiting lakes see Section 10.23,E,3,g.

- f. **Management Class 2 Lakes** (Accessible, Undeveloped, High Value Lakes) as shown on the Commission's Land Use Guidance Maps.

With respect to single family dwelling proposals within 500 feet of the normal high water mark of Management Class 2 Lakes, the Commission will require an average density per landownership of no more than one dwelling unit per shore mile.

- g. **Management Class 4 Lakes** (High Value, Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

Within 250 feet of the normal high water mark of Management Class 4 lakes, the Commission will:

- (1) With respect to proposed subdivisions and commercial and industrial structures, require the applicant to indicate future plans for other undeveloped shorelands on the lake that are owned by the applicant. Such indication of future plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's land ownership on the lake:
 - (a) area and shoreline length;
 - (b) potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and
 - (c) development proposed or anticipated, if any.

This indication of future plans shall be considered part of the proposal. Therefore, changes in such plans, evidenced by a development proposal not included in the description of future plans, will require approval of an application to amend the original proposal in which these future plans were indicated.

- (2) With respect to subdivision proposals, require cluster developments which meet the requirements of Section 10.25,R.

- h. **Management Class 5 Lakes** (Heavily Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

With respect to subdivision proposals within 250 feet of Management Class 5 lakes, the Commission will require cluster developments which meet the requirements of Section 10.25,R.

10.21,C General Development Zone (D-FRL-GN)

1. Purpose

The purpose of the D-FRL-GN Zone is to recognize existing patterns of development in appropriate areas of the Concept Plan and to encourage further patterns of compatible development therein and adjacent thereto. A goal of the Concept Plan is to promote these areas as future growth centers, 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. This encourages the general concentration of new development, and thereby avoids the fiscal and visual costs of sprawl, and provides a continuing sense of community in settled areas.

2. Description

The D-FRL-GN Zones are located in the following Development Areas, as delineated on the maps contained in Section I.H of the Concept Plan:

- a. CD-2 Development Area; and
- b. CD-3 Development Area.

No additional areas within the Concept Plan Area shall be designated as D-FRL-GN zones, or added to or removed from the D-FRL-GN Zones identified herein, except for the purpose of establishing more accurate zone boundaries for the D-FRL-GN Zones identified herein. Irving shall submit for the Commission's consideration any such boundary modification requests along with supporting documentation that must include, at minimum, boundary surveys, updated Concept Plan maps, updated spatial data of any proposed boundary modifications, and documentation that the total acreage of land within the zone will not materially change. Commission acceptance of any such minor boundary modifications shall not constitute an amendment pursuant to Section I.D of the Concept Plan.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within D-FRL-GN Zones:

- (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 shall be allowed without a permit from the Commission within D-FRL-GN Zones subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Accessory structures: New and expanded structures accessory to any legally existing principal structures and uses, provided that the total square footage of the footprint of all new or expanded accessory structures built on a lot within a two (2) year period is not more than 750 square feet and all other requirements and standards of Section 10.27,P are met;
- (2) 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 except on Management Class 1 and 2 lakes;
- (7) Home occupations: Minor home occupations;
- (8) Mineral exploration activities: Level A mineral exploration activities, excluding associated access ways;
- (9) Road projects: Level A road projects;
- (10) Service drops;
- (11) Signs;
- (12) Trailered ramps: Public trailered ramps except on Management Class 1 and 2 lakes;
- (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 may be allowed within D-FRL-GN Zones upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, 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 10.21,C,3,g, h and i below:

- (1) 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.A. §1142;
- (5) Commercial and industrial: 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;
- (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 and 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 occupations: Major home occupations;~~Omitted
 - (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;~~Omitted
 - (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;~~Omitted
 - (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) Subdivisions: Residential subdivisions, and commercial and industrial subdivisions for uses permitted in this subdistrict;
 - (22) Timber harvesting;
 - (23) Trailered ramps addressed in Section 10.21,C,3,b which are not in conformance with the standards of Section 10.27,L;
 - (24) Utility facilities compatible with residential uses, other than service drops, and wire and pipe line extensions which do not meet the definition of service drops;

- (25) 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;
- (26) Water impoundments;
- (27) Wind projects: Community-based offshore wind energy projects, as defined in Title 12 M.R.S.A., Section 682, Subsection 19; offshore wind power projects, as defined in Title 38 M.R.S.A., Section 480-B, Subsection 6A, and wind energy development in accordance with Title 35-A, M.R.S.A., Chapter 34-A in areas identified in Appendix F herein;
- (28) Other structures, uses or services that are essential to the uses listed in Section 10.21,C,3,a through c; and
- (29) Other structures, uses, or services which the Commission determines are consistent with the purposes of this zone 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 may be allowed within D-FRL-GN Zones as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses within the Land Use Zone with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (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: Level D (outside geographic allowance area). Omitted~~

~~The following uses may be allowed as a special exceptions, either singly or in combination, provided the applicant shows by substantial evidence, in addition to (a) and (b) above, that (c) that there is sufficient infrastructure to accommodate the additional traffic and activity generated by the facility; and (d) that surrounding resources and uses that may be sensitive to such increased traffic and activity are adequately protected: Omitted~~

- (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 may be allowed as special exceptions provided the applicant also shows by substantial evidence that there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant:

- (4) Docking structures: New or expanded permanent docking structures;
- (5) Hand-carry launches: Commercial and public hand-carry launches on Management Class 1 and 2 lakes;
- (6) Marinas;
- (7) Trailered ramps: Commercial and private trailered ramps and public trailered ramps on Management Class 1 and 2 lakes; and
- (8) Water-access ways.
- (9) Multi-family Residential Development for Affordable Housing Developments

e. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception shall be prohibited in a D-FRL-GN Zone.

f. Water Quality Limiting Lakes

For information relative to water quality limiting lakes see Section 10.23,E,3,g.

g. Management Class 2 Lakes (Accessible, Undeveloped, High Value Lakes) as shown on the Commission's Land Use Guidance Maps.

With respect to single family dwelling proposals within 500 feet of the normal high water mark of Management Class 2 Lakes, the Commission will require an average density per landownership of no more than one dwelling unit per shore mile.

h. Management Class 4 Lakes (High Value, Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

Within 250 feet of the normal high water mark of Management Class 4 lakes, the Commission will:

- (1) With respect to subdivisions and commercial, industrial, and other non-residential structures, require the applicant to indicate future plans for other undeveloped shorelands on the lake that are owned by the applicant. Such indication of future plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's landownership on the lake:
 - (a) area and shoreline length;
 - (b) potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and
 - (c) development proposed or anticipated, if any.

This indication of future plans shall be considered part of the proposal. Therefore, changes in such plans, evidenced by a development proposal not included in the description of future plans, will require approval of an application to amend the original proposal in which these future plans were indicated.

- (2) With respect to subdivision proposals, require cluster developments which meet the requirements of Section 10.25,R.

- i. **Management Class 5 Lakes** (Heavily Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

With respect to subdivision proposals within 250 feet of Management Class 5 lakes, the Commission will require cluster developments which meet the requirements of Section 10.25,R.

10.21,I. RECREATION FACILITY DEVELOPMENT ZONE (D-FRL-RF)

1. Purpose

The purpose of the D-FRL-RF Zone is to designate an area within the Concept Plan that is appropriate for recreational lodging development and residential development. The D-FRL-RF Zone allows the development of an appropriately-scaled recreation lodging facility. The location of such a facility in the D-FRL-RF Zone 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. The location of this zone is consistent with historic uses and is relatively accessible from public roads for visitors and future residents.

2. Description

The D-FRL-RF Zone is located in the Square Lake Yexas Development Area, as delineated on the maps contained in Section I.H of the Concept Plan.

No additional areas within the Concept Plan Area shall be designated as D-FRL-RF Zone or added to or removed from the D-FRL-RF Zones identified herein except for the purpose of more accurate zone boundaries for the zones identified herein. The landowner shall submit for the Commission's consideration any such boundary modification requests, along with supporting documentation that must include, at minimum, boundary surveys, updated Concept Plan maps, updated spatial data of any proposed boundary modifications, and documentation that the total acreage of land within the zone will not materially change. Commission acceptance of any such minor boundary modifications shall not constitute an amendment pursuant to Section I.D of the Concept Plan.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within D-FRL-RF Zone:

- (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 shall be allowed without a permit from the Commission within D-FRL-RF Zone subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Accessory structures: New and expanded structures accessory to any legally existing principal structures and uses, provided that the total square footage of the footprint of all new or expanded accessory structures built on a lot within a two (2) year period is not more than 750 square feet and all other requirements and standards of Section 10.27,P are met;
- (2) 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 may be allowed within D-RF subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. § 685-B, 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 10.21,l,3,g, h and i below:

- (1) 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 and 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,I,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;
 - (d) Level D; and
 - (e) ~~Level C facilities, and Level D facilities (inside the geographic allowance area), that are commercial sporting camps legally existing as of August 5, 2013 may provide fuel and dining to the public, subject to the fuel dispensing provisions for public fuel sales, provided a permit is issued for such use within 3 years of August 5, 2013;~~Omitted
- (10) Road projects: Level B and C road projects, except for water crossings as provided for in Section 10.21,I,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) Subdivisions: Commercial and industrial subdivisions for uses permitted in this subdistrict;
- (14) Timber harvesting;
- (15) Trailered ramps addressed in Section 10.21,I,3,b which are not in conformance with the standards of Section 10.27,L;
- (16) Utility facilities compatible with recreational uses, other than service drops, and wire and pipe line extensions which do not meet the definition of service drops;
- (17) 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;
- (18) Water impoundments;
- (19) Wind projects: Community-based offshore wind energy projects, as defined in Title 12 M.R.S.A., Section 682, Subsection 19; offshore wind power projects, as defined in Title 38 M.R.S.A., Section 480-B, Subsection 6A, and wind energy development in accordance with Title 35-A, M.R.S.A., Chapter 34-A in areas identified in Appendix F herein;
- (20) Other structures, uses or services that are essential to the uses listed in Section 10.21,I,3,a through c; and
- (21) 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 may be allowed as special exceptions, either singly or in combination, provided the applicant shows by substantial evidence, that (a) the use can be buffered from those other uses within the subdistrict with which it is incompatible; (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan; (c) that there is sufficient infrastructure to accommodate the additional traffic and activity generated by the facility; and (d) that surrounding resources and uses that may be sensitive to such increased traffic and activity are adequately protected:

- (1) Recreational lodging facilities:
 - (a) Level C – Expanded Access; and
 - (b) Level D – Expanded Access.

The following uses may be allowed as special exceptions provided, however, that for ten years from the Effective Date, they must be developed as part of or subsequent to development of a recreational lodging facility in this Land Use Zone:

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

The following uses may be allowed as special exceptions provided the applicant in addition to (a) through (d) above, shows by substantial evidence that there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant:

- (3) Docking structures: New or expanded permanent docking structures;
- (4) Hand-carry launches: Commercial and public hand-carry launches on Management Class 1 and 2 lakes;
- (5) Marinas;
- (6) Trailered ramps: Commercial and private trailered ramps and public trailered ramps on Management Class 1 and 2 lakes; and
- (7) Water-access ways.

e. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception shall be prohibited in a D-FRL-RF Subdistrict.

f. Water Quality Limiting Lakes

For information relative to water quality limiting lakes see Section 10.23,E,3,g.

g. Management Class 2 Lakes (Accessible, Undeveloped, High Value Lakes) as shown on the Commission's Land Use Guidance Maps.

With respect to proposals for development units within 500 feet of the normal high water mark of Management Class 2 Lakes, the Commission will require an average density per

landownership of no more than one development unit per shore mile as provided for in Section 10.23,A,3.

h. Management Class 4 Lakes (High Value, Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

Within 250 feet of the normal high water mark of Management Class 4 lakes, the Commission will:

- (1) With respect to subdivisions and recreation facilities, recreation lodging facilities, and other non-residential structures, require the applicant to indicate future plans for other undeveloped shorelands on the lake that are owned by the applicant. Such indication of future plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's landownership on the lake:
 - (a) area and shoreline length;
 - (b) potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and
 - (c) development proposed or anticipated, if any.

This indication of future plans shall be considered part of the proposal. Therefore, changes in such plans, evidenced by a development proposal not included in the description of future plans, will require approval of an application to amend the original proposal in which these future plans were indicated.

- (2) With respect to subdivision proposals, require cluster developments which meet the requirements of Section 10.25,R.

i. Management Class 5 Lakes (Heavily Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

With respect to subdivision proposals within 250 feet of Management Class 5 lakes, the Commission will require cluster developments which meet the requirements of Section 10.25,R.

j. Management Class 1 and 6 Lakes (Least Accessible, Undeveloped High Value Lakes and Remote Ponds) as shown on the Commission's Land Use Guidance Maps. Areas around these lakes are not eligible to be zoned D-RF (see Section 10.21,I,2).

10.21,J Residential Development Zone (D-FRL-RS)

1. Purpose

The purpose of the D-FRL-RS Zone 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 and adjacent to existing residentially developed areas.

2. Description

The D-FRL-RS Zones are located in the following Development Areas, as delineated on the maps contained in Section I.H of the Concept Plan:

- a. Long Lake A Development Area;
- b. Long Lake B Development Area;
- c. Long Lake C Development Area;
- d. Cross Lake A Development Area;
- e. Cross Lake B Development Area;
- f. Cross Lake C Development Area;
- g. Cross Lake D Development Area;
- h. Cross Lake E Development Area;
- i. Square Lake E Development Area; and
- j. Square Lake W Development Area.

No additional areas within the Concept Plan Area shall be designated as D-FRL-RS Zones, or added to or removed from the D-FRL-RS Zones identified herein, except for the purpose of establishing more accurate zone boundaries for the D-FRL-RS Zones identified herein. The landowner shall submit for the Commission's consideration any such boundary modification requests along with supporting documentation that must include, at minimum, boundary surveys, updated Concept Plan maps, updated spatial data of any proposed boundary modifications, and documentation that the total acreage of land within the zone will not materially change. Commission acceptance of any such minor boundary modifications shall not constitute an amendment pursuant to Section I.D of the Concept Plan.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within D-FRL-RS Zones:

- (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 shall be allowed without a permit from the Commission within D-FRL-RS Zone subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Accessory structures: New and expanded structures accessory to any legally existing principal structures and uses, provided that the total square footage of the footprint of all new or expanded accessory structures built on a lot within a two (2) year period is not more than 750 square feet and all other requirements and standards of Section 10.27,P are met;
- (2) 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 occupations: Minor home occupations;
- (8) Mineral exploration activities: Level A mineral exploration activities, excluding associated access ways;
- (9) Road projects: Level A road projects;
- (10) Service drops;
- (11) Signs;
- (12) Trailered ramps: Public trailered ramps except on Management Class 1 and 2 lakes;
- (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 may be allowed within D-FRL-RS Zones upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, 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 10.21,J,3,g, h and i below:

- (1) 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.A. §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 and 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,J,3,b which are not in conformance with the standards of Section 10.27,L;
- (10) Home occupations: Major home occupations;
- (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,J,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 subdivisions for uses permitted in this subdistrict;
- (19) Timber harvesting;
- (20) Trailered ramps: Trailered ramps addressed in Section 10.21,J,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 pipe line 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 Title 12 M.R.S.A., Section 682, Subsection 19; offshore wind power projects, as defined in Title 38 M.R.S.A., Section 480-B, Subsection 6A, and wind energy development in accordance with Title 35-A, M.R.S.A., 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,J,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 may be allowed within D-FRL-RS Zones as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows 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 uses within the vicinity or area likely to be affected by the proposal with which it is or may be 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:

- (1) Docking structures: New or expanded permanent docking structures;
- (2) Hand-carry launches: Public hand-carry launches on Management Class 1 and 2 lakes;
- (3) Marinas;
- (4) Residential: Multi-family dwellings;
- (5) Trailered ramps: Commercial and private trailered ramps, and public trailered ramps on Management Class 1 and 2 lakes; and
- (6) Water-access ways.

e. Prohibited Uses

All uses not expressly allowed, with or without a permit, shall be prohibited in D-FRL-RS Zones.

f. Water Quality Limiting Lakes

For information relative to water quality limiting lakes see Section 10.23,E,3,g.

g. Management Class 2 Lakes (Accessible, Undeveloped, High Value Lakes) as shown on the Commission's Land Use Guidance Maps.

With respect to single family dwelling proposals within 500 feet of the normal high water mark of Management Class 2 Lakes, the Commission will require an average density per landownership of no more than one dwelling unit per shore mile.

h. Management Class 4 Lakes (High Value, Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

Within 250 feet of the normal high water mark of Management Class 4 lakes, the Commission will:

- (1) With respect to subdivisions and commercial and other non-residential structures, require the applicant to indicate future plans for other undeveloped shorelands on the lake that are owned by the applicant. Such indication of future plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's landownership on the lake:
 - (a) area and shoreline length;
 - (b) potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and
 - (c) development proposed or anticipated, if any.

This indication of future plans shall be considered part of the proposal. Therefore, changes in such plans, evidenced by a development proposal not included in the description of future plans, will require approval of an application to amend the original proposal in which these future plans were indicated.

- (2) With respect to subdivision proposals, require cluster developments which meet the requirements of Section 10.25,R.

i. Management Class 5 Lakes (Heavily Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

With respect to subdivision proposals within 250 feet of Management Class 5 lakes, the Commission will require cluster developments which meet the requirements of Section 10.25,R.

10.22,A General Management Zone (M-FRL-GN)

1. Purpose

The purpose of the M-FRL-GN Zone is to (a) designate places within the Concept Plan Area that are appropriate for forest management activities and other compatible land uses and structures; (b) designate places within the Concept Plan Area that are appropriate for forest management activities and other compatible land uses and structures allowed under the terms and conditions of the Fish River Lakes Conservation Easement, the form of which is included as Appendix A of the Concept Plan (“Conservation Easement”), and (c) identify which of those land uses and structures are allowed without a permit, are allowed with a permit subject to standards, or require a permit from the Commission.

In the application of this M-FRL-GN Zone, in areas that are within the Conservation Easement, for any defined term used in this section that is also a defined term in the Conservation Easement, the definition found in the Conservation Easement shall govern.

2. Description

The M-FRL-GN Zone is comprised of all areas within the P-RP Subdistrict that are neither Development Zones (as delineated on the maps contained in Section I.H. of the Concept Plan) nor protection subdistricts (as delineated on the Commission’s Official Land Use Guidance Maps).

No additional areas within the Concept Plan Area shall be designated as M-FRL-GN Zones, or added to or removed from the M-FRL-GN Zone identified herein, except to make the M-FRL-GN Zone consistent with (a) any addition, subtraction or other geographic modifications in protection subdistrict boundaries pursuant to Section 2, Sub-Chapter II, 10.23, or (b) for the purpose of establishing more accurate zone boundaries for any development zone pursuant to the provisions in Section 2, Sub-Chapter II of each such zone.

For boundary modifications to the M-FRL-GN Zone as a result of (a), above, in accordance with the provisions in Section 2, Sub-Chapter II, 10.23, the Commission shall update its Official Land Use Guidance Maps to reflect changes to affected protection subdistrict boundaries and thereby the M-FRL-GN Zone. For boundary modifications to the M-FRL-GN Zone as a result of (b), above, the landowner shall submit for the Commission’s consideration any such boundary modification requests along with supporting documentation that must include, at minimum, boundary surveys, updated Concept Plan maps, and updated spatial data of any proposed boundary modifications.

Commission acceptance of boundary modifications to the M-FRL-GN Zone for any of the purposes identified in Section 10.22,A,2 (a) or (b), above, shall not constitute an amendment pursuant to Section I.D of the Concept Plan.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within M-FRL-GN Zone:

- (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) 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.A. §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 shall be allowed without a permit from the Commission within M-FRL-GN Zones subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Accessory structures: New or expanded structures accessory to any legally existing principal structures and uses, provided that the total square footage of the footprint of all new or expanded accessory structures built on a lot within a two (2) year period is not more than 750 square feet and all other requirements and standards of Section 10.27,P are met;
- (2) 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;~~Omitted
- (4) Checkpoint buildings;
- (5) Constructed ponds: Creation, alteration or maintenance of constructed ponds, other than those described in Section 10.22,A,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;
- (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: Parking areas, roads, signs and similar facilities associated with private and commercial hand-carry launches;
- (10)~~Home occupations: Minor home occupations;~~Omitted

- (11) Mineral exploration activities: Level A mineral exploration activities, including associated access ways;
- (12) Mineral extraction operations, less than 5 acres in size, except for gravel extraction less than 5 acres in size;
- (13) Road projects: Level A and B road projects;
- (14) Service drops;
- (15) Signs;
- (16) Trailered ramps: Parking areas, roads, signs and similar facilities associated with public trailered ramps; and
- (17) 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;
- (18) Remote Campsites;
- (19) Remote Rental Cabins; and
- (20) Remote Camps.

c. Uses Requiring a Permit

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

- ~~(1) Campsites, Residential; Omitted~~
- (2) 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;
- (3) Draining, dredging, and alteration of the water table or water level for other than mineral extraction;
- (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) Family burying grounds of not more than ¼ acre, in accordance with 13 M.R.S.A. §1142;
- (6) Filling and grading which is not in conformance with the standards of Section 10.27,F;
- ~~(7) Home occupations: Major home occupations, except in the townships or plantations listed in Section 10.22,A,3,d; Omitted~~
- (8) Maple sugar processing operations;
- (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) 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;
- (11) Peat extraction affecting an area less than 30 acres in size;

- (12) Portable mineral processing equipment;
- ~~(13) Recreational lodging facilities: Omitted~~
 - ~~(a) Level A;~~
 - ~~(b) Level B;~~
 - ~~(c) Level C;~~
 - ~~(d) Level D (inside the geographic allowance area); and~~
 - ~~(e) Level C facilities, and Level D facilities (inside the geographic allowance area), that are commercial sporting camps legally existing as of August 5, 2013 may provide fuel and dining to the public, subject to the fuel dispensing provisions for public fuel sales, provided a permit is issued for such use within 3 years of August 5, 2013;~~
- ~~(14) Residential: Single and two family dwellings; Omitted~~
- (15) Road projects: Level C road projects;
- (16) Sawmills and chipping mills on sites of less than 5 acres;
- (17) Signs which are not in conformance with the standards of Section 10.27,J;
- (18) Solid waste disposal facilities affecting an area less than 2 acres in size;
- (19) 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;
- (20) Subdivisions: Level 2 subdivisions;
- (21) 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;
- (22) Truck and equipment storage;
- (23) Utility facilities, excluding service drops; and wire and pipe line extensions which do not meet the definition of service drops;
- (24) Water impoundments;
- (25) Wind projects: Community-based offshore wind energy projects, as defined in Title 12 M.R.S.A., Section 682, Subsection 19; offshore wind power projects, as defined in Title 38 M.R.S.A., Section 480-B, Subsection 6A, and wind energy development in accordance with Title 35-A, M.R.S.A., 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 10.22,A,3,a through c; and
- (27) 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 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.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that there is no alternative site in a development subdistrict which is both suitable to the proposed use and reasonably available to the applicant:

- (1) Home occupations: Major home occupations in the following plantations:

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

The following uses may be allowed as special exceptions provided the applicant also shows by substantial evidence that such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

(2) Maple Sugar Processing Subdivisions: Subdivisions containing lots created by lease for the purpose of establishing and operating commercial maple sugar processing operations provided that:

- The maximum number of leased lots shall be no more than one (1) per every 300 acres of the lot or parcel being subdivided;
- The maximum size of each leased lot shall be no more than 4 acres;
- Any two leased lots in a maple sugar subdivision may be located less than 1,000 feet from each other; these lots will be considered a set of lots for the purpose of determining leased lot separation;
- Each set of leased lots must be separated from any other leased lot or set of leased lots in the subdivision by a minimum of 1,000 feet, measured horizontally from the closest point between lots or sets of leased lots; and

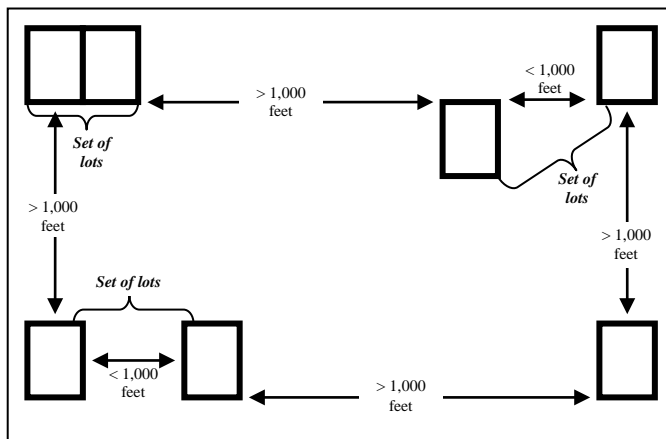


Figure 10.22,A-1. Leased lots in maple sugar subdivisions.

- Fee ownership in each of the leased lots shall only be transferred as part of a sale of the entire parcel originally so subdivided, or with a deed restriction requiring that the lot be used only for commercial maple syrup production unless the Commission, or its legal successor in function, releases the restriction and records such release in the registry of deeds.

The following uses may be allowed as special exceptions, either singly or in combination, provided the applicant shows by substantial evidence, that (a) the use can be buffered from those other uses within the subdistrict with which it is incompatible; (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan; (c) that there is sufficient infrastructure to accommodate the additional traffic and activity generated by the facility; and (d) that surrounding resources and

~~uses that may be sensitive to such increased traffic and activity are adequately protected:Omitted~~

~~(3) Recreational lodging facilities:Omitted~~

- ~~(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).~~

e. Uses Regulated by the Maine Forest Service

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

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

f. Prohibited Uses

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

10.23 Protection Zones

- A. The purposes, descriptions (including locations and configurations), land uses and other terms and conditions of all protection subdistricts established pursuant to the Commission's *Land Use Districts and Standards* (Chapter 10, Sub-Chapter II, 10.23), as may be amended from time to time, shall apply for the Initial Term , provided, however, that for said term of this Concept Plan:
- (1) For all protection subdistricts established as of the Effective Date, the boundaries of which are either located partially or wholly within the boundaries of Development Areas depicted on the maps in Section I.H. of this Concept Plan, or adjoin any of these Development Areas, said boundaries shall not be amended in any manner that causes a reduction in acreage within any Development Area;
 - (2) No new protection subdistricts shall be added to the Concept Plan Area that cause a reduction in acreage within any Development Area;
 - (3) Any amendments to the protection subdistricts that are located within the boundaries of Development Areas that have the effect of prohibiting the construction of roads, trails, water crossings, water access sites (as defined in 10.29,A), or other structures, which would otherwise be allowed within those protection subdistricts as of the Effective Date, shall not apply; and
 - (4) Single-family dwellings shall not be permitted in any protection subdistrict in the Concept Plan Area.
- B. Notwithstanding the foregoing, in conducting its review of any subdivision, or other development permit application submitted pursuant to this Concept Plan, the Commission has the full legal authority to apply all of the standards contained in natural resources laws and regulations in effect at the time of the filing of a complete permit application (hereinafter "current law") regardless of whether the current law is stricter than what exists as of the Effective Date.
- C. In addition to all other submissions required in the Commission's subdivision or other development permit application, all subdivision or other development permit applications shall include natural resources inventory maps that accurately depict to the satisfaction of the Commission all protected natural resources and resulting protection areas within the proposed development site, based upon natural resources laws and regulations in effect at the time of application and regardless of whether said protected natural resources are located within or outside of the protection subdistricts that are wholly or partially located within the proposed subdivision or development site.

**ADDENDUM TO THE COMMISSION'S
LAND USE DISTRICTS AND STANDARDS (CHAPTER 10)**

SUBCHAPTER III: LAND USE STANDARDS

10.24 GENERAL CRITERIA FOR APPROVAL OF PERMITS

Addendum neither replaces nor supplements 10.24, General Criteria for Approval of Permits.

10.25 DEVELOPMENT STANDARDS

This section contains review standards for structures and uses that require issuance of a permit from the Commission, or as otherwise required in Sub-Chapter II. Except as herein provided, development not in conformance with the standards of this section are prohibited.

Nothing in this section shall preclude the Commission from imposing additional reasonable terms and conditions in its permits as the Commission may deem appropriate in order to satisfy the criteria for approval and purposes set forth in the Commission's statutes, the rules adopted in this Addendum and the Comprehensive Land Use Plan.

A. REVIEW STANDARDS FOR STRUCTURES ADJACENT TO LAKES

Addendum neither replaces nor supplements 10.25,A, Review standards for Structures Adjacent to Lakes.

B. REVIEW STANDARDS FOR SUBDISTRICTS IN PROSPECTIVELY ZONED AREAS

Addendum neither replaces nor supplements 10.25,B, Review Standards for Subdistricts in Prospectively Zoned Areas.

C. TECHNICAL AND FINANCIAL CAPACITY

Addendum neither replaces nor supplements 10.25,C, Technical and Financial Capacity.

D. VEHICULAR CIRCULATION, ACCESS AND PARKING

Addendum neither replaces nor supplements 10.25,D, Vehicular Circulation, Access and Parking.

E. SCENIC CHARACTER, NATURAL AND HISTORIC FEATURES

1. Scenic Character.

- a. The design of proposed development shall take into account the scenic character of the surrounding area. Structures shall be located, designed and landscaped to reasonably minimize their visual impact on the surrounding area, particularly when viewed from existing roadways or shorelines.
- b. To the extent practicable, proposed structures and other visually intrusive development shall be placed in locations least likely to block or interrupt scenic views as seen from traveled ways, water bodies, or public property.
- c. If a site includes a ridge elevated above surrounding areas, the design of the development shall preserve the natural character of the ridgeline.

2. Natural and Historic Features.

- a. **Natural Features.** If any portion of a subdivision or commercial, industrial or other non-residential project site includes critically imperiled (S1) or imperiled (S2) natural communities or plant species, the applicant shall demonstrate that there will be no undue adverse impact on the community and species the site supports and indicate appropriate measures for the preservation of the values that qualify the site for such designation.
- b. **Historic Features.** If any portion of a subdivision or commercial, industrial or other non-residential project site includes an archaeologically sensitive area or a structure listed in the National Register of Historic Places, or is considered by the Maine Historic Preservation Commission or other pertinent authority as likely to contain a significant archaeological site or structure, the applicant shall conduct archaeological surveys or submit information on the structure, as requested by the appropriate authority. If a significant archaeological site or structure is located in the project area, the applicant shall demonstrate that there will be no undue adverse impact to the archaeological site or structure, either by project design, physical or legal protection, or by appropriate archaeological excavation or mitigation.

F. NOISE AND LIGHTING

1. Noise.

- a. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any commercial, industrial and other non-residential development shall be as established by the time period and type of land use zone listed below. Sound pressure levels shall be measured at all property boundary lines, at a height of at least 4 feet above the ground surface. The levels specified below may be exceeded by 10 dB(A) for a single period, no longer than 15 minutes per day.

Subdistrict	7:00 AM to 7:00 PM	7:00 PM to 7:00 AM
D-FRL-CI, D-MT, and D-ES	70 dB(A)	65 dB(A)
D-FRL-GN, and D-GN2	65 dB(A)	55 dB(A)
D-PD	As determined by the Commission.	
All Other Zones	55 dB(A)	45 dB(A)

Table 10.25,F-1. Sound pressure level limits.

- b. The following activities are exempt from the requirements of Section 10.25,F,1,a:
- (1) Sounds emanating from construction-related activities conducted between 7:00 A.M. and 7:00 P.M.;
 - (2) Sounds emanating from safety signals, warning devices, emergency pressure relief valves, and other emergency activities; ~~and~~
 - (3) Sounds emanating from traffic on roadways or other transportation facilities;
 - (4) Sounds emanating from snowmobiles, ATVs, delivery trucks and vehicles;
 - (5) Sounds emanating from event-related activities such as outdoor concerts, fireworks displays, entertainment events, weddings, and similar functions and events;
 - (6) Sounds emanating from forestry and forestry-related activities conducted between 7:00 A.M. and 7:00 P.M.; and
 - (7) Sounds emanating from forestry and forestry-related activities up to 60 dB(A) between 7:00 P.M. and 7:00 A.M.
- c. Control of noise for a wind energy development as defined in Title 35-A, Section 3451, subsection 11, with a generating capacity greater than 100 kilowatts is not governed by this section and instead is governed solely by the provisions of 12 M.R.S.A. §685-B(4-B)(A).

2. Lighting standards for exterior light levels, glare reduction, and energy conservation.

- a. All residential, commercial and industrial building exterior lighting fixtures will be full cut-off, except for incandescent lights of less than 160 watts, or any other light less than 60 watts. Full cut-off fixtures are those that project no more than 2.5% of light above the horizontal plane of the luminary's lowest part. Figure 10.25,F-1 illustrates a cut-off fixture

as defined by the Illuminating Engineering Society of North America (IESNA).

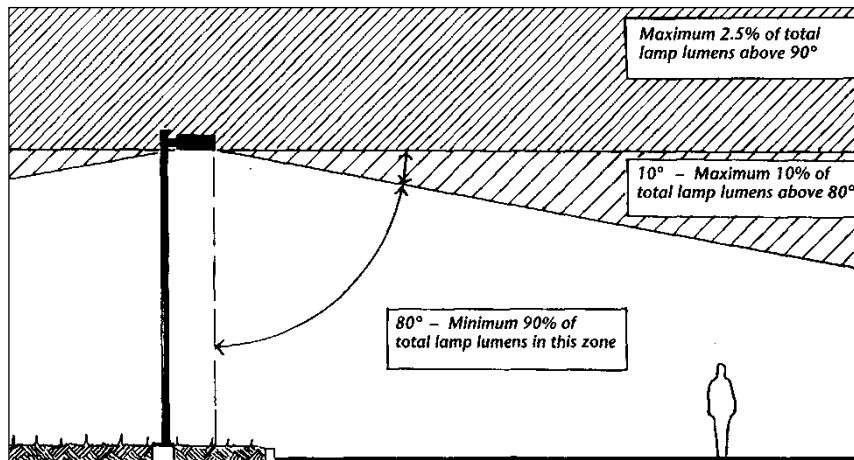


Figure 10.25,F-1. Cut-off fixture as defined by IESNA.

Light fixtures mounted on gasoline station or convenience store canopies shall be recessed so that fixtures are flush with the canopy. Alternatively, canopies may be indirectly lit using light beamed upward and then reflected down from the underside of the canopy. In this case light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.

- b. All exterior lighting shall be designed, located, installed and directed in such a manner as to illuminate only the target area, to the extent practicable. No activity shall produce a strong, dazzling light or reflection of that light beyond lot lines onto neighboring properties, onto any water bodies with a significant or outstanding scenic resource rating, or onto any roadway so as to impair the vision of the driver of any vehicle upon that roadway or to create nuisance conditions.

In addition to all other requirements, exterior lighting on residential lots shall comply with the following standards:

- (1) all light features shall be hooded and angled at least 45 degrees toward the ground;
- (2) no light source may escape from above the horizontal plane of the fixture, and no light source (e.g., bulbs) may be visible from outside the hood;
- (3) flood lights shall be hooded, have motion-detecting activation features so they are normally in the off position, and may illuminate functional areas only (e.g., garage doors, storage areas, walks, and drives);
- (4) no light fixtures may be located above any eave line or parapet wall, or more than 21 feet above the ground; and
- (5) no landscaping lighting, continuously illuminated floodlights, continuously illuminated bulbs stronger than 75 watts (incandescent or equivalent), or exposed bulbs may be used on any lot.

- c. For commercial, industrial and other non-residential development, all non-essential lighting shall be turned off after business hours, leaving only the minimal necessary lighting for site security. The term “non-essential” applies, without limitation, to display, aesthetic and parking lighting.
- d. In addition to the lighting standards in Section 10.25,F,2, lighted signs shall also comply with the standards in Section 10.27,J.
- e. The following activities are exempt from the lighting standards of Section 10.25,F,2,a through d:
 - (1) Roadway and airport lighting, and lighting required by the Federal Aviation Administration for air traffic safety;
 - (2) Temporary fair, event, or civic uses;
 - (3) Emergency lighting, provided it is temporary and is discontinued upon termination of the work;
 - (4) Lighting that is activated by motion-sensors; and
 - (5) ~~Lighting that was in place on April 1, 2004~~ Lighting that was lawfully in place on the Effective Date.

G. SOIL SUITABILITY

Addendum neither replaces nor supplements 10.25,G, Soil Suitability.

H. SOLID WASTE DISPOSAL

Addendum neither replaces nor supplements 10.25,H, Solid Waste Disposal.

I. SUBSURFACE WASTE WATER DISPOSAL

Addendum neither replaces nor supplements 10.25,I, Subsurface Waste Water Disposal.

J. WATER SUPPLY

Addendum neither replaces nor supplements 10.25,J, Water Supply.

K. SURFACE WATER QUALITY

Addendum neither replaces nor supplements 10.25,K, Surface Water Quality.

L. PHOSPHORUS CONTROL

1. The standards set forth below must be met for:

- a. Subdivisions located within the direct watershed of a body of standing water 10 acres or greater in size; and
- b. Commercial, industrial or other non-residential development that creates a disturbed area of one acre or more within the direct watershed of a body of standing water 10 acres or greater in size.

2. General Standards.

- a. Provision shall be made to limit the export of phosphorus from the site following completion of the development or subdivision so that the project will not exceed the allowable per-acre phosphorus allocation for the water body, determined by the Commission according to "Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development" (Maine Department of Environmental Protection, 2008), and hereafter cited as the Phosphorus Control Guide.
- b. The phosphorus impact of a proposed subdivision or development on a water body shall be calculated using the Standard Method for Calculating Phosphorus Export, according to the procedures in the Phosphorus Control Guide.

3. Design and Maintenance Standards.

- a. Phosphorus control measures and their maintenance shall meet the design criteria contained in the Phosphorus Control Guide.
- b. High maintenance structural measures, such as wet ponds and runoff infiltration systems, shall not be used unless:
 - (1) Other measures, such as increasing the width of vegetated buffers, greater limits on clearing, reducing road lengths, and clustering of lots to achieve less disturbed area are clearly demonstrated to be insufficient to allow the proposed subdivision to meet the standards of this section; and
 - (2) The Commission finds that the applicant has the technical and financial capabilities to properly design, construct, and provide for the long-term inspection and maintenance of the facility in accordance with the procedures in the Phosphorus Control Guide.

M. EROSION AND SEDIMENTATION CONTROL

The standards set forth below must be met for all development that involves filling, grading, excavation or other similar activities which result in unstabilized soil conditions.

1. General Standards.

- a. Soil disturbance shall be kept to a practicable minimum. Development shall be accomplished in such a manner that the smallest area of soil is exposed for the shortest amount of time possible. Operations that result in soil disturbance shall be avoided or minimized in sensitive areas such as slopes exceeding 15% and areas that drain directly into water bodies, drainage systems, water crossings, or wetlands. If soil disturbance is unavoidable, it shall occur only if best management practices or other soil stabilization practices equally effective in overcoming the limitations of the site are implemented.
- b. Whenever sedimentation is caused by stripping of vegetation, regrading, or other construction-related activities, sediment shall be removed from runoff water before it leaves the site so that sediment does not enter water bodies, drainage systems, water crossings, wetlands, or adjacent properties.
- c. Soil disturbance shall be avoided or minimized when the ground is frozen or saturated. If soil disturbance during such times is unavoidable, additional measures shall be implemented to effectively stabilize disturbed areas, in accordance with an approved erosion and sedimentation control plan.

2. Design Standards.

- a. Permanent and temporary erosion and sedimentation control measures shall meet the standards and specifications of the "Maine Erosion and Sediment Control BMPs" (Maine Department of Environmental Protection, March 2003) or other equally effective practices. Areas of disturbed soil shall be stabilized according to the "Guidelines for Vegetative Stabilization" (Appendix B of this chapter) or by alternative measures that are equally effective in stabilizing disturbed areas.
- b. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all sedimentation control devices have been installed and stabilized.
- c. Existing catch basins and culverts on or adjacent to the site shall be protected from sediment by the use of hay bale check dams, silt fences or other effective sedimentation control measures.
- d. If streams will be crossed, special measures shall be undertaken to protect the stream, as set forth in Section 10.27,D.
- e. Topsoil shall not be removed from the site except for that necessary for the construction of roads, parking areas, building excavations and other construction-related activities. Topsoil shall be stockpiled at least 100 feet from any water body.

- f. Effective, temporary stabilization of all disturbed and stockpiled soil shall be completed at the end of each workday.
- g. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.
- h. All temporary sedimentation and erosion control measures shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been implemented.

3. Erosion and Sedimentation Control Plan.

- a. For development that occurs when the ground is frozen or saturated or that creates a disturbed area of one acre or more, the applicant must submit an erosion and sedimentation control plan for Commission approval in accordance with the requirements of Section 10.25,M,3,b,(2).
- b. A Commission approved erosion and sedimentation control plan in conformance with these standards shall be implemented throughout the course of the project, including site preparation, construction, cleanup, and final site stabilization. The erosion and sedimentation control plan shall include the following:
 - (1) For activities that create a disturbed area of less than one acre:
 - (a) A drawing illustrating general land cover, general slope and other important natural features such as drainage ditches and water bodies.
 - (b) A sequence of construction of the development site, including clearing, grading, construction, and landscaping.
 - (c) A general description of all temporary and permanent control measures.
 - (d) Provisions for the continued maintenance of all control devices or measures.
 - (2) For activities that create a disturbed area of one acre or more:
 - (a) A site plan identifying vegetation type and location, slopes, and other natural features such as streams, gullies, berms, and drainage ditches. Depending on the type of disturbance and the size and location of the disturbed area, the Commission may require a high intensity soil survey covering all or portions of the disturbed area.
 - (b) A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
 - (c) A detailed description of all temporary and permanent erosion and sedimentation control measures, including, without limitation, seeding

mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.

- (d) Provisions for the continued maintenance and inspection of erosion and sedimentation control devices or measures, including estimates of the cost of maintenance and plans for meeting those expenses, and inspection schedules.

4. Inspection.

- a. For subdivisions and commercial, industrial or other non-residential development that occurs when the ground is frozen or saturated or that creates a disturbed area of one acre or more, provision shall be made for the inspection of project facilities, in accordance with Section 10.25,M,4,a,(1) or (2) below:
 - (1) The applicant shall hire a contractor certified in erosion control practices by the Maine Department of Environmental Protection to install all control measures and conduct follow-up inspections; or
 - (2) The applicant shall hire a Maine Registered Professional Engineer to conduct follow-up inspections.
- b. The purpose of such inspections shall be to determine the effectiveness of the erosion and sedimentation control plan and the need for additional control measures.
- c. Inspections shall be conducted in accordance with a Commission approved erosion and sedimentation control plan and the following requirements.
 - (1) Inspections shall be conducted at least once a week and after each rainfall event accumulating more than ½ inch of precipitation, until all permanent control measures have been effectively implemented. Inspections shall also be conducted (a) at the start of construction or land-disturbing activity, (b) during the installation of sedimentation and erosion control measures, and (c) at the completion of final grading or close of the construction season.
 - (2) All inspections shall be documented in writing and made available to the Commission upon request. Such documentation shall be retained by the applicant for at least six months after all permanent control measures have been effectively implemented.
- d. Notwithstanding Section 10.25,M,4,a, development may be exempt from inspection if the Commission finds that an alternative, equally effective method will be used to determine the overall effectiveness of the erosion and sedimentation control measures.

N. GROUNDWATER QUALITY

Addendum neither replaces nor supplements 10.25,N, Groundwater Quality.

O. AIR QUALITY

Addendum neither replaces nor supplements 10.25,O, Air Quality.

P. WETLAND ALTERATIONS

The following requirements apply to wetland alterations for Uses Requiring a Permit and Special Exceptions in Section 10.23,N,3. Except as hereinafter provided, wetland alterations not in conformance with the standards of this section are prohibited.

1. Procedural Requirements.

a. Transition.

- (1) P-WL subdistricts identified on the Commission's Land Use Guidance Maps that were adopted prior to the adoption of this section will be regulated according to standards applying to wetlands of special significance (P-WL1 subdistrict), as defined herein, until the Commission adopts amended Land Use Guidance Maps pursuant to this section, unless the applicant demonstrates, through delineation or other means acceptable to the Commission, that the P-WL is not a wetland of special significance.

b. Area of Project Alteration.

- (1) If a proposed activity requires a permit and will alter 15,000 or more square feet of wetland area, or 1 acre or more of overall land area, the applicant must delineate on the ground and in a site plan all wetlands within the general project area using methods described in the "Corps of Engineers Wetlands Delineation Manual" (1987).
- (2) If a proposed activity requires a permit and will alter 500 or more square feet of a P-WL1 wetland or 20,000 or more square feet of a P-WL2 or P-WL3 wetland, the Commission may require, as a condition of approval, mitigation, including compensation, in conformance with the provisions of Section 10.25,P,2.
- (3) In determining the area of wetland alteration or overall land alteration, all components of a proposed activity, including all phases of a multiphased project, are treated together as constituting one single and complete project.

c. Level of Permit Review.

The level of permit review required depends upon the size of the proposed wetland alteration and the P-WL subdistrict involved. If any part of the overall project requires a higher level of review, then the whole overall project will be reviewed under that higher tier, unless otherwise authorized by the Commission:

- (1) Tier 1 reviews are for projects altering 4,300 up to 15,000 square feet of P-WL2 or P-WL3 wetlands.
- (2) Tier 2 reviews are for projects altering 15,000 up to 43,560 square feet (one acre) of P-WL2 or P-WL3 wetlands not containing critically imperiled (S1) or imperiled (S2) natural communities.

- (3) Tier 3 reviews are for projects altering any area of P-WL1 wetlands, 15,000 up to 43,560 square feet (one acre) of P-WL2 or P-WL3 wetlands containing critically imperiled (S1) or imperiled (S2) natural communities, or one acre or more of P-WL2 or P-WL3 wetlands.

Alterations of P-WL1 wetlands may be eligible for Tier 1 or 2 review if the Commission determines, at the applicant's request, that the activity will have no undue adverse impact on the freshwater wetlands or other protected natural resources present. In making this determination, consideration shall include but not be limited to, such factors as the size of the alteration, functions of the impacted area, existing development or character of the area in and around the alteration site, elevation differences and hydrological connection to surface water or other protected natural resources.

- (4) When wetland delineation is required, the level of permit review required will be determined by the type of wetland indicated through delineation.

2. General Land Use Standards.

a. Avoidance.

- (1) Projects requiring Tier 1 review must avoid alteration of wetland areas on the property to the extent feasible considering natural features, cost, existing technology and logistics based on the overall purpose of the project.
- (2) Projects requiring Tier 2 or Tier 3 review must not cause a loss in wetland area, functions and values if there is a practicable alternative to the project that would be less damaging to the environment. Each Tier 2 and Tier 3 application must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist.

b. **Minimal Alteration.** Projects requiring Tier 1, Tier 2 or Tier 3 review must limit the amount of wetland to be altered to the minimum amount necessary to complete the project.

c. **Water Quality.** Projects requiring Tier 1, Tier 2 or Tier 3 review must comply with applicable water quality standards; i.e., the activity will not violate any state water quality law, including those governing the classification of the State's waters. Projects that would alter wetland hydrology and could also alter stream flows or other adjacent surface waters must comply with the water quality classification standards contained in 38 M.R.S.A. §465.

d. **Erosion Control.** Projects requiring Tier 1 or Tier 2 review must use erosion control measures to prevent sedimentation of surface waters. A 25-foot buffer strip must be maintained between the activity and any surface waters.

e. **Compensation.** Compensation is the off-setting of a lost wetland function with a function of equal or greater value. The goal of compensation is to achieve no net loss of wetland functions and values.

- (1) For projects requiring Tier 2 or Tier 3 review, the Commission may require compensation when it determines that a wetland alteration will cause a wetland

function or functions to be lost or degraded as identified by an assessment of wetland functions and values in accordance with application requirements or by the Commission's evaluation of the project.

- (2) The Commission may waive the requirement for a functional assessment, compensation, or both. The Commission may waive the requirement for a functional assessment if it already possesses the information necessary to determine the functions of the area proposed to be altered. The Commission may waive the requirement for compensation if it determines that any impact to wetland functions and values from the activity will be insignificant.

f. **No Unreasonable Impact.** The following standards apply only to applications requiring Tier 3 review:

- (1) Even if a project has no practicable alternative and the applicant has minimized the proposed alteration as much as possible, the application will be denied if the activity will have an unreasonable impact on the wetland. A project will be determined to have an "unreasonable impact" if the Commission makes one or more of the following findings:
 - (a) Existing uses. The activity will unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses.
 - (b) Soil erosion. The activity will cause unreasonable erosion of soil or sediment or unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
 - (c) Harm to habitats; fisheries. The activity will unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater or marine fisheries or other aquatic life.

In determining whether there is unreasonable harm to significant wildlife habitat, the Commission may consider proposed mitigation if that mitigation does not diminish the overall value of significant wildlife habitat and species utilization of the habitat in the vicinity of the proposed activity and if there is no specific biological or physical feature unique to the habitat that would be adversely affected by the proposed activity.

- (d) Interference with natural water flow. The activity will unreasonably interfere with the natural flow of any surface or subsurface water.
- (e) Flooding. The activity will unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- (f) Sand supply. If the activity is on or adjacent to a sand dune, it will unreasonably interfere with the natural supply or movement of sand within or to the sand dune system or unreasonably increase the erosion hazard to the sand dune system.

- (g) Outstanding river segments. If the proposed activity is a crossing of any outstanding river segment as identified in Section 10.23, I, the applicant cannot demonstrate that no reasonable alternative exists which would have less adverse effect upon the natural and recreational features of the river segment.
- (h) Dredging. If the proposed activity involves dredging, dredge spoils disposal or transporting dredge spoils by water, the applicant cannot demonstrate that the transportation route minimizes adverse impacts on the fishing industry and that the disposal site is geologically suitable.
- (i) In determining if an activity will have an unreasonable impact, the Commission shall consider:
 - (i) The area of wetland that will be affected by the alteration and the degree to which the wetland is altered, including wetland beyond the physical boundaries of the project;
 - (ii) The functions and values provided by the wetland;
 - (iii) Any proposed compensation and the level of uncertainty regarding it; and
 - (iv) Cumulative effects of frequent minor alterations on the wetland.
- (2) Activities may not occur in, on or over any wetland of special significance containing threatened or endangered species unless the applicant demonstrates that:
 - (a) The wetland alteration will not disturb the threatened or endangered species; and
 - (b) The overall project will not affect the continued use or habitation of the site by the species.
- (3) When considering whether a single activity is reasonable in relation to the direct and cumulative impacts on the resource, the Commission shall consider factors such as the degree of harm or benefit to the resource; the frequency of similar impacts; the duration of the activity and ability of the resource to recover; the proximity of the activity to protected or highly developed areas; traditional uses; the ability of the activity to perform as intended; public health or safety concerns addressed by the activity; and the type and degree of benefit from the activity (public, commercial or personal).

Q. SUBDIVISION AND LOT CREATION

This section governs the division of lots and the creation of subdivisions. Notwithstanding anything in these regulations or other statutory or regulatory provisions, no new residential dwelling unit may be constructed except within an approved Development Area.

1. Counting Parcels, Lots, or Dwelling Units Under the Definition of Subdivision.

- a. **Lots Created by Dividing a Parcel.** When a parcel is divided, the land retained by the person dividing land is always counted in determining the number of lots created unless the lot retained qualifies for any of the exemptions listed in Section 10.25,Q,1,g below. This figure illustrates two examples:

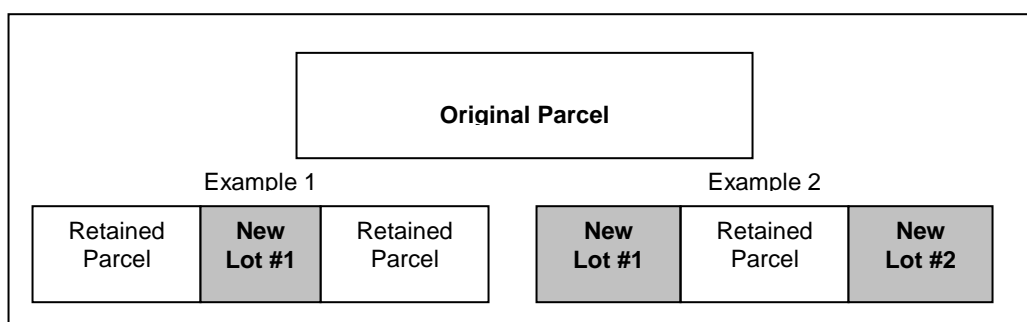


Figure 10.25,Q-1. Two examples where two new lot lines were drawn, each resulting in the creation of three parcels.

- b. **Subdivision Created by the Placement of Dwelling Units.** The placement of three or more dwelling units on a single lot within a five-year period creates a subdivision. The division of one lot into two parcels coupled with the placement of one or two dwelling units on either or both lots does not create a subdivision.
- c. **Parcels Originally Part of a Subdivision.** A lot or parcel which, when sold, leased or developed, was not part of a subdivision but subsequently became part of a subdivision by reason of another division by another landowner is counted as a lot under the subdivision definition. The Commission, however, will not require a subdivision permit be obtained for such lot, unless the intent of such transfer or development is to avoid the objectives of 12 M.R.S.A. §206-A.
- d. **Remote Rental Cabins.** In order to foster primitive recreational opportunities on large tracts of land, up to eight remote rental cabins within a single contiguous ownership larger than 5,000 acres within a township shall be allowed without subdivision review. Placement of more than eight remote rental cabins within such an ownership requires subdivision review by the Commission.
- e. **Renewal of Leases.** For the purpose of counting lots under the Commission's definition of subdivision, the renewal of a lease or license within a Commission approved subdivision shall not be counted as the creation of a lot. For the renewal of leases or licenses in other than Commission approved subdivisions, a lease that is renewed within two (2) years of its

expiration shall not be counted as the creation of a lot. Renewal of leases or licenses in other circumstances shall be counted as the creation of a lot.

- f. **Existing parcels.** For the purposes of the definition of subdivision in 12 M.R.S.A. §682(2) and in these rules, an “existing parcel” shall include the contiguous area within one township, plantation, or town owned or leased by one person or group of persons in common ownership.
- g. **Exempt lots.** The following divisions are exempt when counting lots for purposes of subdivision, unless the intent of such transfer is to avoid the objectives of 12 M.R.S.A. Chapter 206-A:
 - (1) Transfer of Lots for Forest Management, Agricultural Management or Conservation of Natural Resources. A lot or parcel is not considered a subdivision lot if the following conditions are met:
 - (a) The lot is transferred and managed solely for forest management, agricultural management or conservation of natural resources;
 - (b) The lot is at least 40 acres in size;
 - (c) If the lot is less than 1,000 acres in size, no portion of the lot is located within 1,320 feet of the normal high water mark of any great pond or river or within 250 feet of the upland edge of a coastal or freshwater wetland as these terms are defined in 38 M.R.S.A. §436-A;
 - (d) The original parcel from which the lot was divided is divided into an aggregate of no more than 10 lots within any 5-year period; and
 - (e) When 3 to 10 lots each containing at least 40 acres in size are created within any 5-year period, a plan is recorded in accordance with 12 M.R.S.A §685-B(6-A). Any subsequent division of a lot created from the original parcel within 10 years of the recording of the plan in the registry of deeds or any structural development unrelated to forest management, agricultural management or conservation creates a subdivision and may not occur without prior commission approval. 12 M.R.S.A §682-B(4).
 - (2) Retained Lots. A lot is not counted as a lot for the purposes of subdivision if it is retained by the person dividing the land, and for a period of at least 5 years:
 - (a) is retained and not sold, platted, leased, conveyed or further divided, except for transfer to an abutter pursuant to Section 10.25,Q,1,g,(3) below; and
 - (b) is used solely for forest or agricultural management activities and associated structures and development such as buildings to store equipment or materials used in forest or agricultural management activities, land management roads, driveways consistent with forest or agricultural management activities, or natural resource conservation purposes.

Only one retained lot exempt under this Section 10.25,Q,1,g,(2) may be created from any one existing parcel

- (3) Transfers to an Abutter and Contiguous Lots. A lot transferred to an abutting owner of land is not counted as a lot for the purposes of subdivision provided the transferred property and the abutter's contiguous property is maintained as a single merged parcel of land for a period of 5 years. Where a lot is transferred to an abutter, or two or more contiguous lots are held by one person, the contiguous lots are considered merged for regulatory purposes except for:
- (a) lots that are part of a subdivision approved by the Commission;
 - (b) a land division certified by the Commission as qualifying under 12 M.R.S.A. §682-B; or
 - (c) as provided in Section 10.11.

If the property exempted under this paragraph is transferred within 5 years to another person without all of the merged land, or without satisfying either subparagraph (a), (b), or (c) above, then the previously exempt division creates a lot or lots for purposes of Section 10.25,Q.

- (4) Divisions by Inheritance, Court Order, or Gifts. Divisions of land accomplished solely by inheritance, or by court order, to a person related to the donor by blood, marriage, or adoption are not counted as lots for the purposes of this subsection.

A division of land accomplished by bona fide gift, without any consideration paid or received, to a spouse, parent, grandparent, child, grandchild or sibling of the donor of the lot or parcel does not create a subdivision lot if the donor has owned the lot or parcel for a continuous period of 5 years immediately preceding the division by gift and the lot or parcel is not further divided or transferred within 5 years from the date of division. 12 M.R.S.A. §682-B(1)

- (5) Conservation Lots. A lot or parcel transferred to a nonprofit, tax-exempt nature conservation organization qualifying under the United States Internal Revenue Code, Section 501(c)(3) is not considered a subdivision lot if the following conditions are met:
- (a) For a period of at least 20 years following the transfer, the lot or parcel must be limited by deed restriction or conservation easement for the protection of wildlife habitat or ecologically sensitive areas or for public outdoor recreation; and
 - (b) The lot or parcel is not further divided or transferred except to another qualifying nonprofit, tax-exempt nature conservation organization or governmental entity. 12 M.R.S.A. §682-B(3)
- (6) Transfer to Governmental Entity. A lot or parcel transferred to a municipality or county of the State, the State or an agency of the State, or an agency of the Federal government is not considered a subdivision lot if the following conditions are met:
- (a) The lot or parcel is held by the governmental entity for the conservation and protection of natural resources, public outdoor recreation or other bona fide

public purposes and is not further sold or divided for a period of 20 years following the date of transfer; and

- (b) At the time of transfer the transferee provides written notice to the commission of transfer of the lot or parcel, including certification that the lot or parcel qualifies for exemption under this subsection. 12 M.R.S.A. §682-B(2)
- (7) Large Lots Managed for Forest or Agricultural Management Activities or Conservation. A lot transferred or retained following transfer containing at least 5,000 acres is not counted as a lot for the purposes of this subsection, provided the lot is managed solely for the purposes of forest or agricultural management activities or conservation and the lot is not further divided for a period of at least 5 years. Nothing in this paragraph, however, shall be construed to prohibit public outdoor recreation on the lot.
- (8) Unauthorized Subdivision Lots in Existence For at Least 20 Years. A lot or parcel that when sold or leased created a subdivision requiring a permit under this chapter is not considered a subdivision lot and is exempt from the permit requirement if the permit has not been obtained and the subdivision has been in existence for 20 or more years. A lot or parcel is considered a subdivision lot and is not exempt under this subsection if:
 - (a) Approval of the subdivision under 12 M.R.S.A §685-B was denied by the Commission and record of the Commission’s decision was recorded in the appropriate registry of deeds;
 - (b) A building permit for the lot or parcel was denied by the Commission under 12 M.R.S.A. §685-B and record of the Commission’s decision was recorded in the appropriate registry of deeds;
 - (c) The Commission has filed a notice of violation of 12 M.R.S.A. §685-B with respect to the subdivision in the appropriate registry of deeds; or
 - (d) The lot or parcel has been the subject of an enforcement action or order and record of that action or order was recorded in the appropriate registry of deeds. 12 M.R.S.A §682-B(5)

2. Level 2 Subdivision Identification Criteria. Any subdivision that meets all of the criteria below is considered a level 2 subdivision. A level 2 subdivision:

- a. Is a division within any 5-year period of an existing parcel of land within a single contiguous ownership into (a) 5 or fewer lots or 5 or fewer dwelling units or (b) 6 to 15 lots or 6 to 15 dwelling units that meet the requirements of cluster development, Section 10.25,R;
- b. Occupies an aggregate land area of (a) 20 acres or less or (b) 30 acres or less within a subdivision that meets the requirements of cluster development, Section 10.25,R. For purposes of this section, “aggregate land area” includes lots or parcels to be offered and all roads and other infrastructure associated with the subdivision, but excludes open space;
- c. Is located within 1,000 feet of a public roadway;

- d. Is located no more than one mile by road from existing compatible development;
- e. Is located wholly on land within an M-GN subdistrict or within a development subdistrict where level 2 subdivisions are allowed, except that up to 10 percent of the aggregate land area may be designated or identified as a stream channel or wetland at the time of the filing of a subdivision application; and
- f. Is located wholly in a township, plantation or town within the jurisdiction of the Commission listed in Table 10.25,Q-1, below.

Aroostook	Connor Twp Cyr Plt Garfield Plt Hamlin, Town of Nashville Plt Saint John Plt Sinclair Twp T11 R4 WELS T17 R3 WELS T17 R5 WELS	Penobscot	Argyle Twp Greenfield Twp Grindstone Twp Mattamiscontis Twp T3 Indian Purchase Twp T4 Indian Purchase Twp TA R7 WELS
Franklin	Coplin Plt Freeman Twp Lang Twp Salem Twp Wyman Twp	Piscataquis	Beaver Cove, Town of Elliottsville Twp Harfords Point Twp Lily Bay Twp Moosehead Junction Twp T1 R9 WELS
Hancock	T32 MD	Somerset	Dennistown Plt Lexington Twp Long Pond Twp Parlin Pond Twp Rockwood Strip T1 R1 NBKP Spring Lake Twp Tomhegan Twp
Oxford	Albany Twp Lower Cupsuptic Twp Mason Twp Milton Twp	Washington	Edmunds Twp Trescott Twp

Table 10.25,Q-1. Towns, plantations and townships where Level 2 subdivisions are permitted.

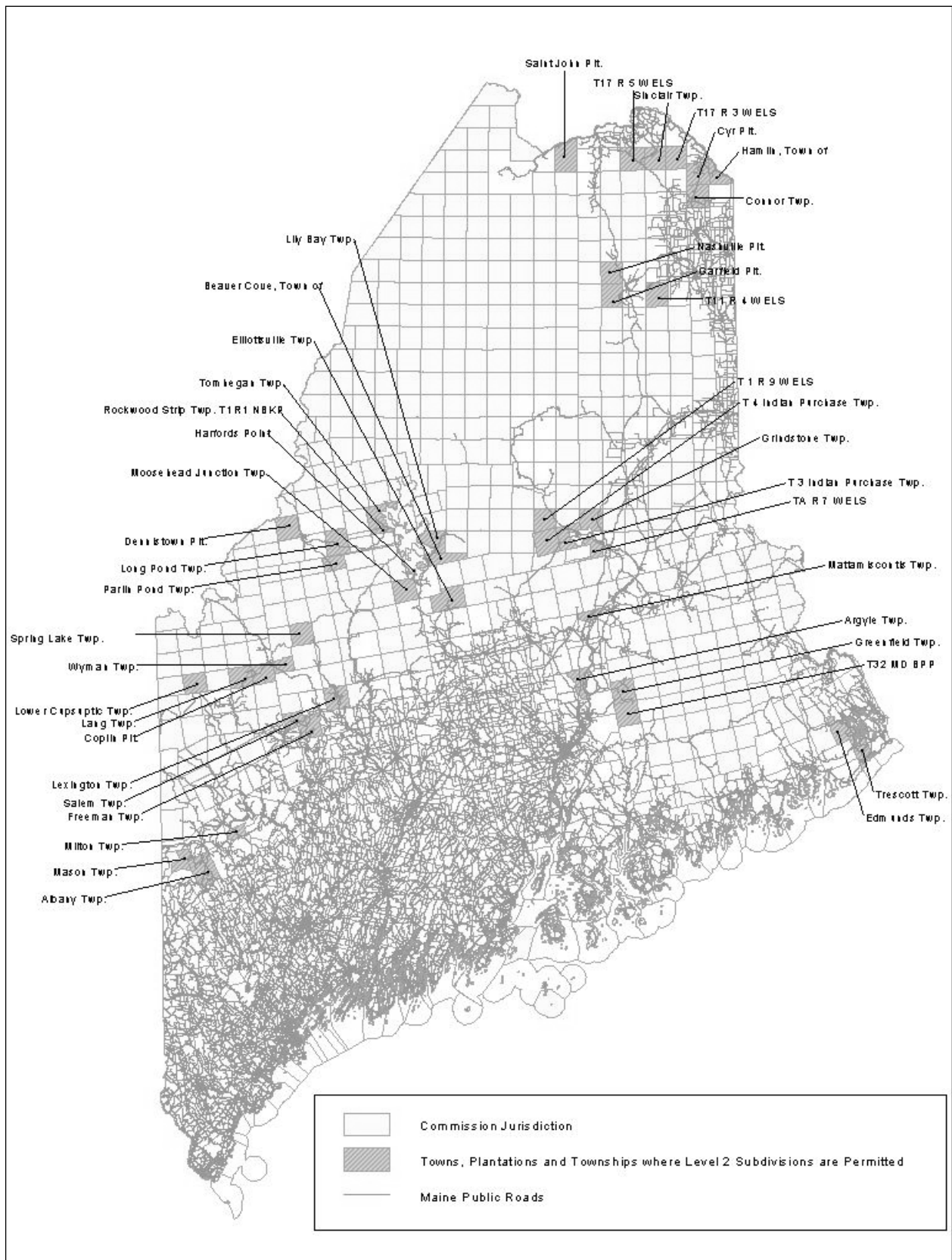


Figure 10.25,Q-2. Towns, plantations and townships where Level 2 subdivisions are permitted.

3. Layout and Design for all Subdivisions.

- a. Subdivisions shall be designed to harmoniously fit into the natural environment and shall cause no undue adverse impact on existing surrounding uses. When determining “harmonious fit”, the Commission shall consider the existing character of the surrounding area, potential for conflict with surrounding uses, proposed driveway and roadway locations, and proposed lot sizes, among other factors.
- b. Subdivisions shall be designed to avoid the linear placement of lots and driveways along roadways or shorelines.

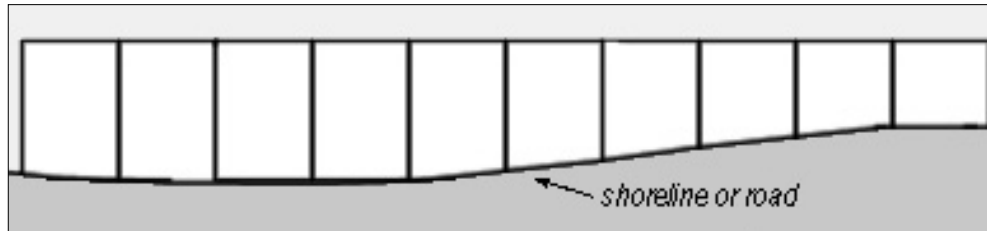


Figure 10.25,Q-3. Linear placement of lots along roadways or shorelines.

~~To the extent practicable, subdivision lots shall be placed so as to create a distinct community center or expand an existing neighborhood, as long as the expansion is no further than 1,320 feet from the center of the existing neighborhood.~~ To the extent practicable, subdivision lots should be laid out to create or preserve a distinct community center or multiple community centers that offer the opportunity for community open space, recreation areas, or other amenities and facilities appropriate to the size and scale of the subdivision and adjacent lots. Examples of “community centers” include, without limitation, open space(s) that preserves distinctive site features within a subdivision or development; common waterfront facilities; community clubhouses; community meeting and gathering places; neighborhood centers; recreation fields, parks, trail systems, open areas; and similar spaces and facilities.

~~Figure 10.25,Q 4. Placement of subdivision lots within 1,320 feet of an existing neighborhood center.~~ Figure Omitted

~~Where such development is not practicable, lots shall be configured in such a manner so that groups of lots are separated by at least 500 feet of undeveloped land and the lots within a group do not extend more than 1,320 feet along any roadway or shoreline.~~

~~Figure 10.25,Q 5. Grouping of subdivision lots along a roadway or shoreline.~~ Figure Omitted

The provisions of this subsection, 10.25.Q.3.b., shall not apply to maple sugar processing subdivisions.

- c. To the extent practicable, subdivisions shall be designed to reduce the number of driveway access points onto roadways through the utilization of shared driveways and interior roads. Notwithstanding Section 10.26,C, the Commission may reduce the minimum road frontage for individual lots within subdivisions with shared driveways by up to 50 percent, as long as the Commission finds that reducing road frontage will not adversely affect resources or existing uses or that reducing road frontage will prevent the loss of important natural features.

- d. Building envelopes shall be marked and identified on the subdivision plat for each proposed lot in accordance with the following requirements:
 - (1) Building envelopes shall identify all areas within each subdivision lot where structural development may occur;
 - (2) Building envelopes shall be arranged to conform with the minimum water body, road and property line setback and maximum lot coverage requirements, as provided in Section 10.26; and
 - (3) Where practicable, building envelopes shall be arranged so as to avoid the placement of structures and driveways along ridge lines, on agricultural land, wetlands, slopes greater than 15%, or any other important topographic and natural features.
- e. Subdivisions proposed with mixed residential, commercial, or civic uses shall also meet the following requirements:
 - (1) Commercial uses must fit the size, scale and intensity of the surrounding residential uses; and
 - (2) A combination of residential, commercial, or civic uses on a single lot is allowed only if the most restrictive dimensional requirements, as provided in Section 10.26, are met and provided that the commercial or civic uses are otherwise compatible with residential uses.
- f. All subdivision and lot boundary corners and angle points shall be marked by suitable, permanent monumentation as required by the Maine Board of Registered Land Surveyors.
- g. Shorefront subdivisions with proposed permanent docks, trailered ramps, hand-carry launches or water-access ways shall comply with the requirements of Section 10.27,L,2.

4. Spaghetti-lots.

- a. A person may not divide any parcel of land in such a way as to create a spaghetti-lot. This prohibition does not apply to utility or transportation rights-of-ways, government purchases, or a parcel of land that the Commission determines has significant public benefit and cannot be configured in any other way in order to provide that benefit. 12 M.R.S.A. §682-A

5. Subdivision Redistricting Considerations.

Subdivisions are allowed only in appropriate zones~~subdistricts~~, as designated in Sub-Chapter II. However, the Commission may approve subdivisions which include land area designated as open space within subdistricts where subdivision is otherwise prohibited, provided the designated land area meets the requirements of Section 10.25,S.

6. Subdivision Filing with Registry of Deeds and Sale of Lots.

- a. **Filing requirements.** Following the approval of any subdivision by the Commission, the applicant must file the subdivision plat signed by the Commission's Director with the County Registry of Deeds where the real estate is located.

A registrar of deeds shall not record a copy of conditions or any plat or plan purporting to subdivide real estate located within the unorganized and deorganized lands of the State, unless the Commission's approval is evidenced thereon. 12 M.R.S.A §685-B(6)

- b. **Certificates of Compliance.** The sale of lots in any subdivision approved by the Commission may not proceed until a certificate of compliance has been issued. A certificate of compliance requires that, among other things, proposed deeds and plats be reviewed and approved by the Commission to ensure that permit conditions have been fulfilled. 12 M.R.S.A. §685-B(8)
- c. The fee interest in lots in maple sugar processing subdivisions, shall not be offered for sale except as part of a sale of the entire parcel originally so subdivided, or with a deed restriction requiring that the lot be used only for commercial maple syrup production unless the Commission, or its legal successor in function, releases the restriction and records such release in the registry of deeds. The subdivision plat, and any deed for lots in subdivisions created by lease for the purpose of establishing and operating maple sugar processing operations, shall contain conditions setting out such restrictions.
- d. For maple sugar subdivisions created after the ~~effective date~~ Effective Date of this rule, deeds for each leased lot in maple sugar processing subdivisions must be created with a deed restriction requiring that the lot be used only for commercial maple syrup production unless the Commission, or its legal successor in function, releases the restriction and records such release in the registry of deeds. The deeds for each leased lot in maple sugar processing subdivisions shall be recorded with the registry of deeds at the time the subdivision is created.

7. Recording of Large Lot Land Divisions.

- a. When 3 to 10 lots each containing at least 40 acres are created within a 5-year period and are located more than 1,320 feet from the normal high water mark of any great pond or river and more than 250 feet from the upland edge of a coastal or freshwater wetland as those terms are defined in 38 M.R.S.A. §436-A, a plan showing the division of the original parcel must be filed by the person creating the 3rd lot with the Commission within 60 days of the creation of that lot. The plan must state that the lots may be used only for forest management, agricultural management or conservation of natural resources. A "Guide to Certification of Plans for Large Lot Land Divisions" is available from the Commission that details submission requirements.
- b. The Commission shall determine whether the plan qualifies under 12 M.R.S.A §682-B, ordinarily within 15 days of receipt of plan.
- c. A copy of the certified plan must be filed, within 30 days of certification by the Commission, with the State Tax Assessor and the appropriate registry of deeds in the county in which the land is located. A register of deeds may not record any plan depicting these lots unless the Commission's certification that the division qualifies under 12 M.R.S.A §685-B is evidenced on the plan. 12 M.R.S.A. §685-B(6-A)

Any subsequent division of a lot created from the original parcel within 10 years of the recording of the plan in the registry of deeds is considered a subdivision.
12 M.R.S.A §682-B

R. CLUSTER DEVELOPMENT

1. Applicability.

- a. The cluster development standards set forth below must be met for all subdivisions located within 250 feet of the normal high water mark of a Management Class 4 or 5 lake and for all level 2 subdivisions comprised of more than 5 lots or more than 5 dwelling units.
- b. Other subdivisions located on land that could be developed under normal applicable standards may also be clustered, or portions of the subdivision may be clustered, if the subdivisions provide for the efficient use of land and the protection of a significant amount of open space, in accordance with the standards of Section 10.25,R and Section 10.25,S.
- c. The cluster development standards may be waived for subdivisions located within 250 feet of the normal high water mark of a Management Class 4 or 5 lake, where the Commission finds that cluster development is clearly inappropriate due to physical site limitations. Such site limitations may include, without limitation, the presence of soils that are unsuitable for high density development or the size and configuration of a parcel that does not lend itself to clustering.

2. Cluster Development Standards.

- a. Cluster subdivisions shall provide for a reasonable balance between development and conservation. Specifically, cluster subdivisions shall ~~reserve~~utilize no more than 50% of net developable land for development and, within shoreline subdivisions, shall ~~reserve~~utilize no more than 50% of net developable shore frontage for development.
 - (1) For the purposes of this section, “net developable land” is the area of a parcel which, as determined by the Commission, is suitable for development. The area shall be calculated by subtracting the following from the total acreage of the parcel:
 - (a) Portions of the parcel subject to rights-of-way and easements for vehicular traffic; and
 - (b) Unbuildable land which includes, without limitation, land that has a low or very low soil potential rating, in accordance with Section 10.25,G, or contains sensitive areas such as slopes exceeding ~~15~~25%, water bodies or wetlands.
 - (2) For the purposes of this section, “net developable shoreline” is land that:
 - (a) Meets the minimum water body setback requirements of Section 10.26,D;
 - (b) Does not have a low or very low soil potential rating, in accordance with Section 10.25,G; and
 - (c) Contains land area at least 40,000 contiguous square feet in size that is not comprised of sensitive areas such as slopes exceeding 15%, water bodies or wetlands.

- b. Cluster subdivisions shall be designed to protect developable land as open space through (1) clusters of dwellings on commonly-owned land; (2) creation of individual lots with reduced lot size, reduced road frontage or, within shorefront subdivisions, reduced shore frontage as permitted under these rules; or (3) a decrease in the number of individual lots that meet dimensional requirements.

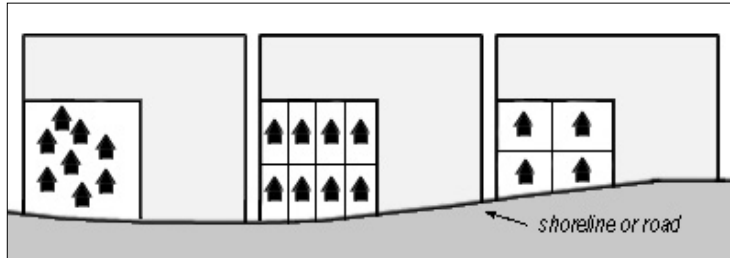


Figure 10.25,R-1. From left to right, (1) clustering on a commonly-owned parcel, (2) clustering on individual parcels with reduced lot size and frontage, and (3) clustering on individual parcels without reduced lot size or frontage.

- c. Open space within cluster subdivisions shall be preserved and maintained in accordance with Section 10.25,S.
- d. The Commission may reduce ~~lot size, road frontage, or shore frontage~~ dimensional requirements for individual dwellings or lots in a cluster development, provided that, in the aggregate, dimensional requirements are met within the development.
- e. Notwithstanding Section 10.25,R,2,d, the Commission may waive the provision that dimensional requirements for individual dwellings or lots in a cluster development be met, in the aggregate, where the following conditions are satisfied:
- (1) Dimensional requirements, in the aggregate, are not waived by more than 50%;
 - (2) Site conditions are suitable for more concentrated development on some portions of a site and such concentrated development will not adversely affect resources; and
 - (3) The specific benefits afforded by the cluster approach will prevent the loss of or enhance the conservation of important natural features.
- f. No individual lot or dwelling unit for which road frontage has been reduced shall have direct vehicular access onto an existing roadway, unless the individual lot or dwelling unit uses a shared driveway.

S. OPEN SPACE

Addendum neither replaces nor supplements 10.25,S Open Space.

T. ACTIVITIES IN FLOOD PRONE AREAS

Addendum neither replaces nor supplements 10.25,T Activities in Flood Prone Areas.

U. AFFORDABLE HOUSING

Addendum neither replaces nor supplements 10.25,U Affordable Housing.

**ADDENDUM TO THE COMMISSION'S
LAND USE DISTRICTS AND STANDARDS (CHAPTER 10)**

SUBCHAPTER III: LAND USE STANDARDS

10.26 DIMENSIONAL REQUIREMENTS

The following dimensional requirements apply to all lots on which structural development is proposed unless otherwise provided by Section 10.26,G.

A. MINIMUM LOT SIZE

1. Residential Uses.

~~The minimum lot size for residential uses is 40,000 square feet per dwelling unit or residential campsite except where each dwelling unit is to use a common or community sewer and not on-site subsurface waste water disposal, the minimum lot size shall be 20,000 square feet per dwelling unit.~~ The minimum lot size for residential campsites and single-family and two-family dwellings is 20,000 square feet per dwelling unit. The minimum lot size for multi-family dwellings involving one or more buildings is 40,000 square feet.

2. Commercial, industrial, and other non-residential uses.

The minimum lot size for commercial, industrial, and other non-residential uses involving one or more buildings is 40,000 square feet, except that there shall be no minimum lot size requirement for a campsite.

B. MINIMUM SHORELINE FRONTAGE

1. For lots fronting on a flowing water draining more than 2 square miles but less than 50 square miles, a body of standing water less than 10 acres in size, or a tidal water, the minimum shoreline frontage shall be:
 - a. 150 feet per dwelling unit for residential uses; and
 - b. 200 feet for commercial, industrial, and other non-residential uses involving one or more buildings.
2. For lots fronting on a flowing water draining 50 square miles or more or a body of standing water 10 acres or greater in size, the minimum shoreline frontage shall be:
 - a. ~~200~~150 feet per dwelling unit for residential uses; and
 - b. 300 feet for commercial, industrial, and other non-residential uses involving one or more buildings.
3. In the case of a lot which borders more than one water body, the shoreline frontage requirement must be met on each water body bordered by the lot.
4. Frontage shall be measured in a straight line between the points of intersection of side lot lines with the normal high water mark of the shoreline.
5. The minimum width of any portion of any lot within 100 feet, horizontal distance, of the normal high water mark of a water body shall be equal to or greater than the applicable minimum shoreline frontage requirement.
6. The shoreline frontage may be waived to no less than ~~200~~150 feet for public boat launches and water access sites for lot owners associations where the applicant demonstrates there will be no undue adverse impact to surrounding uses.

C. MINIMUM ROAD FRONTAGE

Addendum neither replaces nor supplements 10.26,C, Minimum Road Frontage.

D. MINIMUM SETBACKS

- 1.** The minimum setbacks for structures, other than those described in Section 10.26,D,2 and except as provided in Section 10.26,G are:
 - a.** 75 feet from the nearest shoreline of a flowing water draining less than 50 square miles, a body of standing water less than 10 acres in size, or a tidal water, and from the upland edge of wetlands designated as P-WL1 subdistricts;
 - b.** 100 feet from the nearest shoreline of a flowing water draining 50 square miles or more and of a body of standing water 10 acres or greater in size;
 - c.** 50 feet from the traveled portion of all roadways except as provided for in Section 10.26,D,1,d and e or Section 10.26,D,5 below;
 - d.** 75 feet from the traveled portion of the following roadways: Routes 1, 2, 2A, 4, 9, 27, 163, 201, 161 from Caribou to Fort Kent, 157 in TA R7 (Penobscot County), and 6 in Orneville Township (Piscataquis County), except as provided for in Section 10.26,D,5;
 - e.** 20 feet from the traveled portion of all roadways on coastal islands; and
 - f.** 15 feet from side and rear property lines.

These setbacks also apply to all parking areas associated with single-family residential uses, parking areas for trailered ramps or hand-carry launches, and those structures within a recreational lodging facility constructed solely for the housing of guests, and residential campsites.

- 2.** The minimum setbacks for multi-family dwellings and commercial, industrial, and other non-residential principal and accessory structures, other than those described in Section 10.26,D,1 and 3 and except as provided in Sections 10.26,G and 10.27,Q are:
 - a.** 100 feet from the nearest shoreline of a flowing water draining less than 50 square miles, a body of standing water less than 10 acres in size, or a tidal water, and from the upland edge of wetlands designated as P-WL1 subdistricts;
 - b.** 150 feet from the nearest shoreline of a flowing water draining 50 square miles or more and a body of standing water 10 acres or greater in size;
 - c.** 75 feet from the traveled portion of the nearest roadway except as provided for in Section 10.26,D,2,d below;
 - d.** 20 feet from the traveled portion of all roadways on coastal islands; and
 - e.** 25 feet from the side and rear property lines.

Except as provided for in Section 10.26,D,1 above, these setbacks also apply to all parking areas associated with multi-family dwellings and commercial, industrial, and other non-residential uses, and all other structures within a recreational lodging facility, including, but not limited to, a main lodge, dining area, workshop and parking area.

3. These requirements apply to any privately or publicly owned road that is used for public access, including roads used by the public for which a toll is paid.
4. **Campsites and Remote Rental Cabins.**
 - a. Campsites shall be set back such that the area designed for camping, including cleared or graded areas, fire rings, tables, and related construction, is at least 75 feet from shoreline, 50 feet from roads, and 25 feet from property lines. Any structure located at or as part of a campsite shall also be set back 75 feet from the upland edge of wetlands designated as P-WL1 subdistricts. Notwithstanding the above, the area designed for camping must be set back at least 10 feet from roads internal to a campground, and campsite parking areas may be located adjacent to such roads, except that the Commission may require a greater setback where necessary due to site conditions in order to protect public safety.
 - b. Remote campsites and Remote Rental Cabins shall be set back at least 50 feet from roads, 25 feet from property lines, and 25 feet from shorelines, except that the Commission may require a greater setback from shorelines for remote campsites where necessary due to site conditions in order to avoid accelerated soil erosion or sedimentation of surface waters.

5. Flexible Building Setbacks-in Prospectively Zoned Areas.

- a. For commercial or residential development in the D-FRL-GN, D-GN2, D-GN3, D-RS, and D-RS2 subdistricts, building setback distances from roads may be less than specified in Section 10.26,D in order to meet prevailing setbacks on adjacent properties. The prevailing setback is the average setback of those principal and accessory structures on lots within 500 feet on either side of the subject parcel.
- b. In the D-FRL-GN, D-GN2, D-GN3, D-RS, and D-RS2 subdistricts, road setbacks for commercial buildings may be reduced to 50 feet where all parking areas are to be placed to the side or rear of the structure.
- c. These reduced setbacks will be granted where the existing character of an area will be maintained and provided that the reduction will not adversely impact public safety.

E. MAXIMUM LOT COVERAGE

1. Except as provided in Sections 10.26,E,3, 10.26,E,4, and 10.26,E,5 below, the maximum lot coverage shall be 30% for all uses involving one or more buildings.
2. "Coverage" shall be calculated by determining the percentage of lot area covered by all structures including driveways, sidewalks, parking lots and other impervious surfaces.
3. **Flexible Lot Coverage Requirements in Prospectively Zoned Areas Outside of the Shoreland Areas.**
 - a. For commercial and institutional development outside the shoreland area in the D-GN, D-GN2, D-GN3, D-RS, and D-RS2 subdistricts that is proposed on lots of 2 acres or less, lot coverage may be increased to 50%. This waiver shall be granted in order to accommodate in-fill development or compact development patterns that promote pedestrian access and social interaction, provided there is no adverse impact on water bodies from surface water runoff.
4. For lots in a ~~D-FRL-CI subdistrict~~Zone that are not within 250 feet of a major flowing water or a body of standing water 10 acres or greater in size, the maximum lot coverage shall be 50% for all uses involving one or more buildings.
5. For lots in a ~~D-MT-D-FRL-GN subdistrict~~Zone, the maximum lot coverage shall be 50% for all uses, except residential uses, involving one or more buildings. For residential uses in the ~~D-MT-FRL-GN~~ Zone the lot coverage standard in Section 10.26,E,1 shall apply.

F. MAXIMUM STRUCTURE HEIGHT

1. Except as provided for in Section 10.26,F,2 and 4 below, the maximum structure height shall be:
 - a. ~~75~~35 feet for residential uses; and
 - b. ~~100~~60 feet for commercial, industrial, and other non-residential uses involving one or more structures.
2. Structures within 500 feet of the normal high water mark of a body of standing water 10 acres or greater or tidal water shall be no higher than ~~30~~35 feet. The Commission may apply this provision at greater distances from the normal high water mark of bodies of standing water having significant or outstanding scenic values where there is the likelihood that such structures would have an adverse impact on scenic values. Bodies of standing water having such scenic values are shown in Appendix C.
3. Features of structures which contain no floor area such as chimneys, towers, ventilators and spires and freestanding towers and turbines may exceed these maximum heights with the Commission's approval.

4. Structure Height in Prospectively Zoned Areas.

- a. In areas beyond 500 feet of the normal high water mark of a body of standing water 10 acres or greater, structure height in the D-GN, D-GN2, D-GN3, D-RS, D-RS2, D-RS3, D-CI, and D-ES in prospectively zoned areas shall be limited to 35 feet. Structures used for agricultural management, structures with no floor area, or features of buildings which contain no floor area such as chimneys, towers, ventilators, and spires may exceed these maximum heights with the Commission's approval.
- b. Structures within 500 feet of the normal high water mark of a body of standing water 10 acres or greater in size shall conform to the provisions of Section 10.26,F,2 above.

G. EXCEPTIONS TO DIMENSIONAL REQUIREMENTS

- 1.** The Commission may reduce dimensional requirements for individual buildings in a cluster development, in accordance with Section 10.25,R.
- 2.** The dimensional requirements applicable to D-PD subdistricts shall be established by the Commission pursuant to the provisions of Section 10.21,G, provided that the shoreline setback requirements hereof shall not be reduced.
- 3.** Notwithstanding other provisions of these rules, in a proposed subdivision or area that has or is likely to have relatively dense development, the Commission may increase the minimum lot size when the Commission determines that:
 - a.** A larger lot size is required to provide sufficient area of suitable soil to accommodate the principal building and accessory structures, and subsurface waste water disposal, including a replacement system; and
 - b.** The density of development in the vicinity of the proposed site is likely to cause nitrate or other contaminant levels in ground water to exceed public drinking water standards at any public or private well or at the property boundary. The Commission may require a nitrate study to estimate likely nitrogen levels in ground water as part of a subdivision application.
- 4.** Where development would otherwise have an undue adverse impact on existing uses, scenic character or natural and historic resources in the area likely to be affected by the proposal, the Commission may impose additional or more protective standards with respect to clearing, frontage and setback requirements, waste water disposal, and other aspects of the development to reasonably assure that undue adverse impact is avoided.
- 5.** An exception may be made to the shoreline, road, and/or property line setback requirements for structures where the Commission finds that such structures must be located near to the shoreline, road, or property line due to the nature of their use. Structures which must be located near to the shoreline include structures which require direct access to the water as an operational necessity, such as piers, docks, retaining walls, and structures necessary for commercial fishing activities or water dependent uses within a D-MT subdistrict. This provision shall not apply to boat houses or float plane hangars not included within a D-MT subdistrict.
- 6.** An exception may be made to the minimum extent necessary to the shoreline frontage and lot size requirement on tidal waters for structures necessary for commercial fishing activities or water dependent uses within a D-MT subdistrict where such reduction would better serve the purpose of this subdistrict.
- 7.** Where development is proposed in the vicinity of a water quality limiting lake, the Commission may vary the applicable dimensional requirements in accordance with Section 10.23,E,3,f.
- 8.** To the extent consistent with 12 M.R.S.A. §685-B(4), the Commission may reduce the minimum lot size required for a structure whose sole purpose is to house a public utility facility or to function as a public utility, provided that:

- a. the size, height, and bulk of the facility is of a scale that permits such a reduction without adverse effect on surrounding properties; and
 - b. the facility is sited and buffered to fit harmoniously into the surrounding environment.
9. Notwithstanding the provisions of Section 10.11, structures necessary for disabled persons to gain access to buildings or facilities may be greater than the allowable size or located less than the standard setback distance from a shoreline, road and property line to the minimum extent necessary when the following criteria are met:
- a. A person with a disability as defined in 5 M.R.S.A. §4553 resides in or regularly uses the dwelling or facility;
 - b. The encroachment into the standard setback distance or exceeding of the allowable size applies only to the installation of equipment or construction of structures necessary for access to or egress from the dwelling or facility by the person with the disability;
 - c. The access structure is necessary to create an accessible route;
 - d. The access structure cannot reasonably or feasibly be created without exceeding the allowable size or encroachment into the standard setback distance; and
 - e. The design of the access structure minimizes the need for exceeding the allowable size or encroachment into the standard setback distance.
10. The Commission may reduce the minimum road setback requirement for subdivisions and commercial, industrial and other non-residential structures and uses, in accordance with Section 10.25,D,3,d,(2).
11. The Commission may reduce the minimum water body setback requirement for a residential driveway in accordance with Section 10.27,H,2,b,(2).
12. The Commission may reduce the minimum road frontage requirement for individual lots within subdivisions with shared driveways in accordance with Section 10.25,Q,3,c.
13. The Commission may reduce the property line setback where there is no practical alternative and upon prior written agreement of the adjoining property owner.
14. The Commission may reduce dimensional requirements for the purpose of providing affordable housing opportunities, in accordance with Section 10.25,U.
15. Notwithstanding any other provision of these rules, the Commission may increase the maximum lot coverage above the limits set in Section 10.26,E for any lot in a D-CI subdistrict or D-FRL-CI Zone upon a finding that the increase in the maximum lot coverage will not have an undue adverse impact on existing uses or natural resources.
16. Notwithstanding any other provision of these rules, the Commission may increase the maximum lot coverage above the limits in Section 10.26,E for any lot in a D-MT subdistrict, used for a non-residential use, upon a finding that the increase in the maximum lot coverage will not have an undue adverse impact on existing uses or natural resources.

- 17.** The Commission may apply the dimensional requirements and standards for recreational lodging facilities in accordance with Section 10.27,Q.

**ADDENDUM TO THE COMMISSION'S
LAND USE DISTRICTS AND STANDARDS (CHAPTER 10)**

SUBCHAPTER III: LAND USE STANDARDS

10.27 ACTIVITY-SPECIFIC STANDARDS

The documents referenced within this section may be obtained from the Commission's office in Augusta, or any of its regional offices. Omitted

A. AGRICULTURAL MANAGEMENT ACTIVITIES

Addendum neither replaces nor supplements 10.27,A, Agricultural Management Activities.

B. VEGETATION CLEARING

Vegetation clearing activities not in conformance with the standards of this section may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of this section, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

The following requirements shall apply to vegetation clearing activities for any purpose other than road construction, road reconstruction and maintenance, wildlife or fishery management, forest management, agricultural management, public trailered ramps or hand-carry launches:

1. A vegetative buffer strip shall be retained within:
 - a. 50 feet of the right-of-way or similar boundary of any public roadway,
 - b. 75 feet of the normal high water mark of any body of standing water less than 10 acres in size, or any tidal water or flowing water draining less than 50 square miles, and
 - c. 100 feet of the normal high water mark of a body of standing water 10 acres or greater in size or flowing water draining 50 square miles or more.
2. Within this buffer strip, vegetation shall be maintained as follows:
 - a. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath is permitted, provided it does not exceed six (6) feet in width as measured between tree trunks, and, has at least one bend in its path to divert channelized runoff.
 - b. Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other natural vegetation is maintained.

For the purposes of this section a "well-distributed stand of trees" adjacent to a body of standing water 10 acres or greater in size shall be defined as maintaining a rating score of 24 or more in a 25-foot by 50-foot rectangular area as determined by the following rating system.

Near other water bodies, tributary streams and public roadways a “well-distributed stand of trees” shall be defined as maintaining a rating score of 16 or more per 25-foot by 50-foot (1250 square feet) rectangular area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2.0 to < 4.0	1
4.0 to < 8.0	2
8.0 to < 12.0	4
12.0 +	8

Table 10.27,B-1. Rating system for a well-distributed stand of trees.

The following shall govern in applying this rating system:

- (1) The 25-foot x 50-foot rectangular plots shall be established where the landowner or lessee proposes clearing within the required buffer;
- (2) Each successive plot shall be adjacent to but not overlap a previous plot;
- (3) Any plot not containing the required points shall have no vegetation removed except as otherwise allowed by these rules;
- (4) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by these rules; and
- (5) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of this section, “other natural vegetation” is defined as retaining existing vegetation under 3 feet in height and other ground cover and retaining at least 5 saplings less than 2 inches in diameter at 4½ feet above ground level for each 25-foot by 50-foot rectangular area. If 5 saplings do not exist, the landowner or lessee may not remove any woody stems less than 2 inches in diameter until 5 saplings have been recruited into the plot. In addition, the soil shall not be disturbed, except to provide for a footpath or other permitted use.

- c. In addition to Section 10.27,B,2,b above, no more than 40% of the total basal area of trees 4.0 inches or more in diameter, measured at 4½ feet above ground level, may be removed in any ten (10) year period.
 - d. Pruning of live tree branches is prohibited, except on the bottom 1/3 of the tree provided that tree vitality will not be adversely affected.
 - e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings in excess of 250 square feet, these openings shall be established with native tree species.
- 3.** At distances greater than one hundred (100) feet, horizontal distance, from the normal high water mark of a body of standing water greater than 10 acres, no more than 40% of the total basal area of trees four inches or more in diameter, measured at 4½ feet above ground level, may be removed in any ten (10) year period. In no instance shall cleared openings exceed, in the

aggregate, 10,000 square feet, including land previously cleared. These provisions apply to areas within 250 feet of all bodies of standing water greater than ten (10) acres, and to the full depth of the P-AL zone. This requirement does not apply to the development of uses allowed by permit.

4. Cleared openings legally in existence as of June 7, 1990 may be maintained, but shall not be enlarged except as permitted by these regulations.

In all subdistricts where natural vegetation is removed within the required vegetative buffer strip of a flowing water, body of standing water, tidal water, or public roadway, it shall be replaced by other vegetation (except where the area cleared is built upon) that is effective in preventing erosion and retaining natural beauty.

C. MINERAL EXPLORATION AND EXTRACTION

Mineral exploration and extraction activities not in conformance with the standards of this section may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of this section, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

The following requirements for mineral exploration and extraction activities shall apply in all subdistricts except as otherwise hereinafter provided:

1. **Mineral Exploration.** The following requirements shall apply to mineral exploration activities:
 - a. All excavations, including test pits and holes, shall be promptly capped, refilled or secured by other equally effective measures so as to reasonably restore disturbed areas and to protect the public health and safety.
 - b. Mineral exploration activities or associated access ways where the operation of machinery used in such activities results in the exposure of mineral soil, shall be located such that an unscarified filter strip of at least the width indicated below is retained between the exposed mineral soil and the normal high water mark of a flowing water, body of standing water, tidal water, or wetland identified as a P-WL1 subdistrict:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet Along Surface of the Ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

Table 10.27,C-1. Unscarified filter strip width requirements for exposed mineral soil created by mineral exploration activities or associated access ways.

The provisions of Section 10.27,C,1,b apply only on a face sloping toward the water, provided, however, no portion of such exposed mineral soil on a back face shall be closer than 25 feet; the provisions of Section 10.27,C,1,b do not apply where access ways cross such waters.

- c. Except when surface waters are frozen, access ways for mineral exploration activities shall not utilize stream channels bordered by P-SL2 subdistricts except to cross the same by the shortest possible route; unless culverts or bridges are installed in accordance with Section

10.27,D,2 and 5, such crossings shall only use channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

- d. Access way approaches to stream channels shall be located and designed so as to divert water runoff from the way in order to prevent such runoff from directly entering the stream.
- e. In addition to the foregoing minimum requirements, when conducting mineral exploration activities and creating and maintaining associated access ways, provision shall be made to effectively stabilize all area of disturbed soil so as to reasonably avoid soil erosion and sedimentation of surface waters. These measures shall include seeding and mulching if necessary to insure effective stabilization.

2. Mineral Extraction. The following requirements shall apply to mineral extraction activities in all subdistricts:

- a. A vegetative buffer strip shall be retained between the ground area disturbed by the extraction activity and:
 - (1) 75 feet of the normal high water mark of any body of standing water less than 10 acres in size, any flowing water draining less than 50 square miles, tidal water, or wetland identified as a P-WL1 subdistrict; and
 - (2) 100 feet of the normal high water mark of any body of standing water 10 acres or greater in size or flowing water draining 50 square miles or more.
- b. No portion of any ground area disturbed by the extraction activity shall be closer than 250 feet from any public roadway, or 250 feet from any property line in the absence of the prior written agreement of the owner of such property.
- c. Within 250 feet of any water body the extraction area shall be protected from soil erosion by ditches, sedimentation basins, dikes, dams, or such other control devices which are effective in preventing sediments from being eroded or deposited into such water body.

Any such control device shall be deemed part of the extraction area for the purposes of Section 10.27,C,2,a, above;
- d. A natural vegetative screen of not less than 50 feet in width shall be retained from any facility intended primarily for public use, excluding privately owned roads; and
- e. If any mineral extraction operation located within 250 feet of any property line or public roadway or facility intended primarily for public use, excluding privately owned roads, is to be terminated or suspended for a period of one year or more, the site shall be rehabilitated by grading the soil to a slope of 2 horizontal to 1 vertical, or flatter.

D. ROADS AND WATER CROSSINGS

Roads and water crossings not in conformance with the standards of this section may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of this section, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

The following road and water crossing requirements shall apply in P-WL1, P-WL2, P-SL, P-FP, P-GP subdistricts and all development subdistricts:

1. The following requirements shall apply to construction and maintenance of roads:
 - a. All cut or fill banks and areas of exposed mineral soil outside the roadbed within 75 feet of a flowing water, body of standing water, tidal water, or a wetland shall be revegetated or otherwise stabilized so as to prevent erosion and sedimentation of water bodies or wetlands;
 - b. Road banks shall have a slope no steeper than 2 horizontal to 1 vertical;
 - c. Drainage ditches shall be provided so as to effectively control water entering and leaving the road area. Such drainage ditches will be properly stabilized so that the potential for unreasonable erosion does not exist;
 - d. In order to prevent road surface drainage from directly entering water bodies or wetlands, roads and their associated drainage ditches shall be located, constructed, and maintained so as to provide an unscarified filter strip, of at least the width indicated below, between the exposed mineral soil of the road and the normal high water mark of a surface water body or upland edge of a wetland:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet Along Surface of the Ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

Table 10.27,D-1. Unscarified filter strip width requirements for exposed mineral soil created by roads and their associated drainage ditches.

This requirement shall not apply to road approaches to water crossings or wetlands.

- e. Drainage ditches for roads approaching a water crossing or wetland shall be designed, constructed, and maintained to empty into an unscarified filter strip, of at least the width indicated in the table set forth in Section 10.27,D,1,d above, between the outflow point of the ditch and the normal high water mark of the water or the upland edge of a wetland. Where such filter strip is impracticable, appropriate techniques shall be used to reasonably avoid sedimentation of the water body or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed so as to reasonably avoid sedimentation of the water body or wetland;
- f. Ditch relief (cross drainage) culverts, drainage dips and water turnouts will be installed in a manner effective in getting drainage onto unscarified filter strips before the flow in the road or its drainage ditches gains sufficient volume or head to erode the road or ditch.
 - (1) Drainage dips may be used in place of ditch relief culverts only where the road grade is 10% or less;
 - (2) On roads having slopes greater than 10%, ditch relief culverts shall be placed across the road at approximately a 30 degree angle downslope from a line perpendicular to the center line of the road;
 - (3) Ditch relief culverts, drainage dips and water turnouts shall direct drainage onto unscarified filter strips as required in Section 10.27,D,1,d and e above;
 - (4) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials; and
 - (5) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

Road Grade (Percent)	Spacing (Feet)
0-2	500-300
3-5	250-180
6-10	167-140
11-15	136-127
16-20	125-120
21+	100

Table 10.27,D-2. Spacing requirements for drainage dips and associated water turnouts.

- 2. The following requirements shall apply to water crossings when surface waters are unfrozen:
 - a. Bridges and culverts shall be installed and maintained to provide an opening sufficient in size and structure to accommodate 10 year frequency water flows or with a cross-sectional area at least equal to 2 ½ times the cross-sectional area of the stream channel.
 - b. Culvert and bridge sizes may be smaller than provided in Section 10.27,D,2,a if techniques are employed such that in the event of culvert or bridge failure, the natural course of water flow is reasonably maintained and sedimentation of the water body is reasonably avoided;

such techniques may include, but are not limited to, the effective use of any or all of the following:

- (1) Removing culverts prior to the onset of frozen ground conditions;
- (2) Using water bars in conjunction with culverts; or
- (3) Using road dips in conjunction with culverts.

c. Culverts utilized in water crossings shall:

- (1) Be installed at or below stream bed elevation;
- (2) Be seated on firm ground;
- (3) Have soil compacted at least halfway up the side of the culvert;
- (4) Be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and
- (5) Have a headwall at the inlet end which is adequately stabilized by rip-rap or other suitable means to reasonably avoid erosion of material around the culvert.

3. The design and construction of land management road systems through wetlands, other than those areas below the normal high water mark of standing or flowing waters, must avoid wetlands unless there are no reasonable alternatives, and must maintain the existing hydrology of wetlands.

To maintain the existing hydrology of wetlands, road drainage designs shall provide cross drainage of the water on the surface and in the top 12 inches of soil in wetlands during both flooded and low water conditions so as to neither create permanent changes in wetland water levels nor alter wetland drainage patterns. This shall be accomplished through the incorporation of culverts or porous layers at appropriate levels in the road fill to pass water at its normal level through the road corridor. Where culverts or other cross-drainage structures are not used, all fills shall consist of free draining granular material.

To accomplish the above, the following requirements apply:

a. **Road construction on mineral soils or those with surface organic layers up to 4 feet in thickness.**

- (1) Fill may be placed directly on the organic surface compressing or displacing the organic material until equilibrium is reached. With this method, culverts or other cross-drainage structures are used instead of porous layers to move surface and subsurface flows through the road fill material.
 - (a) For road construction on mineral soils or those with surface organic layers less than 16 inches in thickness, culverts or other cross-drainage structures shall be appropriately sized and placed at each end of each wetland crossing and at the lowest elevation on the road centerline with additional culverts at

intermediate low points as necessary to provide adequate cross drainage. Culverts or other cross-drainage structures shall be placed at maximum intervals of 300 feet.

- (b) For road construction on surface organic layers in excess of 16 inches but less than 4 feet in thickness, cross drainage must be provided by placing culverts at each end of each wetland crossing and at the lowest elevation on the road centerline with additional culverts at intermediate low points as necessary to provide adequate cross drainage. Culverts or other cross-drainage structures shall be placed at maximum 300-foot intervals. Culverts shall be a minimum of 24 inches in diameter, or the functional equivalent, and buried halfway below the soil surface.
 - (c) Where necessary to maintain existing water flows and levels in wetlands, ditches parallel to the road centerline shall be constructed along the toe of the fill to collect surface and subsurface water, carry it through the culvert(s) and redistribute it on the other side. Unditched breaks shall be left midway between culverts to prevent channelization.
- (2) Alternatively, a porous layer may be created to move surface and subsurface flows through the road fill materials. If a porous layer is used, geotextile fabric must be placed above and below fill material to increase the bearing strength of the road and to preserve the bearing strength of fill material by preventing contamination with fine soil particles.

b. Road construction on soils with organic layers in excess of 4 feet in thickness.

- (1) Such construction shall only take place under frozen ground conditions.
- (2) Geotextile fabric shall be placed directly on the soil surface. Road fill or log corduroy shall then be placed on the geotextile fabric.
- (3) Cross drainage shall be provided by either a continuous porous layer or appropriate placement of culverts or other cross-drainage structures and ditching as specified below:
 - (a) A continuous porous layer or layers shall be constructed by placement of one or more layers of wood corduroy and/or large stone or chunkwood separated from adjacent fill layers by geotextile fabric placed above and below the porous layer(s) such that continuous cross drainage is provided in the top 12 inches of the organic layer; or
 - (b) Cross drainage culverts or other cross-drainage structures shall be placed at points where they will receive the greatest support. Culverts or other cross-drainage structures shall be a minimum of 24 inches in diameter, or the functional equivalent, and buried halfway below the soil surface. Where necessary to maintain existing water flows and levels in wetlands, ditches parallel to the roadbed on both sides shall be used to collect surface and subsurface water, carry it through the culvert(s) and redistribute it on the

other side. Such ditches shall be located three times the depth of the organic layer from the edge of the road fill. Unditched breaks shall be left midway between culverts to prevent channelization.

- 4. Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads shall be maintained on a regular basis to assure effective functioning.
- 5. Maintenance of the above required water control installations shall continue until the road is discontinued and put to bed by taking the following actions:

a. Water bars shall:

- (1) Be constructed and maintained across the road at intervals established below:

Road Grade (Percent)	Distance Between Water Bars (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

Table 10.27,D-3. Spacing requirements for water bars.

- (2) Be constructed at approximately 30 degrees downslope from the line perpendicular to the center line of the road;
- (3) Be constructed so as to reasonably avoid surface water flowing over or under the water bar; and
- (4) Extend sufficient distance beyond the traveled way so that water does not reenter the road surface.

b. Any bridge or water crossing culvert in such road shall satisfy one of the following requirements:

- (1) It shall be designed to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows;
- (2) It shall be designed to provide an opening with a cross-sectional area at least 3 ½ times the cross-sectional area of the stream channel; or
- (3) It shall be dismantled and removed in a fashion so as to reasonably avoid sedimentation of the water body.

- 6. Provided they are properly applied and used for circumstances for which they are designed, methods including but not limited to the following are acceptable to the Commission as means of calculating the 10 and 25 year frequency water flows and thereby determining crossing sizes as required in Section 10.27,D,2 and 5:

- a. The USDA Soil Conservation Service (SCS) Methods; specifically: "Urban Hydrology for Small Watersheds," June 1986 Soil Conservation Service Technical Release #55.
 - b. The United States Geological Survey Series; specifically: U.S.G.S. Maine Water Science Office. 1999. "Estimating the Magnitude of Peak Flows for Streams in Maine for Selected Recurrence Intervals." WRI 99-4008.
7. Extension, enlargement or resumption of use of presently existing roads, which are not in conformity with the provisions of Section 10.27,D, are subject to the provisions of Section 10.11.
 8. Publicly owned roads may be constructed in a fashion that is not in strict conformity with the provisions of this section, provided that other measures are applied that are effective in reasonably avoiding sedimentation of surface waters.
 9. Except that Section 10.27,D,10 below always applies, trail crossings of minor flowing waters shall be exempt from the standards of Section 10.27,D, provided such crossings are constructed in a manner that causes no disturbance to the stream bed, and no substantial disturbance to the banks or shoreland areas in the vicinity of the crossing, and provided such crossings do not impede the flow of water or the passage of fish. If properly undertaken, acceptable methods may include but not be limited to the laying of logs from bank to bank, or placement of bed logs and stringers with decking. This exemption shall not extend to the construction of abutments or piers.

Trail crossings not so exempted shall be subject to the water crossing standards of Section 10.27,D, including specifically Sections 10.27,D,2, 4, 5, 6, 10 and 11.

10. In addition to the foregoing minimum requirements, provision shall otherwise be made in the construction and maintenance of roads and water crossings in order to reasonably avoid sedimentation of surface waters.
11. Written notice of all road and water crossing construction activities, except level A road projects and exempt trail crossings as provided in Section 10.27,D,9 above, shall be given to the Commission prior to the commencement of such activities. Such notice shall conform to the requirements of Section 10.16 and shall state the manner in which the water crossing size requirements of this section will be satisfied.

E. TIMBER HARVESTING

Addendum neither replaces nor supplements 10.27,E, Timber Harvesting.

F. FILLING AND GRADING

The following requirements for filling and grading shall apply in all subdistricts except as otherwise provided herein.

Filling and grading activities not in conformance with the standards of this section may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of this section, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

These standards do not apply to filling or grading activities which constitute forest or agricultural management activities, the construction, reconstruction and maintenance of roads, or the construction of public trailered ramps, hand-carry launches, or driveways. Such activities are separately regulated.

1. Within 250 feet of water bodies and wetlands, the maximum size of a filled or graded area, on any single lot or parcel, shall be 5,000 square feet. This shall include all areas of mineral soil disturbed by the filling or grading activity; and
2. Beyond 250 feet from water bodies, the maximum size of filled or graded areas, as described above, shall be 20,000 square feet, except that there shall be no limit to the size of filled or graded areas in M-GN subdistricts which are greater than 250 feet from water bodies and wetlands. In such M-GN subdistrict areas, the provisions of Section 10.27,F,4 and 6 shall apply; and
3. Clearing of areas to be filled or graded is subject to the clearing standards of Section 10.27,B; and
4. Imported fill material to be placed within 250 feet of water bodies shall not contain debris, trash, rubbish or hazardous or toxic materials. All fill, regardless of where placed, shall be free of hazardous or toxic materials; and
5. Where filled or graded areas are in the vicinity of water bodies or wetlands such filled or graded areas shall not extend closer to the normal high water mark of a flowing water, a body of standing water, tidal water, or upland edge of wetlands identified as P-WL1 subdistrict than the distance indicated in the following table:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark or Upland Edge (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark or Upland Edge (Feet Along Surface of the Ground)
10 or less	100
20	130
30	170
40	210
50	250
60	290
70	330

Table 10.27,F-1. Unscarified filter strip width requirements for exposed mineral soil created by filling and grading.

6. All filled or graded areas shall be promptly stabilized to prevent erosion and sedimentation.

Filled or graded areas, including all areas of disturbed soil, within 250 feet of water bodies and wetlands, shall be stabilized according to the Guidelines for Vegetative Stabilization contained in Appendix B of this chapter.

G. MOTORIZED RECREATIONAL GOLD PROSPECTING

Addendum neither replaces nor supplements 10.27,G, Motorized Recreational Gold Prospecting.

H. DRIVEWAYS ASSOCIATED WITH RESIDENTIAL STRUCTURES AND USES

Driveways not in conformance with the standards of this section may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of this section, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

1. Applicability.

The following requirements apply to the construction of driveways for single family and two family dwelling units in all subdistricts where driveways associated with residential uses are allowed without a permit. These standards, along with the standards of Section 10.25,D,4, may be used as guidance in processing an application for driveways to be located in those subdistricts where driveways require a permit from the Commission.

- a. **Other Permits.** If a permit has been issued for the development of the lot to be served by the driveway or if the lot is part of a subdivision for which a permit has been issued, conditions of the building permit or subdivision permit regarding construction of driveways supersede provisions of this subsection.
- b. **Length.** If the length of a proposed driveway is greater than 1,000 feet, it is regulated as a road and requires a permit from the Commission unless it qualifies as a land management road.

2. Water Body Setback.

- a. **Minimum Setback.** The minimum water body setback for a driveway which accesses an undeveloped lot or a lot having residential structures is:
 - (1) 100 feet from the nearest shoreline of a flowing water draining 50 square miles, and a body of standing water greater than 10 acres in size;
 - (2) 75 feet from the nearest shoreline of a tidal water; and
 - (3) 50 feet from the upland edge of minor flowing waters and mapped P-WL1 wetlands.
- b. **Exceptions to Water Body and Wetland Setback Requirements.**
 - (1) The water body and wetland setback requirements do not apply to approaches to water body or wetland crossings.
 - (2) A lesser setback may be allowed with a permit in the following instances provided no other reasonable alternative exists and appropriate techniques are used as needed to prevent sedimentation of the water body.
 - (a) In the case of legally existing nonconforming structures located in the shoreland area, the driveway may extend to the portion of the principal

structure farthest from the normal high water mark of the water body, but in no case closer than 50 feet from the normal high water mark of the water body; or

- (b) To allow access to permitted facilities located nearer to the shoreline due to an operational necessity as described in Section 10.26,G,5.

3. Property Line Setback.

a. **Minimum Setback.** The minimum property line setback for a driveway is 15 feet.

b. **Exceptions to Property Line Setback.**

- (1) A shared driveway need not meet the minimum setback.
- (2) The minimum setback standard does not apply to authorized approaches to and crossings of property lines or to crossings along easements or rights of way established in deed or lease.
- (3) A lesser setback may be allowed with a permit upon written permission of the abutting landowner.

4. Road Frontage. The lot to be served by the driveway must have a minimum of 100 feet of road frontage.

5. Entry onto Roadways, including State Highways. The entry must not be located on a curve and must be placed so as to allow adequate line of sight for safe entry onto the roadway. The driveway must be designed such that vehicles may exit the premises without backing onto the roadway or shoulder. If a driveway is to enter directly onto a state or state-aid highway, the person wishing to construct the driveway must first obtain written permission from the Maine Department of Transportation.

6. Crossings of Flowing Waters. If a driveway will cross a flowing water, the crossing must be accomplished in accordance with the standards for installation of water crossings set forth in Section 10.27,D,2.

7. Wetlands Alteration. The driveway must not alter any portion of a mapped P-WL1 subdistrict or more than 4,300 square feet of a mapped P-WL2 or P-WL3 subdistrict without a permit.

8. Maximum Slope. The driveway must not have a sustained slope of more than 8%.

9. Erosion and Sedimentation Control.

a. The driveway must be located, designed and constructed so that:

- (1) It will not erode or create any undue restriction or disruption of existing surface water drainage ways;
- (2) It will divert runoff to a vegetated buffer strip so as to prevent it from directly entering a water body, mapped P-WL1 wetland, or roadway.

- b. Except for the travel surface of the driveway, all areas of disturbed soil must be promptly reseeded and mulched to prevent soil erosion.
- 10. Fill Material.** Fill material used in the construction of a driveway must not contain demolition debris, trash, rubbish, or hazardous or toxic materials.

I. PESTICIDE APPLICATION

Addendum neither replaces nor supplements the standards of 10.27,I, Pesticide Application.

J. SIGNS

Addendum neither replaces nor supplements the standards of 10.27,J, Signs.

K. WATER IMPOUNDMENTS

Addendum neither replaces nor supplements the standards of 10.27,K, Water Impoundments.

L. TRAIERED RAMPS, HAND-CARRY LAUNCHES, AND WATER-ACCESS WAYS

Except as hereinafter provided, trailered ramps, hand-carry launches, and water-access ways not in conformance with the standards of this section are prohibited.

Except as provided for in Section 10.27,L,4, trailered ramps, hand-carry launches, and water-access ways require a permit from the Commission. Where a permit is required, the proposal must meet the general Criteria for Approval, Section 10.24, and the Criteria for Wetland Alterations, Section 10.25,P, in addition to any applicable requirements set forth in these rules.

1. Private Trailered Ramps, Hand-carry Launches, and Water-access Ways.

Wherever private trailered ramps, or hand-carry launches, or water access ways are allowed by special exception, the following apply:

For a proposed private trailered ramp, hand-carry launch or set of water-access ways, the following constitutes “an alternative site reasonably available” to the applicant:

- a. An existing public or commercial trailered ramp or set of water-access ways if it has two or more associated parking spaces for motor vehicles with trailers and is located within 15 road miles or 5 miles by water of the applicant’s proposed development,
- b. A proposed public or commercial trailered ramp or set of water-access ways located within 15 road miles or 5 miles by water of the applicant’s proposed development, provided such a facility is proposed for construction within 2 years of the date of the application.

2. Facilities Associated with Shorefront Subdivisions.

Shorefront subdivisions may be permitted no more than one trailered ramp, hand-carry launch or set of water-access ways, and one permanent dock. Any such facility must comply with Section 10.27,L,5, and Section 10.27,O, and must be accessible to all lots in the subdivision. The location of the facility must be identified on the subdivision plat and right of access must be covenanted in the deeds of all lots in the subdivision.

3. Maintenance of Trailered Ramps and Hand-carry Launches.

Maintenance. Every application for a permit, or permit by special exception for a new or replacement trailered ramp or hand-carry launch, or expansion thereof, must contain a description of the procedures the applicant will follow to maintain the facility on an ongoing basis in compliance with the standards of Section 10.27,L,5, to minimize erosion, sedimentation, and transport of phosphorus into the water body.

4. Notification for Trailered Ramps and Hand-carry Launches.

Public trailered ramps and public hand-carry launches are allowed without a permit within the shoreland zone of all water bodies except those identified as Management Class 1, 2, and 6 Lakes.

The following notification provision applies to construction of new or replacement trailered ramps and hand-carry launches where such projects are allowed without a permit. If a proposed project fails to meet any notification requirement or other applicable rule, the project requires a permit.

- a. Every notification must be on a form provided by the Commission.
- b. At least 30 days before filing the notification with the Commission, the applicant shall inform the Commission of the intent to file, mail notice to the local board of selectmen/assessors, if applicable, and to all landowners/lessees within 1000 feet of the proposed project according to the records of Maine Revenue Services or the applicable plantation/municipality. At the time of notice, a draft notification form must be available for inspection. The notice must state how to obtain a copy of the draft notification, the anticipated date for filing of the notification with the Commission, and a statement that public comments on the notification may be submitted to the Commission. Unless this deadline is extended by the Commission, any such comments must be submitted to the Commission by the anticipated date of the filing of the notification with the Commission.
- c. The applicant may proceed with the proposed project 14 days after filing the notification with the Commission unless within this time period the Commission staff informs the applicant in writing that issues have been identified by Commission staff or other persons regarding the adequacy with which Section 10.27,L,4 and 5 are met or that there may be an undue adverse impact on existing uses or resources in the project area. If these issues cannot be resolved, the Commission will determine if there is sufficient public interest in the project to warrant consideration of a public hearing on the notification. If a hearing is held, the Commission may consider compliance with the applicable requirements of Section 10.27,L,4 and 5 and impacts on existing uses or resources in the project area. Within 60 days after the close of any public hearing, the Commission shall inform the applicant in writing of its determination. If the Commission determines that the requirements of Section 10.27,L,4 and 5 are met and that the project will not have an undue adverse impact on existing uses or resources in the project area, the notification will be accepted. If the notification is not accepted, the project will require a permit to proceed.
- d. **Expiration.** A notification expires 2 years from the date of acceptance by the Commission.

5. Design and Construction Standards for Trailered Ramps and Hand-carry Launches.

Unless otherwise indicated, the following standards apply to trailered ramps and hand-carry launches that are subject to the notification provisions in Section 10.27,L,4, and to all commercial or private trailered ramps and hand-carry launches.

- a. **Erosion Prevention and Control During Construction.** Eroded soil or fill material from disturbed areas must be prevented from entering a water body. Properly installed erosion control measures, such as staked hay bales and silt fence, must be in place before the project begins. These erosion control measures must remain in place, functioning as

intended, until the project area is permanently stabilized. Erosion and sedimentation control measures must comply with “Maine Erosion and Sediment Control BMPs,” Maine Department of Environmental Protection, March 2003.

- b. **Avoidance of Water Bodies.** No portion of a ramp or related facilities may be located in, on, or over wetlands, other than the water body being accessed, identified as P-WL1 on the Commission’s zoning map for the project area. Parking areas, access roads, and paths must not be located in a stream, wetland designated as P-WL1, or other water body, except that an access roadway may cross a stream if requirements of Section 10.27,D, pertaining to water crossings, are met.
- c. **Maintenance of Vegetated Buffer.** Trailered ramps, hand-carry launches, and associated facilities must be designed to minimize disturbance to the water body’s vegetated buffer. A vegetated buffer zone at least 25 feet wide for public facilities (100 feet for private facilities) must be maintained or established between any parking area and the water body. In the case of private trailered ramps, if the lot does not have a well established vegetated buffer consisting of trees, shrubs and woody or herbaceous ground cover within 100 feet of the normal high water mark of the water body, the applicant must propose to enhance the existing shoreland buffer to compensate for the loss of vegetated buffer due to construction of the ramp.
- d. **Runoff Diversion.** Parking areas, access roads, and paths must divert runoff away from the ramp or launch to an area where it will infiltrate into the ground or pass through a sedimentation basin before reaching the water body. For private facilities, the total land area above the normal high water mark that drains directly into the water body along the approach or from cut slopes must be no greater than 200% of the area of the ramp or launch lane above the normal high water mark.
- e. **Trailered Ramps.**
 - (1) A public trailered ramp having a slope in excess of 8% must be hard-surfaced except where the agency responsible for maintaining the facility anticipates a level of use that does not justify the expense of a hard surface facility. Should the level of use increase such that erosion problems become evident, the responsible agency shall insure that appropriate measures are taken to repair such erosion and avoid any further erosion.
 - (2) Private trailered ramps shall not be hard surfaced. Private sites shall be limited to those areas where the portion of the ramp below the normal high water mark is composed of natural sand, gravel or cobble bottoms.
 - (3) The portion of the ramp used by the towing vehicle may not have a slope that exceeds 15% within 100 feet of the normal high water mark. The portion of the ramp used by the trailer only may not have a slope that exceeds 20%;
 - (4) The width of the ramp lane must not exceed 20 feet for public or commercial trailered ramps, or 10 feet for private trailered ramps;

- (5) The uppermost 6 inches of the base must consist of crushed rock or screened gravel having 5% or less material passing a 200 mesh sieve;
 - (6) Cut or filled slopes at or below the normal high water mark must be protected with riprap; cut or filled slopes above the normal high water mark must be protected by vegetation or riprap so they do not erode; and
 - (7) The total area disturbed in the construction of private facilities shall not exceed 1,000 square feet within 50 feet of the normal high water mark.
- f. **Associated Docking Systems.** For a public or commercial trailered ramp, an additional area up to 8 feet wide may be constructed using bituminous pavement, precast concrete planks, panels or slabs to support docking systems.
- g. **Hand-carry Launch.** A hand-carry launch must meet the following specifications:
- (1) The hand-carry launch area and access pathway must not be hard surfaced and must be constructed of gravel, rock, vegetation, or other natural erosion resistant materials;
 - (2) The sloped portion of the launch above the normal high water mark must have a slope no greater than 18%;
 - (3) The access path must have a maximum width of 6 feet and must have at least one bend to divert channelized runoff; and
 - (4) A landing area that is cleared of obstructions must be no wider than 20 feet and must extend no more than 20 horizontal feet below normal high water mark.
 - (5) Filled or cut slopes at or below the normal high water mark must be protected with riprap.

Within those subdistricts where hand-carry launches are allowed without a permit, the standards for hand-carry launches may be exceeded upon issuance of a permit.

- h. **Geoweb.** Geoweb cellular confinement system must not be used below or within two vertical feet above the normal high water mark of the water body.
- i. **Concrete.** Uncured concrete must not be placed directly into the water. Concrete must be pre-cast and cured at least three weeks before placing it in the water or, where necessary, must be placed in forms and must cure at least one week before the forms are removed.
- j. **Washing.** No washing of tools, forms, or similar material may occur in or adjacent to the water body or wetland.
- k. **Lumber.** The use of untreated lumber is preferred. Pressure-treated wood approved by the U.S. Environmental Protection Agency for dock construction may be used. Chromated copper arsenate (CCA) treated wood must not be used in freshwater environments. Creosote or pentachlorophenol (PCP) treated wood must not be used.

- l. **Machinery in Water.** Machinery may enter the water traveling or operating only on newly placed material or temporary mats and only when necessary to excavate or place material below the water level.
- m. **Debris.** Any debris generated during the work must be prevented from washing into the water and must be removed from the wetland or water body. Disposal of debris must be in conformance with the Solid Waste Law, 38 M.R.S.A. §1301 et seq.
- n. **Dimensional Requirements.** The shoreline frontage requirement for public boat launches may be waived to no less than 200 feet provided the applicant demonstrates there will be no undue adverse impact to existing uses in the project area.

M. SERVICE DROPS

Addendum neither replaces nor supplements the standards of 10.27,M, Service Drops.

N. HOME OCCUPATIONS

Addendum neither replaces nor supplements the standards of 10.27,N, Home Occupations.

O. PERMANENT DOCKING STRUCTURES

Addendum neither replaces nor supplements the standards of 10.27,O, Permanent Docking Structures.

P. ACCESSORY STRUCTURES

Addendum neither replaces nor supplements the standards of 10.27,P, Accessory Structures.

Q. RECREATIONAL LODGING FACILITIES

All new recreational lodging facilities in the D-FRL-RF Zone, and reconstruction of or substantial improvements to existing recreational lodging facilities, must be developed in conformance with the standards of this Section or in accordance with other applicable provisions of this Chapter. If the requirements in the standards below are at variance with the requirements of any other provisions of this Chapter, or other lawfully adopted rules, regulations, standards, or ordinances, the more protective of existing natural, recreational and historic resources shall apply.

1. Recreational Lodging Categories.

A recreational lodging facility will be categorized based on the factors in Table A below. A facility will be categorized in the lowest facility level (A, B, C, or D or E, with A being the lowest level and E being the highest level) in which the facility does not exceed any of the limits established in the Table A. Facilities in existence prior to July 1, 2013 may be categorized without regard to footprint of clearing. If such a facility exceeds the footprint of clearing standard for the facility level, the total footprint of clearing may not be increased without recategorizing the facility. Except that if necessary for the siting of new development on appropriate soils, up to 10,000 square feet of new cleared area may be created, provided an equivalent area of existing clearing must be revegetated, and must be sited to maximize visual screening.

~~Within the D-GN, D-GN2, D-GN3, D-RF, and M-GN Subdistricts, Level C and Level D facilities may offer expanded services to the general public and increased overnight occupancy as provided in Table B, with the rows labeled 5 through 9 in Table B substituting for the corresponding rows in Table A. In these subdistricts, Table B adjusts Table A. A Level C or Level D facility applying any of the Table B adjustments is referred to in Sub-Chapter II as a “Level C – Expanded Access” facility and “Level D – Expanded Access” facility, respectively. As provided in Sub-chapter II, these expanded access facilities require permit or special exception approval.~~

Factors	A	B	C	D
(1) On-site recreation activities, features, and/or services ⁽ⁱ⁾	N	Low noise, odor Mostly screened		Some noise, odor Partially screened
(2) Utilities: May be served by public utilities and/or indoor plumbing or water and electric at campsites	N	Y	Y	Y
(3) Floor area of principal buildings (in square feet) ⁽ⁱⁱ⁾ :	≤ 750	≤ 8,000	≤ 12,000	≤ 20,000
(4) Footprint of clearing within 250 feet of any body of standing water, tidal waters, or flowing waters downstream from the point where such waters drain 50 square miles or more. (in square feet) <i>Section 10.27,B still applies:</i>	≤ 3,000	≤ 24,000	≤ 36,000	≤ 60,000
(5) Retail (in square feet):	0	≤ 100	≤ 200	≤ 500
(6) Dining amenities	N	Guests	Guests	Guests
(7) Fuel sales	N	Guests	Guests	Guests
(8) Recreation activities, features, and/or services ⁽ⁱ⁾	N	Guests	Guests	Guests
(9) Overnight occupancy (in people):	≤ 80	≤ 100	≤ 150	≤ 250
Factors	A	B	C (Expanded Access)	D (Expanded Access)
(5) Retail (in square feet):			< 200 < 500 or not more than 10% of floor area of principal buildings, whichever is larger	
(6) Dining amenities			Public	Public
(7) Fuel sales			Public	Public
(8) Recreation activities, features, and/or services ⁽ⁱ⁾			Public	Public
(9) Overnight occupancy (in people):			≤ 300	≤ 400

Key:

- N = not allowed;
- Y = allowed but not required;
- Guests = amenities may be available to overnight guests and may be available on an incidental basis to the general public. In this regard, these amenities provide only limited services or purpose for the convenience of guests, and that, while they may be occasionally patronized by others, are not of a type, scale or design intended to meet the needs primarily of the greater region. Activities, features, and services that are individually advertised are not considered incidental. Activities, features, and services that are not incidental are regulated under separate use listings.
- Public = amenities may be available to overnight guests as well as the general public on a regular basis. With regard to fuel sales, "Public" allows the retail sale of not more than two fuel types (e.g., gas, diesel, aviation gas, natural gas, or propane) to the public with not more than one functioning dispensing device per fuel type where each device can serve no more than one vehicle, customer or container simultaneously, except when the applicant can demonstrate that such dispensing device is not practicable. A recreational lodging facility may continue to utilize any dispensing devices that: i) were in private use at the facility as of August 5, 2013; and ii) do not conform to the provisions above regarding the number of fuels or vehicles, customers, or containers served simultaneously. However, in such cases, any new or replacement fuel dispensing devices shall conform to the provisions above regarding the number of fuels or vehicles, customers, or containers served simultaneously.

Table A and B Notes:

- (i) See definitions.
- (ii) Floor area limits in Table A may be increased by 25% in accordance with Section 10.27,Q,2.

2. Floor Area Adjustment for Expanding Square Footage.

~~In any subdistrict, Aa recreational lodging facility or proposed facility legally bound by provisions acceptable to the Commission that result in a 25 foot vegetative buffer along all property lines facing exterior roads and 50% more depth of the vegetative buffer than otherwise would be required by Section 10.27,B along a whole shoreline and that restrict building color to blend in with the surrounding area and restricts the use of reflective surfaces, shall be allowed 25% more square footage than the floor area limits of Section 10.27,Q,1, Table A. If the subdistrict (see Sub-chapter II) in which the facility is located or is proposed to be located has more restrictive square footage limits, then the subdistrict square footage limits shall apply.~~

3. Geographic Allowance Area.

Certain levels of recreational lodging facilities located within the M-GN, D-GN, or D-RF Subdistricts and within one of the areas described below may be allowed by permit or by special exception (see Sub-chapter II). Facilities located within townships or plantations located within the Prospective Zoning Plan for the Rangeley Lakes Region and facilities located on islands may not receive such geographic allowance.

- a. Within 2 miles measured in a straight line from a public road (except Interstate 95), and located within 10 miles measured in a straight line from the boundary of one of the following municipalities: Anson, Ashland, Bethel, Bingham, Calais, Caribou, Carrabassett Valley, Dover-Foxcroft, Eastport, Ellsworth, Eustis, Farmington, Fort Kent, Gouldsboro, Greenville, Guilford, Houlton, Island Falls, Jackman, Jonesport, Kingfield, Lincoln, Lovell, Lubec, Machias, Madawaska, Medway, Milbridge, Millinocket, Milo, Newry, Oakfield, Old Town, Orono, Patten, Presque Isle, Princeton, Rangeley, Rockwood Strip T1 R1 NBKP, Rumford, Saint Agatha, Sullivan, The Forks Plantation, Unity, Van Buren, Waterford, Wilton. Facilities located within one of these towns, townships, or plantations shall be considered to be within 10 miles of the boundary.

4. Measuring Square Footage Limits.

Unless otherwise specified by another provision, any square footage limitations for recreational lodging facilities shall be a calculation of the total floor area for all principal buildings associated with the facility. For purposes of this calculation, principal buildings generally include, for example: main lodge, cabins for the housing of guests, bathroom facilities, sauna/spa, caretaker and guide housing, and recreation rooms. (e.g., the principal space available to or necessary for serving the guests). Further, accessory structures are not counted, including but not limited to: wood shed, generator building, workshop, storage, composting toilet infrastructure, and structures having a footprint of not more than 100 square feet which are part of an on-site recreation activity. Outpost cabins may not be considered in determining conformance of a Commercial Sporting Camp with the applicable floor area limitation of Section 10.27,Q,1.

5. Campgrounds.

- a. RVs that are at individual sites or campgrounds shall not have permanent foundations and shall not have the wheels removed.
- b. In order to comply with transient occupancy standards, a tent, trailer, camper, recreational vehicle, or similar device used for camping may be stored within a storage area on the premises of the campground provided that the device is not utilized or inhabited while located within the storage area that is not a campsite.

6. Conversion of Use.

Pursuant to 12 M.R.S.A. § 685-B(1)(A), recreational lodging facilities may not be converted to another use without a permit issued by the Commission. Conversion may be permitted, provided the proposed use is allowed within the subdistrict and complies with the all applicable regulations. When the conversion is to a residential use, the following shall apply:

- a. The structures will comply with the provisions of Sections 10.11,B, C and D; and
- b. Any water dependent structures for recreational lodging facilities must be removed or relocated to a location conforming with the provisions of Section 10.26,D; and
- c. The lots and structures must comply with all applicable rules, including subdivision standards in Section 10.25,Q and Section 10.25,R.
- d. However, notwithstanding Section 10.27,Q,6,c, if the subdivision of the facility into individual lots would not meet the necessary subdivision design standards of Section 10.25,Q or Section 10.25,R, or the minimum lot standards, the Commission may permit the conversion of use provided that:
 - (1) the principal structures may be sold individually but shall be limited by deed restrictions to existing square footage of floor area or footprint;
 - (2) the lot must be commonly owned as a condominium lot;
 - (3) the conversion and related division shall meet the subdivision design standards to the greatest extent practicable; and
 - (4) in no case shall less than three (3) principal structures be located on a commonly owned lot.
- e. If a campground is converted to another use:
 - (1) the historic use of a site for an RV do not establish a right to use that site or permanently place an RV or other structure at that site; and
 - (2) permanent structures, including but not limited to an office, store, bathhouses, and recreation buildings, may be allowed to remain and/or be converted to another use, in conformance with other provisions of the Commission's Land Use Districts and Standards.

7. Water-dependent Structures for Recreational Lodging Facilities.

Recreational lodging facilities may include not more than two water-dependent structures per waterbody, including but not limited to: swimmer sign-out boards, boat racks, and a shed building for the storage of personal floatation devices, paddles, anchors, and other water-related equipment. Such buildings and structures shall:

- a. Contain not more than 100 square feet of floor area per structure;
- b. Not be constructed on a permanent foundation;
- c. Not be habitable or inhabited;
- d. Be located not less than 25 feet from the normal high water mark of any waterbody or watercourse;
- e. Be used only for the purposes of this section; and
- f. Be screened by vegetation or topography from the waterbody.

**ADDENDUM TO THE COMMISSION'S
LAND USE DISTRICTS AND STANDARDS (CHAPTER 10)**

SUBCHAPTER IV: SUPPLEMENTAL REVIEW PROCESSES AND REQUIREMENTS

Subchapter IV: Supplemental Review Processes and Requirements

- 10.28 Limitations on numbers of units, any unit sequencing or unit swapping
- 10.29 Limitations and/or standards regarding shoreland structures and water access sites – subdivisions/private, and public sites
- 10.30 Home Owners Association
- 10.31 Sustainable Forestry Principles

10.28 LIMITATIONS ON NUMBERS OF UNITS WITHIN NEW RESIDENTIAL DEVELOPMENT AREAS

A. Purpose

This section establishes limitations on the numbers of units that may be authorized during the 30-year term of the Concept Plan within the new residential Development Areas identified in the Concept Plan Area.

For purposes of this section, “units” means:

- (1) Dwelling units (including single-family dwellings, two-family dwellings, multi-family dwellings, accessory structures intended for human habitation that have plumbing, bed and breakfast facilities, condominiums, townhouses, caretaker/manager housing, employee housing, and affordable housing); and
- (2) Overnight accommodation units within recreational lodging establishments (such as a room, suite, or housekeeping cabin).

B. Limitations on Numbers of Units

For purposes of this Sub-section B, a unit shall be deemed “approved” when (a) for residential development, a subdivision permit has been issued by the Commission authorizing the parcel upon which the unit will be placed, or (b) for non-residential development, a development permit has been issued by the Commission authorizing the recreational lodging establishment within which the unit is to be placed.

1. Concept Plan Limitation on Units

The aggregate number of new units approved in all of the new Residential Development Areas during the 30-year term of the Concept Plan shall not exceed 330 (“total unit cap”).

2. Maximum Total Units by Lake

- (a) Long Lake Development Areas: The Maximum Total Units for Development Areas on Long Lake shall not exceed 75.
- (b) Cross Lake Development Areas: The Maximum Total Units for Development Areas on Cross Lake shall not exceed 125.
- (c) Square Lake Development Areas: The Maximum Total Units for Development Areas on Square Lake shall not exceed 130.

3. Development units may not be transferred from one lake to another lake within the Plan Area.

4. Calculating Units

For purposes of calculating limitations on numbers of units pursuant to Sub-sections B.1 and B.2, above:

- (a) Each single-family dwelling, each unit comprising a two-family or multi-family dwelling, each bed and breakfast facility, and each accessory structure intended for human habitation that has plumbing shall count as one unit.²
- (b) Each room or suite intended for human habitation included within a recreational lodging establishment shall count as one unit, except as follows:
 - (i) So long as they do not have separate kitchens, rooms that are parts of a suite shall not be counted as separate units, even if such rooms have a separate entry and egress or may occasionally be separately rented (“lock-off rooms”).
 - (ii) Back country huts, Remote Rental Cabins, Campgrounds, Remote Camps, Remote Campsites, and campsites shall not count as units.

² For example, a two-family dwelling would count as two units, a four family condominium (multi-family dwelling) would count as four units; however, a bed and breakfast facility (which may contain up to six sleeping rooms) would count as one unit.

10.29 LIMITATIONS ON SHORELAND STRUCTURES AND WATER ACCESS SITES

A. Shoreland Structures and Water Access Sites

For purposes of this section, “shoreland structures” means (1) temporary docking and mooring structures, and (2) the shoreland alterations for commercial or non-commercial use of the following: hand-carry launches, trailered ramps, mooring structures, permanent on-shore structures to secure docks and moorings, marinas and water-access ways, picnic shelters, temporary storage facilities for canoes, kayaks and other small boats, bulletin boards, and similar small-scale structures.

For purposes of this section, “water access sites” means lots or common areas along the shoreline of a body of standing water 10 acres or greater in size specifically devoted to the accommodation of permitted shoreland structures. If a water access site is proposed to include more than one shoreland structure, those structures shall be sited and designed to minimize, to the greatest extent practicable, the amount of shoreline used.

B. Limitations on Shoreland Structures and Water Access Sites

1. Water access sites shall be permitted for each residential subdivision proposed in the new residential Development Areas provided that there shall be no more than 1 water access site per 20 units.
2. No more than 1 water access site shall be permitted on Carry Pond. The scale of shoreland structure shall be limited to hand carry launches and picnic shelters.
3. No more than 1 water access site shall be permitted on Dickey Pond. The scale of shoreland structure shall be limited to hand carry launches and picnic shelters.
4. No more than 1 water access site shall be permitted on Little California Pond. The scale of shoreland structure shall be limited to hand carry launches and picnic shelters.
5. No more than 1 water access site dedicated for public use shall be permitted on Mud Lake.
6. No more than 1 water access site dedicated for public use shall be permitted in the vicinity of Square Lake E.

C. Temporary Docking Structures

Once the locations, dimensions, and types of water access sites have been approved as part of a subdivision or development permit, temporary docking structures and temporary on-shore structures used to secure docks and moorings for non-commercial use that were included in the approvals may be installed and re-installed without additional permits.

D. Consultation Requirements

Prior to submitting an application to the Commission, an applicant proposing a water access site and any associated shoreland structures shall consult with governmental review agencies, including the Maine

Department of Inland Fisheries and Wildlife, Maine Natural Areas Program, and the State Soil Scientist, regarding the locations of proposed water access sites and the types and numbers of proposed shoreland structures. The applicant shall submit a written statement to the Commission summarizing the advice of these governmental review agencies and shall explain how such advice was taken into consideration in development of the proposal. This written statement shall be included in any subdivision or other development permit application.

10.30 HOME OWNERS ASSOCIATION

Upon the sale of lots for residential uses within the Plan Area, homeowners shall be required to join homeowners associations to manage common facilities, such as roads, as may be appropriate.

10.31 SUSTAINABLE FORESTRY PRINCIPLES

Sustainably managed forests are an important asset to the areas within the Plan Area. The following will guide forestry activities in the Plan Area under the outcome-based forestry principles pursuant to Title 12 M.R.S., Section 8869, Subsection 3-A.

- 1. *Water Quality, Wetlands, and Riparian Zones*** – The Plan Area has a diverse range of aquatic habitats, including bogs, fens, thoroughfares, wetlands, streams, lakes, and ponds, that are recognized for their water quality and the quality of their fisheries, their undeveloped shorelines and riparian areas, and their ecological values. Forestry activities in the Plan Area will meet and or exceed the current LUPC or MEDEP standards for setbacks and buffering through adoption of the Addendum.
- 2. *Soil Productivity*** – Soil productivity is important for regrowth of the forest resource. Forestry activities within the Plan Area will be conducted pursuant to policies to maintain or improve site productivity. This will include setting specific policies for limiting the total amount of roads and landings within the Plan Area and establishing site disturbance procedures for rutting. No more than 5% of the land base will be in forestry roads or landings within the areas that are zoned as M-FRL-GN. Rutting can cause erosion and soil compaction. Rutting is not allowed within watercourse buffers. Outside of a water course buffer, no more than 30% of trails shall contain a rut (ruts are 12” deep and 60’ long) in any given harvest area.
- 3. *Timber Supply and Quality*** – The timber supply within the Plan Area is diverse and of high quality. To help sustain the timber supply and quality silviculture, activities will focus on stand tending and planting programs that optimize growth and long term forest health. Planting and tending levels shall be determined as part of a forest management plan which is updated on a rolling basis.
- 4. *Aesthetic Impacts of Timber Harvesting*** – The Plan Area has scenic qualities and aesthetic values that are intrinsic to the recreational resources and overall enjoyment by visitors. As part of the development of a Forest Management Plan, planners shall identify, through a public process, areas that may have scenic or aesthetic value in the areas that are targeted for forestry activity. Within these areas, harvest operations will use methods that minimize the visual impacts. In addition, all forestry and planning staff will be trained in methods to minimize visual impact.
- 5. *Biodiversity*** – The Plan Area has a diverse and extensive range of wildlife, forest, meadow, and other terrestrial habitats, including habitats of rare, threatened and endangered flora and fauna, natural communities, and places of significant ecological value. The maintenance of biological diversity with healthy populations of flora and fauna will be assured through a variety of practices including:

- a. **Deer Wintering Areas (DWAs)** – Using current scientific and biological data, DWAs will be identified and managed to maintain or improve the quality of their habitat. Management of DWAs outside of State regulated areas will continue to be coordinated with Maine IF&W or its successor through cooperative agreements and partnerships.
 - b. **Late Successional Forest Policy** – Currently there are 2,500 acres of late successional forests within the Plan Area. These are important habitats for plant and animal species that rely on a mixture of dead and fallen trees and multiple canopy layers. Ten percent of each of the 5 major stand types of concern (old tolerant hardwood stands, old tolerant mixed wood stands, old cedar stands, old pine/hemlock stands, old softwood stands) will be maintained by acreage in late successional stage(s).
 - c. **Snag Policy** – As part of the forest management and harvesting operations, portions of standing dead and coarse woody debris across the harvest areas will be maintained. Where practicable, trees containing active stick or cavity nesting birds, large hollow trees that are providing wildlife dens or nests, and trees with decay exhibiting heavy use by cavity excavating birds should be left standing. In even aged harvesting prescriptions, these trees could form the nucleus of an island. If these trees are located near the edge of a block or an adjacent riparian zone, small adjustments to the block boundary should be made.
 - d. **High Conservation Value Forests** – High conservation value forests are those that possess one or more of the following attributes: (1) forest areas containing globally, regionally, or nationally significant concentrations of biodiversity values; (2) forest areas that are in or contain rare, threatened, or endangered ecosystems; (3) forest areas that provide basic services of nature in critical situations (e.g., watershed protection or erosion control); or (4) forest areas fundamental to meeting the basic needs of local communities (e.g., subsistence or health) or are critical to local communities' traditional cultural identity (e.g., areas of cultural, ecological, economic, or religious significance identified in cooperation with such local communities). At locations within the Plan Area that are identified as High Conservation Value Forests, harvesting operations will be managed so as to minimize impacts to them or to avoid those areas altogether.
 - e. **Important, Rare, Threatened, and Endangered Habitats** – Within the Plan Area, there are areas that provide important habitat for rare, threatened, and endangered species. These include stick nests, rare plant sites, and smelt streams. These areas will be managed using techniques such as, but not limited to, timing of activities, maintaining buffers, and/or avoiding the area altogether.
6. **Public Accountability** – Forest management activities in the Plan Area will be subject to third-party verification by a recognized forestry certification program (for example, American Tree Farm System, Forest Stewardship Council, or Sustainable Forestry Initiative). A Forest Management Plan must be developed and approved by a licensed forester. Contractors must employ at least one Certified Logging Professional.

- 7. *Economic Considerations*** – The working forest is an important part of the local and regional economy. The majority of the Plan Area will remain available as “working forest” that contributes to the overall local economy.
- 8. *Social Considerations*** – Access to private timberlands for hunting, fishing, and other low-intensity recreational activities is an intrinsic aspect of the culture of Northern Maine. Traditionally managed access for recreational purposes will continue as long as such uses do not conflict with forest management operations or landowner values. This includes adopting the appropriate management policies for recreational users (for example, ATV and snowmobile use) and committing to allowing managed access to the Plan Area.
- 9. *Forest Health***—Overall forest health is critical to the sustainability of the ecological and economic success of a working forest. Within the Plan Area, ongoing actions to maintain forest health will continue, such as insect and disease monitoring/management, fire suppression activities, and other forest health actions.

Implementation Appendices

FISH RIVER CHAIN OF LAKES
CONSERVATION EASEMENT

Granted by

MAINE WOODLANDS REALTY COMPANY
ALLAGASH TIMBERLANDS LP
AROOSTOOK TIMBERLANDS LLC

to

FOREST SOCIETY OF MAINE
as Holder

CONSERVATION EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, MAINE WOODLANDS REALTY COMPANY, ALLAGASH TIMBERLANDS LP, AND AROOSTOOK TIMBERLANDS LLC, all with a place of business in Bangor, Maine (collectively, hereinafter referred to as “Grantor,” which word, unless the context clearly indicates otherwise, includes the above-named Grantor and its successors and/or assigns, GRANTS to FOREST SOCIETY OF MAINE, a Maine not-for-profit corporation with a place of business in Bangor, Maine (hereinafter referred to as “Holder,” which word shall, unless the context clearly indicates otherwise, include Holder’s successors and/or assigns), with QUITCLAIM COVENANT, in perpetuity, the following described Conservation Easement on land hereinafter referred to as the “Protected Property,” as described in Exhibit A-1 and as shown on maps in Exhibit A-2, each of which is attached hereto and made a part hereof by reference (the “Conservation Easement”).

PURPOSE

The purpose of this Conservation Easement is to provide a significant public benefit by protecting in perpetuity the “Conservation Values” (as defined herein) of the Protected Property and by allowing, but not requiring, the Protected Property’s continued operation as a “Commercial Working Forest” (as defined herein).

RECITALS

WHEREAS, the Protected Property is a predominantly forested land area of significant

breadth and diversity, with important values including sizeable forests of high quality, productive soils, diverse wildlife and plant habitat, rare and endangered species habitat, extensive bogs, wetlands, streams, lakes, ponds, and other water bodies, and unique natural features, and qualifies as a “relatively natural habitat of fish, wildlife, or plants, or similar ecosystem,” as that phrase is used in P.L. 96-541, 26 U.S.C. § 170(h)(4)(A)(ii), as amended, and in regulations promulgated thereunder; and

WHEREAS, the Protected Property contains popular recreational areas important to the people of the State of Maine, and guaranteed access to and use of the Protected Property by the general public for “Non-exclusive”, “Low-intensity Outdoor Recreation” (as such terms are defined herein) in perpetuity, consistent with the preservation and protection of the other values of the Protected Property and Grantor’s reserved rights, is in the public interest; and

WHEREAS, the Protected Property is capable of providing a continuing and renewable source of forest products; and

WHEREAS, Grantor has the reserved right to use the Protected Property for sustainably managed “Forest Management Activities” (as defined herein) under the terms and conditions set forth in this Conservation Easement, in a manner that is consistent with the protection of the Conservation Values; and

WHEREAS, the Parties agree that the Conservation Easement and the “Management Plan” (as defined herein) together are sufficient to ensure the protection of the Conservation Values; and

WHEREAS, the permanent protection of the Protected Property for conservation and for Non-exclusive, Low-intensity Outdoor Recreation, and the allowance of motorized recreational uses permitted pursuant to Section 6.1. hereof by the general public, while permitting use of the Protected Property for sustainable Forest Management Activities and other uses allowed in this Conservation Easement, all in a manner that is consistent with the protection of the Conservation Values, will make a lasting contribution to the State of Maine; and

WHEREAS, this Conservation Easement is granted in accordance with the terms and provisions of the “Concept Plan” (as defined herein); and

WHEREAS, this Conservation Easement is granted not as a gift but pursuant to the terms of the Concept Plan and in consideration for and mitigation of certain development rights that will be or have been authorized by the Maine Land Use Planning Commission (hereinafter referred to as “LUPC”); and

WHEREAS, Holder is a tax exempt public charity under §§ 501(c)(3) and 509(a) of the Internal Revenue Code of 1986, as amended, and the regulations thereunder (the “Code”), is qualified under §170(h) of the Code to receive qualified conservation contributions and is qualified to hold conservation easements pursuant to 33 M.R.S. § 476(2)B (as the same may be amended from time to time); and

WHEREAS, this Conservation Easement is created pursuant to the Maine Uniform Conservation Easement Act, 33 M.R.S. §§476 *et seq.* (as the same may be amended from time to time).

NOW THEREFORE, the Parties hereto have established this Conservation Easement affecting the Protected Property consisting of the following terms, conditions, restrictions, and affirmative rights, which shall run with and bind the Protected Property in perpetuity.

1. DEFINITIONS.

In this Conservation Easement, the following terms shall have the following meanings:

Back Country Hut: means a Structure providing short-term lodging in support of Non-exclusive, Low-intensity Outdoor Recreation. A back country hut may consist of, but not necessarily include, some or all of the following: a central area for serving meals and socializing for guests; office space; individual or shared sleeping accommodations; showers; toilets; and other amenities providing basic comforts and conveniences for guests. A back country hut shall be sized to have a ground level building footprint of no more than 7,000 square feet and an overall height of no more than 40 feet as measured from the original grade at the downhill side of the Structure to the highest point of the Structure. A back country hut may include accessory Structures that provide basic comforts and conveniences and are located, designed and sized to be in harmony with the surrounding natural environment, including, but not limited to, outdoor fire places or fire rings, picnic tables, picnic shelters, pressurized water systems, septic systems, workshops, woodsheds, laundry, equipment storage, and other utility buildings as needed.

Baseline or Baseline Documentation: means the baseline documentation report prepared in the manner described in Section 5 hereof.

Campground: means a camping facility designed for transient occupancy in support of Non-exclusive, Low-intensity Outdoor Recreation and/or motorized recreational uses permitted pursuant to Section 6.1 hereof. A campground includes campsites designed for tents, lean-tos, campers and other similar Structures providing basic shelter, but does not include cabins or other Structures providing enhanced camping conveniences. A campground may include limited accessory Structures that provide basic comforts and conveniences and are located, designed, and sized to be in harmony with the surrounding natural environment, including, but not limited to, fire places or fire rings, tent platforms, picnic tables, picnic shelters, boat launches, temporary docking and mooring Structures, privies, pressurized water systems, septic systems, bathhouses, beach and swimming areas, playgrounds, sports fields, reservations/rental offices, woodsheds, laundry, equipment storage, and other utility buildings.

Commercial Working Forest: means an area of land that is used for the production of revenue from the buying or selling of one or more products or services derived from Forest Management Activities.

Concept Plan: means the concept plan of Maine Woodlands Realty Company,

Allagash Timberlands LP, and Aroostook Timberlands LLC, entitled “The Fish River Chain of Lakes Concept Plan” and authorized by LUPC pursuant to Zoning Petition _____ on [DATE], as may be amended or extended.

Construction Materials: shall have the meaning ascribed to such term in Section 3.3(a) hereof.

Conservation Values: means the following values associated with the Protected Property:

1. **Forest Values**. The condition of the Protected Property as a healthy, diverse in age and biology, forest land area containing high quality, productive and non-eroding soils and capable of providing a continuing and renewable source of commercial forest products.
2. **Landscape-Scale Forestland Values**. The condition of each parcel of the Protected Property as a large, largely unfragmented, diverse, substantially natural, and sustainably managed forest land area.
3. **Aquatic Resources and Wetland Values**. The Protected Property’s diverse and extensive bogs, fens, thoroughfares, wetlands, streams, lakes, ponds, and other aquatic habitats, including fisheries habitats, their water quality, undeveloped shorelines and riparian areas, and the ecological values of these areas.
4. **Wildlife, Plant, and Natural Community Values**. The Protected Property’s diverse and extensive wildlife, plant, forest and other terrestrial habitats, including habitats of rare, threatened, and endangered flora and fauna, natural communities, and the ecological values of these areas.
5. **Recreational Values**. The diverse and extensive opportunities on the Protected Property for Non-exclusive, Low-intensity Outdoor Recreation that are not in conflict with the conduct of Forest Management Activities on the Protected Property.
6. **Scenic Values**. The scenic qualities of the Protected Property, as experienced from certain public vantage points, that are not in conflict with the conduct of Forest Management Activities on the Protected Property.

Development Signage: means signage and informational gatehouse(s) related to development authorized by this Conservation Easement.

Forest Management Activities: means all aspects of planting, tending, harvesting, and removal of any and all forest products, by any and all current and future planting, harvesting, and removal techniques allowable under law (now or in the future). Forest Management Activities shall include, but are not limited to, the following activities and Grantor’s management of such activities: reforestation, planting, growing, cutting, tending, and harvesting trees, forest products,

and other vegetation; construction, use, and maintenance of skid trails, skid roads, skidder bridges, log yards, landing and staging areas, land management roads, winter haul roads or other paths, roads, or trails used to provide pedestrian, domestic animal, and vehicular access on and from and within the Protected Property to carry out the Forest Management Activities on the Protected Property; clearing for reforestation; harvesting, pruning, girdling, thinning, or trimming trees and other vegetation; harvesting forest products with domestic animals or mechanical equipment; maintenance of existing fields and meadows; conducting timber cruising, forest management planning, forest stand improvement, forest crop selection, forest research, and other forest resource evaluation activities; cutting and removing forest products, including, but not limited to, trees, logs, poles, posts, pulpwood, firewood, chips, seeds, pine straw, stumps, seed cones, bark, shrubs, lesser vegetation, and biomass; collection and processing of all sugar maple products; conducting fire control and other activities to prevent or control losses or damage to forest crops or forest products; identifying and marking boundaries; salvaging forest crops or forest products; marking timber and performing other activities to identify trees or areas for harvest; performing commercial and pre-commercial silvicultural treatments; disposing of harvesting debris and conducting post-harvest or site recovery activities; prescribed burning; applying in accordance with applicable statutes and regulations herbicides, pesticides, fungicides, rodenticides, insecticides, and fertilizers; removing, loading, and transporting timber and other forest crops and products; processing forest products with portable or temporary equipment designed for in-woods processing, including the establishment and maintenance of log merchandising yards; trimming, cutting, removing, burning, or otherwise disposing of any trees or vegetation that are diseased, rotten, damaged or fallen; trimming, cutting, removing, or otherwise disposing of any trees or vegetation as is necessary to construct or maintain fire lanes, Trails, and any roads permitted under this Conservation Easement; and any other similar activities.

Forestry Improvements: means any and all Structures, facilities, improvements and utilities that are directly related to and required or desirable for the conduct of Forest Management Activities, including, but not limited to, roads, fences, bridges, gates, maple sugar houses and appurtenant facilities, forest management camps, logging camps or other similar Structures providing short-term housing, and barns, garages, storage facilities, portable sawmills, mobile chippers, and other equipment and facilities, associated signs and Structures, utility services to serve and support such Forestry Improvements, including telecommunication systems, electric power lines and generation facilities, wells, and subsurface wastewater disposal facilities.

Low-intensity Outdoor Recreation: means non-motorized outdoor, nature-based recreational activities, including, but not limited to, boating, swimming, fishing, hiking, hunting, trapping, picnicking, nature observation, photography, horseback riding, tent and shelter camping, cross-country skiing, bicycling, snowshoeing, rock climbing, ice climbing, and enjoyment of open space.

Management Advisory Team or MAT: means the Management Advisory Team referred to in Section 3.3(b) hereof.

Management Plan: means the Multi-Resource Management Plan of even date herewith

between Grantor and Holder called for in Section 3.3(b) hereof, and any subsequent amendments thereto.

Non-exclusive: means those activities available to the general public in which participation is not prohibited or affirmatively restricted based on required membership or application of other discriminatory or exclusive criteria; provided, however, that the charging of a reasonable fee for service or for reimbursement of costs for these activities, in and of itself shall not cause an activity to be deemed “exclusive”.

Party: means any one signatory to this Conservation Easement and its successors and/or assigns.

Parties: means all signatories to this Conservation Easement and their successors and/or assigns.

Permitted Construction Materials Removal Activities: shall have the meaning ascribed to such term in Section 3.3(a) hereof.

Permitted Public Purpose Transfers: shall have the meaning ascribed to such term in Section 7.3(c) hereof.

Qualifying Forestry Certification Program: means any of the following certification programs: (i) the Sustainable Forestry Initiative 2010 – 2014 Standards as in effect on the date hereof; (ii) the Forest Stewardship Council Program as in effect on the date hereof; (iii) any successor program to those listed in subparagraphs (i) and (ii) above; provided, however, that Holder shall have reviewed any successor program and determined that the standards and procedures of the successor program are no less protective of the Conservation Values than the program it is replacing (“approved successor program”); or (iv) any similar certification program to those listed in subparagraphs (i), (ii), and (iii) above; provided that Holder shall have reviewed any similar certification program and determined that the standards and procedures of the certification program are no less protective of the Conservation Values than the certification programs listed in either subparagraphs (i) or (ii) or their approved successor programs. Holder shall conduct such reviews in a timely manner. If Holder reasonably determines that the auditing process used or proposed to be used to determine compliance by Grantor with the standards of the qualifying certification program is administratively or technically incapable of making an accurate certification determination, Holder may remove a previously listed certification program from the list of qualifying certification programs, but only after the conclusion of all dispute resolution procedures pursuant to Section 18 hereof that may occur as a result of Holder’s reasonable determination, in which Holder’s determination of incapacity is upheld.

Recreational Facility Activities: means any and all activities, including, but not limited to, construction, maintenance, and operations related to those Structures and facilities permitted in Section 3.3(g) hereof.

Remote Rental Cabin: means a building or Structure used only as a short-term lodging facility in support of Non-exclusive, Low-intensity Outdoor Recreation and/or motorized

recreational uses permitted pursuant to Section 6.1 hereof. A remote rental cabin cannot: (i) be larger than 750 square feet in gross floor area; (ii) be served by any public utilities providing electricity, water, sewer, or telephone services, except radio communications, mobile phone services, or other similar non-land line based forms of communications; (iii) have pressurized water; (iv) have a permanent foundation, and (v) be located within 1,000 feet of any public road or within 1,000 feet of any other type of residential or commercial development.

Resource Information System: means an information system established and maintained by Grantor in accordance with Section 5.3 hereof that is sufficient, in the reasonable judgment of Holder, to meet Grantor's obligations pursuant to this Conservation Easement.

Septic Field Activities: means any and all activities that are associated with or necessary to enable the disposal, through spreading on the land, of septic tank waste generated solely by surrounding communities or activities and/or structures permitted on the Protected Property pursuant to this Conservation Easement, all in accordance with Section 3.3(c) hereof.

Solar Power Generation: means any and all activities and facilities that are associated with or necessary to enable the converting of solar energy into electrical energy, and the collecting and transmitting and/or distributing of such electrical energy, including, but not limited to: (i) determining the feasibility of solar energy conversion on the Protected Property, including, but not limited to, studies of the environment therein and extracting soil samples; (ii) constructing, installing, using, replacing, relocating and removing from time to time, and maintaining and operating, solar panels (including supporting towers and foundations), electrical distribution, collection, transmission and communications lines, electric transformers, telecommunications equipment, power generation facilities to be operated in conjunction with commercial solar panel installations, roads, lay-down yards, environmental and meteorological monitoring equipment, control buildings, maintenance yards, and related facilities and equipment; (iii) the study, design, construction, placement, maintenance, operation, and use of roads, Trails, electrical distribution, collection, transmission, and communications lines required to construct, place, maintain, operate, or use solar power generation equipment and transmit and/or distribute the electricity generated therefrom to local or long-distance electrical distribution systems; and (iv) the facilities, improvements, fixtures, and equipment, whether temporary or permanent, needed for construction, placement, maintenance, operation, or use of said roads and transmission and communications lines.

Structure: means anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground.

Trail: means all trails, including, but not limited to, trails for motorized recreational use and/or Non-exclusive, Low-intensity Outdoor Recreation.

Utility Structures: means Structures associated with the transmission and/or distribution of telecommunication, natural gas services, or electric power services, including, but not limited to, transmission and distribution lines, pipelines, cables, poles, and related equipment.

Water Extraction Activities: means any and all activities that are associated with or necessary to enable the surface and subsurface extraction of water for those uses permitted in Section 3.3(d) hereof.

Wind Power Generation: means any and all activities and facilities that are associated with or necessary to enable the converting of wind energy into electrical energy, and the collecting and transmitting of such electrical energy, including, but not limited to: (i) determining the feasibility of wind energy conversion on the Protected Property, including, but not limited to, studies of wind speed, wind direction, and other meteorological data, and extracting soil samples; (ii) constructing, installing, using, replacing, relocating, and removing from time to time, and maintaining and operating wind turbines (including supporting towers and foundations), electrical distribution, collection, transmission and communications lines, electric transformers, telecommunications equipment, power generation facilities to be operated in conjunction with commercial wind turbine installations, roads, lay-down yards, meteorological towers and wind measurement equipment, control buildings, maintenance yards, and related facilities and equipment; (iii) the study, design construction, placement, maintenance, operation, and use of roads, Trails, electrical distribution, collection, transmission, and communications lines required to construct, place, maintain, operate, or use wind power turbines and transmit the electricity generated therefrom to local or long-distance electrical distribution systems; and (iv) the facilities, improvements, fixtures and equipment, whether temporary or permanent, needed for construction, placement, maintenance, operation, or use of said roads and transmission lines.

2. PROHIBITED LAND USES AND STRUCTURES ON PROTECTED PROPERTY

The following land uses are specifically prohibited on the Protected Property unless expressly permitted elsewhere in this Conservation Easement: residential, commercial, industrial, public, and institutional uses. Structural development associated with the following land uses is specifically prohibited on the Protected Property unless expressly permitted elsewhere in this Conservation Easement: residential, commercial, industrial, public, and institutional uses. Without limiting the generality of the foregoing, the following Structures are all specifically prohibited on the Protected Property unless otherwise expressly permitted in this Conservation Easement: residential dwellings (including houses, apartment buildings, multi-family housing units, or mobile homes); permanent outdoor high-intensity lights; hostels, motels or hotels; billboards (other than directional and informational signs associated with permitted land uses); junk yards; landfills; energy generation or waste disposal activities; new public or toll roads or new long-distance energy, electrical, or telecommunications distribution systems that traverse or transect the Protected Property; and recreational vehicles left in any one place on the Protected Property for a length of time or in a manner that is inconsistent with short-term recreational purposes. Further, no new filling, drilling, excavation, or alteration of the surface of the earth, no removal of soil or minerals, and no changes in the topography are allowed on the Protected Property unless otherwise expressly permitted elsewhere in this Conservation Easement.

3. PERMITTED LAND USES AND PERMITTED STRUCTURES ON PROTECTED PROPERTY

3.1 **Perpetual Right for Specified Land Uses.** Notwithstanding any other provision in this Conservation Easement to the contrary, Grantor expressly reserves the right, all as defined by and subject to the terms and conditions contained in this Conservation Easement, including, but not limited to, those contained in Section 3.3 and Sections 6.1 and 6.2 hereof, to undertake and conduct, or allow to be undertaken and conducted, on the Protected Property: (i) Permitted Construction Materials Removal Activities; (ii) Forest Management Activities; (iii) Septic Field Activities; (iv) Water Extraction Activities; (v) Wind Power Generation; (vi) Solar Power Generation; (vii) Recreational Facility Activities; (viii) uses associated with the construction, maintenance, and operation of public fire, safety, and emergency Structures and telecommunication/cell “towers” as necessary; (ix) uses associated with the construction, placement, maintenance, and replacement of Development Signage; (x) Non-exclusive, Low-intensity Outdoor Recreation; and (xi) motorized recreational uses.

3.2 **Permitted Structures.**

(a) **New Structures.** Notwithstanding Section 2 above, the following new Structures are allowed to be constructed, placed, and maintained on the Protected Property: (i) new or expanded temporary or permanent roads and Utility Structures in accordance with Section 4 hereof; (ii) Structures accessory to and consistent with permitted uses set forth in Section 3.3 hereof; (iii) Structures required for nature observation (including, but not limited to, observation blinds and platforms); (iv) Trails; (v) Structures required for the administration and collection of fees in accordance with Section 6.2 hereof; and (vi) new Structures and improvements in furtherance of Non-exclusive, Low-intensity Outdoor Recreation and permitted motorized recreational uses pursuant to Section 6.1 hereof (including, but not limited to, trail heads, trailhead parking, bridges, benches, tables, erosion control systems, wells, springs, and unobtrusive signs for educational or informational purposes).

(b) **Existing Structures; Expansion.** Structures existing as of the date of the grant of this Conservation Easement may be repaired, maintained, and replaced in place and in kind at any time and from time to time, but may not be expanded without the consent of Holder, which consent shall be granted only upon a reasonable determination by Holder that such expansion will not result in a material adverse effect on the Conservation Values. Notwithstanding the foregoing, the level of consultation, review, or consent of Holder required (i) for proposed expansion of existing Structures that qualify as Forestry Improvements, shall be governed by Section 3.3(b) hereof, and (ii) for expansion of existing roads and Utility Structures, shall be governed by Section 4 hereof.

3.3 **Terms and Conditions Governing Specified Permitted Land Uses and Permitted Structures.**

(a) **Construction Materials Removal Activities.**

(i) Grantor hereby expressly reserves the right to excavate or alter the Protected Property by removal (by quarrying or otherwise) and storage of rock (including decorative rock), gravel, aggregate, sand, other similar construction or landscaping materials (collectively “Construction Materials”) in connection with (A) Forest Management Activities on the Protected Property; (B) Forest Management Activities on lands adjacent to the Protected

Property that are owned by Grantor, (C) the maintenance, construction, and use of roads that are used by Grantor to access the Protected Property or lands adjacent to the Protected Property that are owned by Grantor; (D) the road maintenance, property improvement, or construction activities of the State, cities, towns, local communities and third-parties for use in the surrounding communities, or (E) the maintenance, property improvement (including landscaping) or development of areas in the surrounding communities (such permitted excavations or alterations of the Protected Property are referred to hereinafter collectively as the “Permitted Construction Materials Removal Activities”). Grantor hereby expressly reserves the right to give, exchange, or barter Construction Materials from the Protected Property, or make sales thereof, for uses that are allowable for Permitted Construction Materials Removal Activities. Grantor’s Permitted Construction Materials Removal Activities under this Section 3.3(a), including, but not limited to, any reclamation undertaken following such activities, shall be conducted in accordance with applicable laws.

(ii) The right to conduct Permitted Construction Materials Removal Activities is subject to the requirement that the disturbed area for such activity does not exceed 5 acres in size per extraction site and that no more than 50 acres within any parcel of the Protected Property be actively disturbed and not revegetated and stabilized at any one time; provided that any site less than an acre in size, the materials from which are used solely for Grantor’s Forest Management Activities, shall not count for purposes of the cap set forth above. The removal of loose surface decorative rock that does not materially disturb forest soils and vegetation is not subject to these restrictions.

(iii) Grantor shall give Holder 10-day notice prior to commencement of Construction Materials Removal Activities at a new or expanded site of one acre or greater.

(b) Forest Management Activities.

(i) General Conduct of Forest Management Activities; Management Plan. Grantor hereby expressly reserves the right to conduct Forest Management Activities. All Forest Management Activities on the Protected Property, except timber cruising and resource evaluation, shall be conducted in accordance with the Management Plan. Grantor acknowledges that a purpose of the Management Plan is to guide Forest Management Activities so as to be in compliance with the terms and conditions of this Conservation Easement. The Management Plan shall both protect the Conservation Values and allow for the Protected Property’s continued operation as a Commercial Working Forest in accordance with the terms and conditions of the Management Plan. The Parties agree that the terms and conditions contained in this Conservation Easement and in the Management Plan (as may be amended or modified in accordance with this Section 3.3(b)(i)) are sufficient to protect the Conservation Values. Grantor shall operate within the constraints of the Management Plan, and the Management Plan shall be reviewed every 5 years by the Parties and the MAT. The associated annual operating plan shall be reviewed annually by the parties. The Management Plan shall remain in effect until amended or modified by the Parties, at which time the amended or modified form of the Management Plan shall become effective. No amendment or modification to the Management Plan shall become effective until agreed to by the Parties.

(ii) Management of Non-Commercial Vegetation. Grantor hereby

expressly reserves the right to manage non-commercial vegetation by cutting, pruning, and planting without the requirement of a management plan, as Grantor deems necessary to exercise the rights reserved to Grantor hereunder and to accommodate Non-exclusive, Low-intensity Outdoor Recreation and motorized recreational uses permitted pursuant to Section 6.1 hereof. Managing non-commercial vegetation includes, but is not limited to, the removal of vegetation for safety purposes, and for the creation of scenic vistas and views from Trails, public roadways, roads, campsites, overlooks, and public vantage points catalogued by Holder pursuant to Section 5.2 hereof, provided that all vegetation management shall be conducted in a manner that does not have a material adverse effect on the Conservation Values. The incidental sale of vegetation cut or removed from the Protected Property in the exercise of Grantor's non-commercial vegetation management rights shall not require a management plan, and need not be addressed in the Management Plan.

(iii) Forestry Improvements. Grantor may develop, construct, place, maintain, install, replace, expand, and repair at any time and from time to time Forestry Improvements on the Protected Property without Holder's consent, subject to the provisions of Section 4 hereof, including, but not limited to, the construction, placement, installation, expansion, and maintenance of temporary or permanent new roads required to conduct Forest Management Activities occurring outside of the Protected Property; provided, however, that, to the extent reasonably practicable, utility services crossing the Protected Property that are a part of Forestry Improvements shall be located in a manner to minimize the material adverse effects on the Conservation Values. All Forestry Improvements permitted hereunder shall be developed, placed, installed, and constructed in accordance with applicable laws.

(iv) Third-Party Certification.

(A) If Grantor seeks or maintains a third-party certification on the Protected Property, Holder shall be permitted to observe the audit process as it relates to the Protected Property and shall have access, subject to the provisions of Section 11 hereof, to Grantor's non-confidential supporting information for the certification as it relates to the Protected Property.

(B) For purposes of obtaining or maintaining a certification from a Qualifying Forestry Certification Program, the qualifying auditing program shall audit and determine certification based upon a determination of Grantor's compliance with this Section 3.3(b) and the Management Plan, in addition to the requirements of such Qualifying Forestry Certification Program.

(C) So long as Grantor obtains or maintains a third-party certification from a Qualifying Forestry Certification Program that the Protected Property is being managed in accordance with the requirements of this Section 3.3(b) and the Management Plan, then there shall be a rebuttable presumption that Grantor is in full compliance with the terms of this Conservation Easement and the Management Plan. Notwithstanding this rebuttable presumption:

(1) If Holder reasonably determines there to be a material lack of compliance by Grantor with the Management Plan, and further determines that the certification standards and procedures as applied through the audit were materially flawed or

otherwise reasonably inadequate to determine compliance with the Management Plan, Holder shall first seek to resolve all compliance issues with Grantor acting in good faith. If this effort does not resolve all compliance issues, Holder shall follow the appeals process, if any, of said Qualifying Forestry Certification Program. If the appeals process is not completed within one year of submittal of an appeal by Holder to the Qualifying Forestry Certification Program, or Holder continues to believe that all issues relating to a violation have not been resolved notwithstanding the existence of certification, then Holder may enforce this Conservation Easement or the Management Plan as provided in Section 8 hereof. To rebut any presumption of compliance, and prior to taking any such enforcement action, Holder must demonstrate that the certification standards and procedures as applied through the audit were materially flawed or otherwise reasonably inadequate to determine compliance with this Conservation Easement or the Management Plan.

(2) If the certification audit finds material violations of this Conservation Easement or the Management Plan that do not result in the loss or proposed loss of certification, then no presumption of compliance with the Management Plan will apply to the practices that resulted in such violations. For all such violations, whether resulting or not in the loss or proposed loss of certification, Holder shall first determine whether the remedial action (if any) sought by the Qualifying Forestry Certification Program for the violation has been implemented and, if so, whether such remedial action resolves the violation. If Holder concludes that the remedial action, if any, does not materially resolve the violation, then Holder shall seek to resolve any issues relating to the violation with Grantor acting in good faith. If Holder continues to reasonably believe that all issues relating to the violation have not been materially resolved by Grantor, Holder may enforce this Conservation Easement or the Management Plan as provided in Section 8 hereof.

(3) Violations After Completion of Audit. If Holder reasonably believes that a material violation of this Conservation Easement or the Management Plan has occurred after the completion of the most recent certification audit, then Holder may immediately seek to enforce this Conservation Easement or the Management Plan, and compliance with this Conservation Easement and the Management Plan will be evaluated based upon the Forest Management Activities conducted and outcomes thereof. In such event, Holder shall first seek to resolve any compliance issue with Grantor acting in good faith. If this does not resolve issues relating to the violation, then Holder may enforce this Conservation Easement or the Management Plan as provided in Section 8 hereof.

(4) Absence of Third-Party Certification. In the absence of third-party certification of the Protected Property from a Qualifying Forestry Certification Program, including as a result of (a) the choice of Grantor to no longer seek third-party certification, (b) the failure to receive certification following an audit, or (c) the removal by Holder of the forestry certification program previously utilized by Grantor due to its administrative or technical incapacity to make an accurate certification determination and the subsequent failure of Grantor to seek third-party certification from another Qualifying Forestry Certification Program, the Management Plan shall continue to govern Forest Management Activities on the Protected Property, and compliance with this Conservation Easement and the Management Plan will be determined by Holder based upon the Forest Management Activities conducted and outcomes

thereof. In the absence of said third-party certification, subject to the provisions of Section 11 hereof, Grantor will provide Holder with the same types and detail of information required for a Qualifying Forestry Certification Program so that Holder can determine consistency with this Conservation Easement and the Management Plan, including sustainable forest management provisions.

(5) Management Advisory Team or MAT. There shall be a Management Advisory Team made up of such parties and with such duties as are specified in the Management Plan, but that will, at a minimum (a) advise and consult with the Parties on at least an annual basis as to how the Parties might best act in a manner consistent with the Conservation Values, and (b) consult with the auditor of the Qualifying Forestry Certification Program and Holder with respect to all matters covered by Section 3.3(b) hereof.

(c) Septic Field Activities. Grantor hereby expressly reserves the right to engage in Septic Field Activities, so long as such Septic Field Activities (i) are limited to no more than 100 acres of the Protected Property at any given time with no more than 500 acres in the aggregate being permitted for Septic Field Activities for the perpetual life of this Conservation Easement, and (ii) do not cause a material adverse effect on the Conservation Values at any site proposed for Septic Field Activity. Holder's consent of each Septic Field Activity site shall be required before Grantor's commencing such activity; such consent shall not be withheld so long as Holder makes a reasonable determination that siting is consistent with the requirements of this Section 3.3(c).

(d) Water Extraction Activities.

(i) Grantor hereby expressly reserves the right to conduct Water Extraction Activities (A) for Forest Management Activities, including but not limited to, watering of seedlings and fire fighting and/or (B) to serve the needs of authorized development areas, and to construct, maintain and operate Structures and facilities necessary for the same, provided that any water extraction is conducted in a sustainable manner and reasonably minimizes any adverse effects on the Conservation Values; and provided further that such water extraction shall not be for commercial consumer retail or "bottled water industry" purposes.

(ii) Grantor shall give Holder 60-day notice prior to disturbance at any site for purposes of long-term Water Extraction Activities, excluding any Water Extraction Activities undertaken pursuant to Section 3.3(d)(i) above. Grantor shall consult with Holder for the purpose of minimizing material adverse effects to the Conservation Values from any proposed long-term water extraction and associated activities at these noticed sites. For any proposed Water Extraction Activities at these noticed sites that Holder reasonably believes would result in material adverse effects to the Conservation Values, Holder shall give notice to Grantor and require Grantor to show to Holder that no reasonable alternative to the proposed site exists that is (A) within a two mile radius of the proposed site and (B) accessible by the then established road system. If, in the reasonable determination of Holder, Grantor shows that no reasonable alternative exists, Grantor may conduct the proposed Water Extraction Activity at the proposed site. If, in the reasonable determination of Holder, Grantor shows or Holder otherwise determines that a reasonable alternative exists, then Grantor shall conduct the Water Extraction

Activity at that alternate site. Water Extraction Activities in areas identified as rare or exemplary natural communities in the Baseline Documentation, the Resource Information System, or in the Management Plan may only go forward if such plans are consistent with and limited by the protections established for those areas.

(e) Wind Power Generation. Subject to the receipt of (i) Holder consent, which consent shall not be unreasonably withheld or delayed, and shall be limited to whether the Wind Power Generation project (the “Proposed Project”) will have a material adverse effect on the Conservation Values, upon submission to Holder by Grantor of the proposed permit application for the Proposed Project, and (ii) all necessary permits pursuant to applicable laws, Grantor has the reserved right to undertake Wind Power Generation on the Protected Property (“proposed wind activity”). Once Holder consent to the Proposed Project has been obtained, further Holder consent shall be required only to the extent of any material changes to the Proposed Project, and shall be limited to whether the said material changes will have a material adverse effect on the Conservation Values. For the purposes of this section, a “material change” shall not be interpreted to include: (i) a decrease in the number or size of the turbines associated with the Proposed Project; or (ii) a reduction in the acreage of the Proposed Project.

(f) Solar Power Generation. Subject to the receipt of (i) Holder consent, which consent shall not be unreasonably withheld or delayed, and shall be limited to whether the Solar Power Generation project (the “Proposed Project”) will have a material adverse effect on the Conservation Values, upon submission to Holder by Grantor of the proposed permit application for the Proposed Project, and (ii) all necessary permits pursuant to applicable laws, Grantor has the reserved right to undertake Solar Power Generation on the Protected Property (“proposed solar activity”). Once Holder consent to the Proposed Project has been obtained, further Holder consent shall be required only to the extent of any material changes to the Proposed Project, and shall be limited to whether the said material changes will have a material adverse effect on the Conservation Values. For the purposes of this section, a “material change” shall not be interpreted to include: (i) a decrease in the number or size of the solar cells associated with the Proposed Project; or (ii) a reduction in the acreage of the Proposed Project.

(g) Recreational Facility Activities.

(i) Grantor hereby expressly reserves the right to develop, construct, maintain, and operate, or to allow the development, construction, maintenance, and operation as specified in this Conservation Easement, of “Recreational Facilities”, or, individually a “Recreational Facility”, hereinafter defined as: (A) new Campgrounds and expansions of Campgrounds that as of the date of the grant of this Conservation Easement are located within and/or adjoin the boundaries of any parcel of the Protected Property; (B) new public boat launches and expansions of public boat launches that as of the date of the grant of this Conservation Easement are located within and/or adjoin the boundaries of any parcel of the Protected Property; (C) Back Country Huts, and (D) Remote Rental Cabins. The location of new or expanded Recreational Facilities require Holder’s consent, which will not be unreasonably withheld, and development, construction, expansion, and operation may only occur following the consent of Holder, which consent will not be unreasonably withheld, and which shall be granted unless Holder reasonably determines that development, construction, expansion and operation of the proposed Recreational Facilities will have a material adverse

effect on the Conservation Values. Once developed, constructed, or expanded, said Recreational Facilities may be operated, maintained, repaired, or reconstructed in kind and in place at any time and from time to time, without the consent of Holder.

(ii) Structures accessory to new or existing Recreational Facilities that enable the generation of electric power from renewable energy sources, such as solar collectors, or wind or hydropower turbines, are permitted, provided that the renewable energy source is both sized and used solely to meet the electric power needs of the Recreational Facilities at which the renewable energy source is located, and construction, operation and repair of a renewable energy source will not have a material adverse effect on the Conservation Values.

(h) Telecommunication/Cell Towers and Public Fire, Safety and Emergency Structures. Grantor has the reserved right to construct, maintain, and operate, or to allow the construction, maintenance, and operation of telecommunication/cell towers and those public fire, safety, and emergency Structures required or appropriate for performing said public functions in the surrounding communities.

(i) Development Signage. Grantor has the reserved right to construct, place, maintain, and replace at any time and from time to time Development Signage on the Protected Property. In designing, constructing and siting the Development Signage, Grantor shall reasonably minimize the intrusiveness of the Development Signage and ensure that Development Signage reasonably blends in with the local setting.

4. ROADS, UTILITY STRUCTURES, AND EASEMENTS ON PROTECTED PROPERTY

4.1 Roads and Utility Structures.

(a) General Prohibition. Grantor may not construct, place, or maintain any new, temporary, or permanent roads or Utility Structures on the Protected Property, or expand or permit to be expanded any existing roads or Utility Structures on the Protected Property except: (i) as expressly permitted in Section 4.1(b) hereof; or (ii) as required to access (A) Structures existing as of the date of the grant of this Conservation Easement, (B) Structures used for nature observation (including, but not limited to, observation blinds and platforms), (C) Trails, or (D) Structures required for the administration and collection of fees pursuant to Section 6.2 hereof. Subject to applicable law, new public or toll roads or new long-distance energy or telecommunications distribution systems that traverse or transect the Protected Property are prohibited. Roads and Utility Structures constructed, placed or expanded pursuant to Section 4.1(b) hereof may be maintained, repaired and replaced at any time and from time to time without the consent of Holder so long as said maintenance, repair or replacement does not have a material adverse effect on the Conservation Values. Grantor shall have the reserved right to maintain, repair, and replace roads and maintain, repair and replace Utility Structures on the Protected Property that are in existence as of the date of the grant of this Conservation Easement pursuant to the provisions of Section 3.2(b) hereof.

(b) Exceptions to General Prohibition. In addition to the exceptions set forth in Section 4.1(a) above, the following exceptions apply:

(i) Roads and Utility Structures to Access Certain Development.

Grantor hereby expressly reserves the right to construct, place, and maintain temporary or permanent new roads and Utility Structures, or expand existing roads and Utility Structures, for the purpose of accessing authorized development areas, so long as said roads and/or Utility Structures are located, designed, placed and constructed in a manner so as to, as reasonably practical, (A) minimize the amount of Protected Property utilized by such roads and/or Utility Structures in accessing the development area, and (B) minimize the material adverse effects on the Conservation Values. No such roads or Utility Structures may be constructed, placed, or expanded without all necessary regulatory approvals first having been obtained, including, but not limited to, permits required for the development that is to be accessed by such roads and/or Utility Structures.

(ii) Roads and Utility Structures for Forest Management Activities.

Grantor hereby expressly reserves the right to construct, place, and maintain temporary or permanent new roads and Utility Structures, or expand existing roads and Utility Structures as Grantor may determine to be required to conduct Forest Management Activities occurring on the Protected Property pursuant to Section 3.3(b) hereof, or outside of the Protected Property. As is reasonably practical, Grantor shall locate, design, place, and construct such roads and Utility Structures so as to minimize the material adverse effects on the Conservation Values.

(iii) Roads and Utility Structures to Access and Service Other Land Uses Specified in Section 3.3. hereof. Grantor hereby expressly reserves the right to construct, place, and maintain temporary or permanent new roads and Utility Structures, or expand existing roads and Utility Structures, as Grantor may determine to be required to access and service land uses permitted pursuant to Sections 3.3(a), (c), (d), (e), (f), (g), (h) & (i) hereof.

(iv) Roads and Utility Structures to Access Specified Existing Residential Structures. Grantor hereby expressly reserves the right to maintain or expand existing roads as of the date of the grant of this Conservation Easement, or construct, place, maintain, or expand temporary or permanent new Utility Structures, all as Grantor may determine to be required to access certain residential Structures on lots in existence as of the date of the grant of this Conservation Easement. As is reasonably practical, Grantor shall expand said roads so as to minimize the material adverse effects on the Conservation Values.

(v) Roads and Utility Structures to Access and Service Low-intensity Outdoor Recreation and Permitted Motorized Recreational Uses. Grantor hereby expressly reserves the right to construct, place, and maintain temporary or permanent new roads and Utility Structures, or expand existing roads and Utility Structures, as Grantor may determine to be required to access locations in which Non-exclusive, Low-intensity Outdoor Recreation activities or motorized recreational uses permitted pursuant to Section 6.1 hereof are occurring or desired, either on the Protected Property or on Federal or State government-owned or managed lands adjacent or reasonably proximate to the Protected Property. By way of example

only, said locations could include ponds, hunting areas, and Trails. No roads or Utility Structures proposed for this purpose may be constructed, placed, or expanded without the consent of Holder, based upon Holder's reasonable determination that the proposed road or Utility Structure will not have a material adverse effect on the Conservation Values. No Holder consent shall be granted unless Holder determines that the length, width, and surface material of the road, and the size and capacity of the Utility Structure, is no greater than required to meet only the access needs for Non-exclusive, Low-intensity Outdoor Recreation or permitted motorized recreational uses or, if the road and/or the Utility Structure is to be co-utilized, no greater than required to meet the access and service needs of Non-exclusive, Low-intensity Outdoor Recreation or permitted motorized recreational uses in combination with those other access and service needs expressly allowed in this Section.

4.2 Easements, Rights of Way, or Other Interests. Grantor hereby expressly reserves the right to grant permanent or temporary easement rights, rights of way, or other interests for the conduct of any activity permitted on the Protected Property by this Conservation Easement (including, but not limited to, construction, maintenance, and use of snowmobile, hiking, bicycling, pedestrian, and other Trails used for Non-exclusive, Low-intensity Outdoor Recreation or motorized recreational uses permitted pursuant to Section 6.1), except that Grantor may not grant permanent or temporary easement rights, rights of way, or other interests to a third-party for use of roads and Utility Structures located in the Protected Property for any use other than (a) for those uses stipulated in Section 4.1(b); or (b) for the purpose of providing access to a residence located proximate to the Protected Property. Holder's consent shall not be required.

5. BASELINE DOCUMENTATION AND UPDATING THEREOF

5.1 Preparation of Baseline Documentation. The Parties acknowledge and agree (a) that prior to the date of the grant of this Conservation Easement, Holder has prepared and completed Baseline Documentation on the Protected Property consistent with the requirements of Section 5.2 hereof, and subject to the provisions of Section 11 hereof; (b) that Grantor has acknowledged to Holder the accuracy of the Baseline Documentation; and (c) that Holder has employed mutually agreeable natural resources professionals and other experts to assist it in preparing and completing the Baseline Documentation. The Parties further acknowledge and agree that the purpose of preparing such Baseline Documentation, and subsequently updating the information contained in such Baseline Documentation by means of the Resource Information System, is to assist Grantor in achieving compliance with the terms and conditions of this Conservation Easement, and assist Holder in monitoring and enforcing the terms and conditions of this Conservation Easement.

5.2 Content of Baseline Documentation. The Baseline Documentation includes as of the date of the grant of this Conservation Easement: (a) documentation of the knowledge of the physical and biological condition of the Protected Property, its physical improvements, and the special sites and resources that may require special management, including, but not limited to, all such information as it relates to documenting the Conservation Values; (b) a cataloguing of scenic resources of high public value and the public vantage points from which such scenic resources are observed, to the extent such cataloguing was not documented in Section 5.1(a)

above; (c) the most recent Qualifying Forest Certification Program audit and supporting documentation that includes all non-confidential data, mapped information, procedures, and policies that make up Grantor's supporting information for its certification; (d) documentation required in Section 17.9 hereof regarding the valuation ratio; and (e) any other information required to determine initial compliance with the requirements of this Conservation Easement. The Baseline Documentation also describes where there are information deficiencies in the categories of information sought in this Section 5.2. In compiling information described in Section 5.2(a) above, Holder may obtain input from Federal and State natural resource agencies possessing knowledge of these issues.

5.3 Resource Information System. Upon the date of the grant of this Conservation Easement, Grantor shall establish and maintain a Resource Information System for the purpose of updating and keeping current over time the information contained in the Baseline Documentation. Grantor shall update the Resource Information System from time to time as new information becomes available. The Resource Information System shall, at minimum, include the data contained in the Baseline Documentation.

5.4 No Shield. All sites and resources that may be identified by Grantor or by Holder subsequent to the completion of the Baseline Documentation that otherwise would have met the criteria for inclusion in the Baseline Documentation pursuant to Section 5.2 hereof shall be added to the information contained in the Resource Information System at the time of identification and protected in accordance with this Conservation Easement and the Management Plan.

6. PUBLIC ACCESS EASEMENT

6.1 Grant of Public Access. It is Grantor's intent and objective that this Conservation Easement create a permanent right of non-motorized public access to, on, and across, and use of, the Protected Property for Non-exclusive, Low-intensity Outdoor Recreation, and to maintain opportunities for such uses of the Protected Property. In furtherance thereof, Grantor hereby grants to Holder, to hold on behalf of the general public and for the public benefit, the right of public pedestrian access to, on, and across and use of the Protected Property (including pedestrian use of the Protected Property by commercial guides, by customers of Backcountry Huts, Campgrounds, and Remote Rental Cabins, by commercial sporting camps, and by non-profit camping and educational and scientific institutions) for Non-exclusive, Low-intensity Outdoor Recreation as provided herein. To this end, Grantor agrees to take no action to prohibit or discourage pedestrian access to, on, or across the Protected Property nor to inhibit Non-exclusive, Low-intensity, Outdoor Recreation by the general public; provided, however, that Grantor reserves the right to make reasonable rules and regulations for different types of public use, and to control, limit, or temporarily prohibit, by posting and other means, any use by the general public (including, but not limited to, night use, camping, loud activities, open fires, use of equipment, and areas of access) for purposes of (a) protecting public safety, (b) protecting the Conservation Values, (c) ensuring compliance with all applicable laws, and (d) accommodating Grantor's Forest Management Activities and other uses of the Protected Property permitted hereunder. Grantor hereby expressly reserves the right to allow motorized recreational uses on the Protected Property, in the sole and absolute

discretion of Grantor. All motorized recreational uses on the Protected Property allowed by Grantor are permitted in this Conservation Easement so long as said motorized recreational uses are consistent with a Motorized Recreational Use Plan (“Plan”) proposed by Grantor and consented to by Holder. Grantor may propose amendments of the Plan to Holder at any time. Holder’s consent to the Plan and any amendments thereto shall be given, and may not be unreasonably withheld, so long as the motorized recreational uses described and located (whether on Trails or elsewhere) in the Plan are sited and operated in such a manner so as to minimize any material adverse effects to the Conservation Values.

6.2 Fees. Grantor reserves the right to charge the general public fees in an amount that in Grantor’s reasonable estimation, and subject to Holder’s consent, will recompense Grantor for the costs of any or all of (a) maintaining permitted roads to, on, and over the Protected Property (to the extent not otherwise recompensed), (b) maintaining permitted recreational Structures on the Protected Property, including, but not limited to, Recreational Facility Activities, (c) managing Trails on the Protected Property, (d) managing both permitted Non-exclusive, Low-intensity Outdoor Recreation and permitted motorized recreational uses (including the cost of procuring necessary insurance), and (e) providing the services and facilities required to administer and collect these fees. Grantor may assign the right to charge such fees to the State of Maine or other entity that assumes responsibility for the items described in clauses (a) – (e) of this Section. No fees may be charged by Grantor to the general public without the express consent of Holder, based on a reasonable determination by Holder that said fees are limited to the amount necessary to recompense Grantor for any and all costs set forth in this Section. Holder’s consent shall not be unreasonably withheld. Grantor expressly reserves the right without Holder’s consent to charge fees to third-parties for the use of the Protected Property for permitted commercial activities, including, but not limited to, fees for the use of the roads for transportation of forest products. Notwithstanding any other provision hereof, Grantor expressly reserves the right to require a permit and charge fees without Holder’s consent for “bear baiting”, and for commercial or for-profit enterprises (recreational or otherwise).

6.3 Limitation on Grant. Notwithstanding the foregoing, this Conservation Easement does not grant any easement, right of way, right of access, or other interest or license on, across, over, or affecting any other land of Grantor not included in the Protected Property, and this Conservation Easement does not, and shall not be construed to impose upon Grantor any obligation to provide or allow public access on, across, over, or affecting any land of Grantor not included in the Protected Property. Any such rights or licenses affecting any land of Grantor not included in the Protected Property, if granted by Grantor in its sole discretion, shall be by a separate instrument or instruments recorded in the Registry of Deeds where such other land is located, and no such rights or licenses shall arise by implication, necessity, or otherwise, and this Conservation Easement does not expand or extend any privilege or license currently provided by Grantor.

6.4 Immunity. Grantor and Holder claim all of the rights and immunities against liability for injury to the general public to the fullest extent of the law under Title 14 M.R.S. §§ 159-A, *et seq.* (as the same may be amended from time to time) (Maine Recreational Use Statute), under the Maine Tort Claims Act, and under any other applicable provision of law or

equity.

6.5 Right of Law Enforcement to Enter the Protected Property. Nothing in this Section shall be construed to prevent law enforcement or public safety personnel from entering the Protected Property at any and all times for the purposes of carrying out official duties in compliance with law.

7. CONVEYANCES

7.1 Conveyances Permitted. Subject to the terms of this Conservation Easement, any portion of the Protected Property may be conveyed provided that any such conveyance shall be subject to this Conservation Easement.

7.2 Extinguishment of Development Rights. All rights to develop or use the Protected Property that are prohibited by this Conservation Easement are extinguished, and such development rights cannot be transferred to other land, or used to permit increased development or natural resource use or removal on other land, or to achieve other regulatory mitigation credits for fiber, discharge of pollutants, or other similar accommodation on land not subject to this Conservation Easement. Notwithstanding the foregoing, should Grantor choose to undertake practices or restrictions to its Forest Management Activities or other permitted land uses that are allowed by this Conservation Easement but are additional to practices and restrictions required by the terms and conditions of this Conservation Easement all for the purposes of achieving carbon emissions or other environmental services credits, offsets, banking, or mitigation, the right to use the Protected Property for these purposes is not extinguished.

7.3 Transfers to the State of Maine and for Permitted Public Purposes. Notwithstanding any other provision in this Conservation Easement, Grantor may at any time and from time to time:

(a) Gift, free of the restrictions of this Conservation Easement, no more than 50 acres, in the aggregate, in the Protected Property to the State of Maine, acting by and through its Department of Conservation, Bureau of Parks and Lands, or any successor thereto, so long as Holder reasonably determines that the acreage to be gifted will be used by the State of Maine for purposes of Non-exclusive, Low-intensity Outdoor Recreation or motorized recreational uses permitted pursuant to Section 6.1 hereof;

(b) Gift, free of the restrictions of this Conservation Easement, to the State of Maine, acting by and through its Department of Conservation, Bureau of Parks and Lands, or any successor thereto, a portion of the Protected Property, for five (5) trailhead parking areas of size and type typical of trailhead parking areas in Maine, so long as Holder reasonably determines that the acreage to be gifted will be used by the State of Maine for purposes of or relating to Non-exclusive, Low-intensity Outdoor Recreation or motorized recreation uses permitted pursuant to Section 6.1 hereof;

(c) Gift or sell, free of the restrictions of this Conservation Easement, to a governmental or quasi-governmental entity carrying out a public purpose (such as, for example only, a sewer or water district) no more than 50 acres, in the aggregate, of the Protected Property with no one such gift or sale being greater than five acres unless otherwise

consented to by Holder based on a reasonable determination by Holder that such gift or sale will not have a material adverse effect on the Conservation Values and that the siting of land covered by any proposed gift or sale is located proximate to an existing public road (“Permitted Public Purpose Transfers”). This Conservation Easement shall be extinguished with respect to any Protected Property that is so transferred. Prior to any such Permitted Public Purpose Transfer, Grantor shall give Holder 30 days written notice of the number of acres proposed to be gifted or sold, the location of the acreage, the name of the giftee or purchaser, the aggregate number of acres of all Permitted Public Purpose Transfers (after giving effect to the proposed gift or sale), and the purchase price (if any). Proceeds (if any) of any Permitted Public Purpose Transfer shall be distributed in accordance with Section 17.8 hereof; or

(d) Simultaneous with all transfers described in this Section, that portion of the Protected Property transferred under this Section shall be automatically released from the terms of this Conservation Easement; and upon the request of Grantor, Holder agrees to promptly execute and deliver to Grantor a written certificate confirming such release.

7.4 Transfer of Resource Information System Information. For any and all sales, transfers or other conveyances (“conveyances”) by Grantor of some or all of the Protected Property that may occur pursuant to Sections 7.1 or 7.3 hereof, Grantor shall, as a condition of conveyance, provide transferee all information contained in the Resource Information System regarding the portion of the Protected Property being conveyed, subject to any confidentiality protections duly exercised by Grantor pursuant to Section 11.2 hereof.

8. HOLDER’S RIGHTS AND OBLIGATIONS

8.1 Enforcement.

(a) Subject to Sections 3.3(b) and 18 hereof, Holder has the right to enforce this Conservation Easement and the Management Plan. In any action to enforce the terms and conditions contained in Section 3.3(b) hereof, Holder shall have the burden of overcoming the presumption of compliance afforded by the existence of certification by a Qualifying Forestry Certification Program under Section 3.3(b) hereof. In any action to enforce the terms of this Conservation Easement or the Management Plan, monetary damages shall be limited to those ordered by the arbitrator, as provided in Section 18 hereof. However, if the arbitrator finds that a violation of the terms of this Conservation Easement or the Management Plan was knowing, intentional, or willful, the arbitrator may award monetary damages up to and including twice the economic benefit gained by Grantor from activities in violation. Holder shall provide Grantor with 90 days prior notice of and opportunity to cure any breach, except where emergency circumstances require enforcement action without such delay, in which case Holder may bring immediate enforcement action notwithstanding Section 18 hereof.

(b) Holder may not bring an enforcement action against Grantor for injury to or change in the Protected Property resulting from changes beyond the control or responsibility of Grantor, including, but not limited to, fire, flood, storm, and earth movement, from the actions of parties not under the control of Grantor (including Holder or any of its agents,

employees, contractors or designees), or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Protected Property. If an arbiter under Section 18 determines that this Conservation Easement or the Management Plan has been breached, the arbiter shall have the right to order Grantor to reimburse Holder for any reasonable costs of enforcement, including any court costs, reasonable attorney's fees, out-of-pocket costs and any other payments ordered by the arbiter.

8.2 Right of Entry. Holder or its designee has the right to enter the Protected Property for gathering information regarding the Protected Property and for inspection and enforcement purposes, at any time and from time to time and in a reasonable manner that is consistent with the Conservation Values, so long as Holder or its designee does not unreasonably disrupt, interfere, inhibit, or restrict any Forest Management Activities.

8.3 Right to Certain Information. In the absence of third-party certification under Section 3.3(b)(iv) hereof, and subject to the provisions of Section 11 hereof, Grantor agrees to provide to Holder the types of information that would be made available to a third-party auditor, including, but not limited to, information contained in the Baseline Documentation and the Resource Information System, to the extent reasonably necessary for Holder to perform the monitoring and enforcement responsibilities as set forth in this Conservation Easement.

8.4 Right to Manage Recreation. Holder has the right, but not the duty, to manage public recreational use of the Protected Property, to the extent such use is permitted hereby, in the absence of Grantor's managing such use. Such right to manage public recreation shall include the right to charge fees as set forth in Section 6.2 hereof.

8.5 Meetings. Grantor and Holder shall meet on an annual basis (or such other basis as is mutually agreed upon by the Parties) to review the terms of this Conservation Easement.

8.6 Annual Reporting. Holder shall comply with the annual reporting requirements of Title 33 M.R.S. § 479-C (as the same may be amended from time to time). Such written reports shall be maintained by Holder in its permanent records, and a copy of all such reports shall be provided to Grantor within 30 days of filing.

8.7 Boundary Surveys. Holder, at its sole cost, has the right to conduct a professional boundary survey of the Protected Property, or any part thereof, if one is required to determine whether there is a violation of this Conservation Easement. Grantor shall reimburse Holder for such survey cost if it is determined through the results of such boundary survey that there was a material violation of this Conservation Easement.

8.8 Offset for Civil Penalties. In the event that the State or any State agency obtains civil penalties in an enforcement action against Grantor for a violation of Maine law that is also a violation of this Conservation Easement, the amount of any such penalty, including any amount paid toward supplemental environmental projects pursuant to Title 38 M.R.S. § 349(2-A) (as the same may be amended from time to time) shall be credited against any corresponding award of monetary damages obtained by Holder through a subsequent enforcement action for

the violation of this Conservation Easement or the Management Plan caused by the same underlying conduct.

9. ATTORNEY GENERAL RIGHTS

Nothing in this Conservation Easement shall be construed as limiting or removing any independent rights of the Attorney General of the State of Maine under Maine law to enforce the terms and conditions of this Conservation Easement and the Management Plan.

10. MONITORING AND ENFORCEMENT FUND

10.1 Initial Contribution. For the purpose of providing support to Holder relating to its role as Holder of the Conservation Easement, Grantor shall, within ___ days from the date of the grant of this Conservation Easement, establish a dedicated stewardship fund (hereinafter the “Fund”) at the Maine Community Foundation or at another fund operator (hereinafter “Fund Operator”) meeting the selection criteria under Section 3 of the “Agreement on Fish River Lakes Region Conservation Easement Stewardship Fund” (hereinafter, the “Agreement”) of near or even date herewith and by and among Grantor, Holder, and Fund Operator. The amount of the initial contribution by Grantor to the Fund shall be _____, in 2015 U.S. dollars. The Fund shall be managed and funds disbursed for monitoring purposes and in accordance with the terms of the Agreement.

10.2 Additional Contributions. Additional contributions to the Fund shall be required as follows:

(a) **Contributions Due to Absence of Third-Party Certification.** In the absence of third-party certification of the Protected Property from a Qualifying Forestry Certification Program pursuant to Section 3.3(b)(vi) hereof, Grantor then owning that portion of the Protected Property (the “Owner”) shall contribute a one-time lump sum of _____, in 2015 U.S. dollars, to the Fund, provided, however, that no such payment shall be required if the Owner discontinues all Forest Management Activities on that portion of the Protected Property and files an affidavit in the Aroostook County Registry of Deeds stating that all Forest Management Activities on that portion of the Protected Property have been discontinued. If the Owner discontinues all Forest Management Activities on that portion of the Protected Property and files an affidavit stating that all Forest Management Activities on that portion of the Protected Property have been discontinued, Forest Management Activities shall not be resumed on that portion of the Protected Property until the Owner has paid _____ in 2015 U.S. dollars into the Fund or, until a certificate of Holder stating that the Owner has complied with the requirements of this paragraph has been recorded in the Aroostook County Registry of Deeds.

(b) **Adjustment to 2015 U.S. Dollars.** Contributions to the Fund required by this Section shall be paid in the amounts indicated in U.S. dollars, adjusted for inflation and/or deflation for each year after 2015 based on the Consumer Price Index for all Urban Consumers

(CPI-U) published by the Bureau of Labor Statistics of the U.S. Department of Labor or the successor thereto for each year after 2015, or if that index is discontinued, based on a similar index published by the United States Government and selected in accordance with the terms of the Agreement.

(c) Continuing Lien. As and when they become due, all additional contributions to the Fund and other amounts due to Holder under this Section shall be continuing liens for the benefit of Holder against those portions of the Protected Property that give rise to the additional contributions or other amounts due. The lien(s) may be enforced by any means provided under Maine law, provided that action to enforce the lien(s) is brought within 120 days of Holder's receipt of written notice of the absence of third-party certification giving rise to the lien(s). Without waiving or prejudicing any rights of collection and costs against Grantor, enforcement of the lien(s) shall proceed against the then current owner ("Owner") of that portion of the Protected Property giving rise to the additional contribution, with notice to Grantor, and Holder shall be entitled to recover all reasonable, out of pocket costs of collection, including reasonable attorney's fees.

(d) Estoppel Certificates. In consideration of the foregoing, and as requested, Holder agrees to deliver estoppel certificates in a customary commercial form, certifying that all relevant amounts due under this Section 10 have been timely paid. Failure of Holder to deliver such estoppel certificates 10 business days following receipt of a written request containing all information material to the preparation and delivery of the certificates shall constitute a waiver of the lien(s) described in this Section 10.2(c).

11. ACCESS TO RECORDS OF GRANTOR

11.1 Intent. Holder shall have access to records in the possession of Grantor to the extent reasonably necessary to perform monitoring and enforcement responsibilities as set forth in this Conservation Easement. Under no circumstances, however, shall the Grantor be obligated to make available any records that contain proprietary information or trade secrets.

11.2 Confidentiality in Court Proceedings. Records obtained by the Attorney General in connection with the enforcement of this Conservation Easement shall be governed by Title 33 M.R.S. § 478(4) (as the same may be amended from time to time) and any other applicable provision of law.

12. DELINEATION AND MODIFICATION OF BOUNDARIES

Upon mutual agreement of Grantor and Holder, the boundaries of the Protected Property may be modified to establish an easily identifiable boundary to the Protected Property (such as a roadway or stream thread), provided that such boundary modification involves an insignificant amount of land and there is no more than a *de minimis* change in the total acreage of the Protected Property, and provided further that any such modification is approved by LUPC.

13. NOTICES

13.1 Notice and Consent.

(a) For any activity requiring or contemplating Holder's consent hereunder, Grantor shall send a notice to or request for the consent or approval of Holder, including, at minimum, sufficient information to enable Holder to determine whether proposed plans are consistent with the terms of this Conservation Easement and the Conservation Values. Holder's consent shall be deemed granted if Holder has not responded to a notice or request for consent within 14 days of receipt of said notice or request.

(b) Notices, consent, and other forms of communication to any Party must be in writing and will be sufficient if served personally or sent by facsimile with a receipt of delivery, overnight mail with receipt acknowledged, or certified mail, return receipt requested, addressed as follows:

To Grantor:	Irving Woodlands LLC 300 Union Street – 8 th Floor P.O. Box 5777 Saint John, NB E2L 4M3 Canada Attn: Co-Chief Executive Officer & Co-President Fax: (506) 632-6451
With a copy to:	J. D. Irving, Limited 300 Union Street, 12 th Floor P.O. Box 5888 Saint John, NB E2L 4L4 Canada Attention: Secretary Fax: (506) 658-0517
To Holder:	Forest Society of Maine 115 Franklin Street, 3 rd Floor Bangor, ME 04401 United States of America Attn.: Executive Director Fax: (207) 945-9229

or to such other authorized person as any Party may from time to time designate by written notice to the others in the manner set forth above. Notices given in accordance with this Section will be deemed given on the date personally delivered or three days after being sent by facsimile, overnight, or certified mail.

14. **LIENS, TAXES, COSTS**

14.1 Liens. Grantor represents that as of the date of the grant of this Conservation Easement there are no liens for money owed or mortgages outstanding against the Protected Property. Any portion of the Protected Property may be used to secure the repayment of debt, provided that any lien or other rights granted for such purpose are subordinate to all of the rights of Holder, including the right to enforce the terms, restrictions, and covenants created under this Conservation Easement. Under no circumstances shall Holder's rights be extinguished or otherwise affected by the recording, foreclosure, or any other action taken concerning any lien or other interest in the Protected Property.

14.2 Property Taxes. Grantor is responsible to pay and discharge when due all property taxes, assessments, and other costs, charges, liens, and encumbrances lawfully imposed upon or in connection with the Protected Property and to avoid the imposition of any liens or encumbrances that may affect Holder's rights hereunder. In the event a lien created against the Protected Property is to be executed, Holder, at its option, shall, after written notice to Grantor, have the right to pay funds to discharge the lien to protect Holder's interest in the Protected Property and to assure the continued enforceability of this Conservation Easement; provided, however, that Grantor first shall have the right to contest any such lien by legal proceedings. In the event Grantor elects to contest any property taxes, assessments, and other costs, charges, liens, and encumbrances by legal proceedings, Holder's right to pay and discharge such lien(s) shall not arise until and unless such lien(s) are determined as a result of such legal proceedings to be valid and enforceable against the Protected Property, or unless and until Grantor has abandoned its prosecution of such legal proceedings. If Holder exercises its right and pays funds to discharge a lien, Holder shall be entitled to recover such amount from Grantor.

14.3 Indemnity. Grantor acknowledges that Holder has no possessory rights in the Protected Property or any responsibility or right to control, maintain, or keep-up the Protected Property. Grantor is responsible for all costs and ownership, control, operation, maintenance, and upkeep of the Protected Property, unless performed by Holder or its designees voluntarily, and will indemnify, defend, and hold harmless Holder from any claims for damages that arise therefrom, except for harm proximately caused by Holder's negligent act or misconduct, or as may arise out of Holder's workers' compensation obligations.

15. ASSIGNMENT OF CONSERVATION EASEMENT

This Conservation Easement is assignable by Holder. Assignment of this Conservation Easement to any entity may only occur after notice to and written approval by LUPC and Grantor, and only to an entity that (a) satisfies the requirements of Section 170(h)(3) of the Internal Revenue Code of 1986, as amended (as the same may be amended from time to time) and Title 33 M.R.S. § 476(2) (as the same may be amended from time to time); (b) has land conservation as its primary goal or purpose and otherwise has goals and purposes that are reasonably consistent with protecting the natural, scenic, or open space values of real property, (c) agrees, in writing, as a condition of transfer, to monitor, enforce, and otherwise uphold the Conservation Values and abide by the terms and conditions of this Conservation Easement; (d) possesses both the financial resources and the demonstrated experience required to monitor and enforce large-acreage easements; and (e) has no potential conflicts of interest with its

responsibilities to hold and enforce the Conservation Easement in a fair and impartial manner, and operates in the public interest and not for the benefit of private individuals or corporations. Grantor may only withhold approval of Holder's proposed assignment of this Conservation Easement upon a showing that the proposed assignee does not satisfy the requirements and qualifications set forth in this Section. Judicial review or, if applicable, arbitration pursuant to Section 18, of a decision to withhold approval of assignment shall be *de novo* and without deference to the withholding Party.

16. COMPLIANCE WITH MAINE CONSERVATION EASEMENT LAW

16.1 Uniform Conservation Easement Act. This Conservation Easement is created pursuant to The Uniform Conservation Easement Act at Title 33 M.R.S. §§ 476 through 479-C (as the same may be amended from time to time).

16.2 Holder Qualification. Holder is qualified to hold conservation easements pursuant to Title 33 M.R.S. § 476(2)(B) (as the same may be amended from time to time), and is a Qualified Organization under Section 170(h)(3) of the Internal Revenue Code of 1986, as amended (as the same may be amended from time to time), to wit: a publicly funded, non-profit, Section 501(C)(3) organization having a commitment and the resources to protect the conservation purposes of the donation and enforce the restrictions hereof.

17. GENERAL PROVISIONS

17.1 Reservation of Rights. Grantor hereby expressly reserves to itself, its successors, and assigns all rights and use accruing from ownership of the Protected Property, including the right to engage in or permit others to engage in, including, but not limited to, by easement, lease, or otherwise, subject to this Conservation Easement, all uses of the Protected Property that are not prohibited by this Conservation Easement.

17.2 Protected Property Only. This Conservation Easement applies to the Protected Property only. Nothing herein shall be construed to impose any obligation, restriction, or other encumbrance on any real property not expressly made a part of the Protected Property.

17.3 Waiver of Certain Defenses. Grantor hereby waives any defense of laches, prescription, or estoppel for the failure or delay, for any reason whatsoever, of Holder to enforce this Conservation Easement or Management Plan. Only Holder or the Attorney General to the extent authorized by applicable law, may enforce the terms of this Conservation Easement and the Management Plan.

17.4 Notice Prior to Transfer. Grantor agrees to give Holder 30 days prior notice of any transfer of its interest in the Protected Property. A Party's rights and obligations under this Conservation Easement shall terminate when such person or entity ceases to have any interest in the Protected Property or this Conservation Easement, except that liability for acts or omissions occurring prior to transfer shall survive such transfer.

17.5 Amendment and Discretionary Consents. Grantor and Holder acknowledge

that, in view of the perpetual nature of this Conservation Easement, they are unable to foresee all future issues that may arise regarding potential uses of and Structures on the Protected Property. Holder therefore may reasonably determine whether either a proposed new use or Structure or alterations in an existing use or Structure not expressly contemplated by or addressed in this Conservation Easement is consistent with protecting in perpetuity the Conservation Values. A discretionary consent by Holder to a use or Structure not expressly contemplated by this Conservation Easement may be granted, and an amendment to this Conservation Easement may be executed, only if the proposed use or Structure, or the proposed amendment: (a) furthers or is not inconsistent with protecting in perpetuity the Conservation Values; (b) is ancillary or incidental to a use or Structure expressly permitted by this Conservation Easement; (c) conforms to the intent of this Conservation Easement; (d) meets any applicable conditions expressly stated in this Conservation Easement; and (e) does not materially increase the adverse effect of expressly permitted actions under this Conservation Easement on the Conservation Values. Holder has no right or power to consent to an amendment that would limit the term of or terminate this Conservation Easement, or impair the qualification of this Conservation Easement or the status of Holder under any applicable laws, including Title 33 M.R.S. § 476 *et seq.*, and/or Sections 170(h) or 501(c)(3) of the Internal Revenue Code (as the same may be amended from time to time). Any amendment of this Conservation Easement shall be in writing, reviewed, approved, and executed by Grantor and Holder and recorded in the Aroostook County Registry of Deeds.

17.6 Invalidity. If any provision of this Conservation Easement or the application of any provision to a particular person or circumstance is found to be invalid, the remainder of this Conservation Easement and the application of such provision to any other person or in any other circumstance, shall remain valid. Failure to comply with the requirements of Title 33 M.R.S. §§ 477-A(1), (2)(A), or (3) (as the same may be amended from time to time) shall not invalidate this Conservation Easement.

17.7 Governing Law. Interpretation and performance of this Conservation Easement shall be governed by the laws of the State of Maine.

17.8 Extinguishment. If circumstances arise in the future that render the purpose of this Conservation Easement impossible to accomplish, this Conservation Easement can only be terminated or extinguished, whether in whole or in part, by prior approval of a court of competent jurisdiction in an action in which the Attorney General is made a party pursuant to Title 33 M.R.S. § 477-A(2) (as the same may be amended from time to time). Unless otherwise required by applicable law at the time, in the event of any sale of all or a portion of the Protected Property after such termination or extinguishment, and after satisfaction of any prior claims and net of any costs or expenses associated with such sale, Grantor and Holder shall divide the proceeds from such sale so that Holder receives the stipulated fair market value of the Conservation Easement as determined in accordance with Section 17.9 hereof. All such proceeds received by Holder shall be used by Holder in a manner consistent with Holder's conservation purposes. This paragraph shall not apply, and there will be no division of proceeds with respect to any sale, exchange or transfer of the Protected Property where the transferred Protected Property remains subject to the Conservation Easement whether explicitly or by operation of law.

17.9 Valuation. This Conservation Easement constitutes a real property interest immediately vested in Holder, which, for purposes of Section 17.8 hereof, the Parties stipulate to have a fair market value determined by multiplying the fair market value of the Protected Property unencumbered by the Conservation Easement (minus any increase in value after the date of the grant of this Conservation Easement attributable to improvements made by Grantor, which amount is reserved to Grantor) by the ratio of the value of the Conservation Easement at the time of this grant to the value of the Protected Property, without deduction for the value of the Conservation Easement, at the time of this grant. For the purposes of this paragraph, the ratio of the value of the Conservation Easement to the value of the Protected Property unencumbered by the Conservation Easement shall remain constant. The Parties have included the ratio described in the preceding sentence in the Baseline Documentation on file at the office of Holder and shall amend such values, if necessary, to reflect any final determination thereof by the Internal Revenue Service or court of competent jurisdiction. If the value of Grantor's estate in the Protected Property is increased by reason of amendment or termination of this Conservation Easement, that increase must be paid over to Holder or to such nonprofit or governmental entity as the court in a proceeding referenced in Section 17.8. hereof may designate, to be used for the protection of conservation lands consistent, as nearly as possible, with the publicly beneficial purposes of this Conservation Easement, all in accordance with Title 33 M.R.S. §477-A(2)(B) (as the same may be amended from time to time).

17.10 Condemnation. If all or any part of the Protected Property is taken by exercise of the power of eminent domain, or acquired by purchase in lieu of condemnation, whether by public, corporate, or other authority, so as to terminate this Conservation Easement, in whole or in part, Grantor and Holder shall act jointly to recover compensation for their respective interests in the Protected Property and Conservation Easement, and all resulting direct or incidental damages. All expenses reasonably incurred by Grantor and Holder in connection with the taking or in lieu purchase shall be paid out of the amount recovered. Holder's share of the balance of the amount recovered shall be in proportion to the ratio referred to in Section 17.9 hereof. If only a portion of the Protected Property is subject to such exercise of the power of eminent domain, this Conservation Easement shall remain in effect as to all other portions of the Protected Property.

17.11 Comparative Economic Test. Pursuant to Title 33 M.R.S. § 478(4) (as the same may be amended from time to time), no comparative economic test may be used to determine if this Conservation Easement is in the public interest or serves a publicly beneficial conservation purpose.

17.12 Requirement to Comply with Laws and Regulations. Nothing in this Conservation Easement is intended to supersede, eliminate, or otherwise change any obligation of Grantor under any applicable law, including, but not limited to, the obligation to obtain any and all required regulatory approvals for activities permitted under this Conservation Easement's terms. Nothing in this Conservation Easement may be construed to permit an activity otherwise prohibited or restricted by State, local, or Federal laws or regulations, with which Grantor shall have a responsibility to comply.

17.13 Section Headings. The word or words appearing at the commencement of

sections and subsections of this Conservation Easement are included only as a guide to the contents thereof and are not to be considered as controlling, enlarging, or restricting the language or meaning of those sections or subsections.

17.14 Initiation Date of Certain Limitations. For purposes of calculating all acreage and other limits established for certain permitted uses and Structures in this Conservation Easement, said calculations shall commence on the date that is 15 days following the date of approval of Concept Plan by LUPC.

18. DISPUTE RESOLUTION

18.1 Arbitration. Except to the extent expressly provided below, any controversy, claim, or dispute between Grantor and Holder arising out of this Conservation Easement or the transaction contemplated herein (collectively, a “Dispute”), shall, upon the request of either Party, be determined by binding arbitration in accordance with the Federal Arbitration Act, Title 9, United States Code (or if not applicable, the applicable State law), the then-current rules for arbitration of the American Arbitration Association, or any successor thereof (“AAA”), and the “Special Rules” set forth below. In the event of any inconsistency, the Special Rules shall control. Either Grantor or Holder may bring an action, including a summary or expedited proceeding, to compel arbitration of any Dispute in any court having jurisdiction over such action. The cost of such arbitration shall be split equally between the Parties.

18.2 Special Rules.

(a) The arbitration shall be conducted in the State of Maine. The arbitration shall be administered by AAA, who will appoint an arbitrator. If AAA is unwilling or unable to administer or is legally precluded from administering the arbitration, then either Party may substitute another arbitration organization that has similar procedures to AAA and that will observe and enforce any and all provisions of this Section. The provisions of Sections 18.1 and 18.2 hereof shall be binding on said substitute arbitrator. All Disputes shall be determined by one arbitrator; however, if the amount in controversy in a Dispute exceeds One Million Dollars (\$1,000,000), upon the request of either Party, the Dispute shall be decided by three arbitrators (for purposes of this Section, referred to collectively as the “arbitrator”).

(b) All arbitration hearings will be commenced within 90 days of the demand for arbitration and completed within 90 days from the date of commencement; provided, however, that upon a showing of good cause, the arbitrator shall be permitted to extend the commencement of such hearing for up to an additional 60 days.

(c) The judgment and the award, if any, of the arbitrator shall be issued within 30 days of the close of the hearing. The arbitrator shall provide a concise written statement setting forth the reasons for the judgment and for the award, if any. The arbitration award, if any, may be submitted to any court having jurisdiction to be confirmed and enforced, and such confirmation and enforcement shall not be subject to arbitration.

(d) The arbitrator will give effect to statutes of limitations and any waivers

thereof in determining the disposition of any Dispute and may dismiss one or more claims in the arbitration on the basis that such claim or claims is or are barred. For purposes of the application of the statute of limitations, the service on AAA under applicable AAA rules of a notice of Dispute is the equivalent of the filing of a lawsuit.

(e) Any dispute concerning this arbitration provision, including any such dispute as to the validity or enforceability of this provision, or whether a Dispute is arbitrable, shall be determined by the arbitrator; provided, however, that the arbitrator shall not be permitted to vary the express provisions of these Special Rules.

(f) The arbitrator shall have the power to award legal fees and costs pursuant to the terms of this Conservation Easement.

(g) Notwithstanding the foregoing, for any dispute for which the provisions of Sections 3.3(b)(iv) & (v) hereof are applicable, the dispute resolution procedures contained in such Sections shall govern.

(h) All information disclosed as a result of any arbitration proceeding, including the results of said arbitration, shall be confidential except to the extent provided by applicable law.

18.3 JURY TRIAL WAIVER IN ARBITRATION. BY AGREEING TO THIS SECTION, THE PARTIES IRREVOCABLY AND VOLUNTARILY WAIVE ANY RIGHT THEY MAY HAVE TO A TRIAL BY JURY IN RESPECT OF ANY DISPUTE.

[the remainder of this page intentionally left blank]

IN WITNESS WHEREOF, Grantors have caused this Conservation Easement to be duly executed as of this ___ day of _____, 2015.

GRANTOR:

**MAINE WOODLANDS REALTY
COMPANY**

By: _____

Name:

Its:

PROVINCE OF NEW BRUNSWICK
COUNTY OF ST. JOHN, ss.

_____, 2015

Personally appeared the above-named _____, _____ of Maine Woodlands Realty Company, a _____ and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said company.

Before me,

Notary Public
Printed Name: _____
My Commission Expires: _____

GRANTOR:

ALLAGASH TIMBERLANDS LP

By: Eagle Lake Timberlands Inc.,
a New Brunswick corporation,
its General Partner

By: _____
Name:
Its:

PROVINCE OF NEW BRUNSWICK
COUNTY OF ST. JOHN, ss.

_____, 2015

Personally appeared the above-named _____,
of Eagle Lake Timberlands Inc, as general partner of Allagash Timberlands LP, a _____
and acknowledged the foregoing instrument to be his/her free act and deed in his/her said
capacity and the free act and deed of said limited partnership.

Before me,

Notary Public
Printed Name: _____
My Commission Expires: _____

GRANTOR:

AROOSTOOK TIMBERLANDS LLC

By: _____
Name:
Its:

PROVINCE OF NEW BRUNSWICK
COUNTY OF ST. JOHN, ss.

_____, 2015

Personally appeared the above-named _____,
of Aroostook Timberlands LLC a _____ limited liability company and acknowledged the
foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and
deed of said limited liability company.

Before me,

Notary Public
Printed Name: _____
My Commission Expires: _____

HOLDER ACCEPTANCE

The above and foregoing Conservation Easement was authorized to be accepted by the Forest Society of Maine, Holder as aforesaid, and said Holder does hereby accept the foregoing Conservation Easement, by and through _____, its _____, hereunto duly authorized, this _____ day of _____, 2015.

HOLDER:

Signed, sealed and delivered in the presence of: **FOREST SOCIETY OF MAINE**

By: _____
Name:
Its:

STATE OF MAINE
COUNTY OF _____, ss. _____, 2015

Then personally appeared _____, _____ an authorized representative of the above-named Holder and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity, and the free act and deed of said Holder.

Before me,

Notary Public
Printed Name: _____
My Commission Expires: _____

A Strategy for the Management of Deer Wintering Habitat Areas in Maine

An Agreement Between

**The Maine Department of
Inland Fisheries and Wildlife**

And

Irving Woodlands LLC

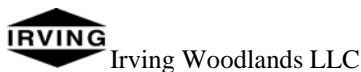
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Irving Woodlands LLC

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I. Introduction & Background

1. Purpose of Agreement

Irving Woodlands LLC (“**Irving**”) and the Maine Department of Inland Fisheries and Wildlife (“**MDIF&W**”) have entered into this Agreement for the management of winter habitat for white-tailed deer and habitat for other species requiring mature forest on lands managed by Irving. This Agreement applies to the lands described in Appendix A attached hereto (the “**Properties**”), being (i) certain portions of land managed by Irving designated as Co-Operative Deer Wintering Areas (“**Co-Operative DWA’s**”); and (ii) all land managed by Irving designated by the Land Use Regulation Commission (“**LURC**”) as Zoned Fish and Wildlife Protection Sub-Districts (“**P-FW’s**”).

This Agreement is an alternate strategy to the designation of core active deer wintering habitat identified by the LURC as P-FW’s. This Agreement covers a larger land base allowing for increased flexibility and predictability of timber and habitat management. The management objectives set out in Section II below were agreed upon by Irving and MDIF&W after reviewing “Guidelines for Managing Deer Wintering Areas in Northern, Western, and Eastern Maine”.¹ All necessary guidelines of MDIF&W are included within this Agreement, while any guidelines specific to individual Co-Operative DWA’s will be addressed in separate agreements as they are developed.

2. Company Information

As of January, 2010:

- Irving’s total managed lands in Maine comprises approximately 1,255,000 acres;
- the total area of the Properties is 122,770 acres (approximately 9.8% of Irving’s total managed lands in Maine).

The Properties were selected by Irving in consultation with MDIF&W. Special consideration was given to areas with traditional winter use by white-tailed deer as documented by MDIF&W surveys. A breakdown of the Properties by township is provided in Appendix A.

The forest management objective for Irving is to practice sustainable forest management to maximize the long-term, sustainable flow of quality timber products from its managed lands. Along with the goal of sustainable timber supply, Irving recognizes non-timber values such as the maintenance of biodiversity and specific wildlife habitats, protection of water quality, preservation of unique and recreationally important areas, and consideration of public input.

¹ Maine. Dept. of Inland Fisheries and Wildlife. Guidelines for Managing Deer Wintering Areas in Northern, Western and Eastern Maine (draft). Maine: Dept. of Inland Fisheries and Wildlife



Irving Woodlands LLC

Irving regards sustainable forest management as maintaining and enhancing biological productivity and diversity of the forest, with the goal of assuring both an economic and ecological future for the forest and the people of Maine.

3. Deer Wintering Habitat Criteria

To survive the winter season, deer seek habitats with a combination of cover and food that minimizes net energy loss. As winter conditions change from mild to moderate and then severe, the relative importance of cover versus food changes. Deer winter habitat has been defined for managing the winter habitat requirements. During the snow-free period of the year from spring to fall, deer range over most of the landscape and use a wide variety of forest and non-forest vegetation communities. However, as snow accumulates and temperature drops, deer spend more time in older conifer-dominated forest stands associated with watercourses and valleys. The area deer occupy during winter generally represents only 10 to 20 percent of the summer range. Deer often return to winter in the same locations from year to year. These traditionally used areas are called deer wintering areas or deer yards and are the focus of forest management activities to provide winter habitat.

Deer wintering areas include a variety of habitat components that may change with forest condition and management strategy. These habitat components contribute to the long-term functioning of a deer wintering area as a source of winter shelter and food. White-tailed deer utilize predominantly mature coniferous forest habitat during critical winter conditions. Suitable habitat areas provide relief from winter in more stable temperatures and humidity conditions, and lower snow depths. These areas are used approximately 3 to 5 months in the winter when snow depths are greater than 12 inches. Deer movements are considered to be restricted when snow depths reach 16 inches. While shelter is the most important component of these areas for wintering deer, an interspersed forest stands providing forage and sunlight is also required to provide quality habitat. Habitat suitable for deer in winter also provides quality habitat for numerous other species associated with mature forest.

Primary Winter Shelter

Primary Winter Shelter (“PWS”) consists of forest stands that provide shelter for deer during the most severe winter conditions.

PWS has the following:

- Softwood crown closure >70% mixed or solitary stands of cedar, hemlock, spruce, and fir.
- Stand height > or = 35 feet.

Secondary Winter Shelter



Irving Woodlands LLC

Secondary Winter Shelter (“SWS”) consists of forest stands that provide adequate shelter for all but the most severe winter conditions.

SWS has the following:

- Softwood crown closure between 50% and 70% mixed or solitary stands of cedar, hemlock, spruce, and fir.
- Stand height > or = 35 feet.

Travel Corridors

Successful functioning of deer wintering areas on a long-term basis requires travel corridors within the deer wintering area. Traditionally used corridors often follow streams and wetlands, or topographic features such as ridgelines and valleys. Functional corridors are wide enough to provide deer with sheltered travel ways throughout the yard, and are located to maintain direct access to winter shelter.

Winter Foods: Browse & Litterfall

Deer rely on fat reserves and an ability to minimize energy expenditures to survive during winter. Generally, hardwood and softwood winter browse only slows seasonal weight loss in deer, relative to eating nothing. Only the leaves of northern white cedar can sustain deer in winter without causing serious weight loss. Cedar and hemlock are long-lived species that provide high quality winter shelter and high-value winter food, although often in low abundance as ground-level forage in deer wintering areas.

Litterfall is a secondary source of food for wintering deer. It consists of softwood twigs, especially of cedar and hemlock, and arboreal lichens dislodged from the canopy throughout the winter by snow, ice and wind that become available to deer on the snow surface. As softwood stands mature, they develop more lichen biomass and contribute more litterfall. In spruce/fir dominated deer wintering areas, balsam fir contributes the majority of lichen and litterfall biomass. While difficult to measure, litterfall may comprise as much as 50% of the winter diet for deer and are independent of browse pressure.

Spring Foods

Winter browse and litterfall is very low in protein and insufficient to support deer fetal development. Most fetal development is delayed until the final trimester of pregnancy, generally after late-March. The availability of higher quality spring foods such as grasses and clovers close to deer wintering areas can influence survival of adults, body condition of lactating females, and thus survival of nursing fawns.

II. Management Objectives

Objectives for management of the Properties include:

- Active management to achieve sustainable winter habitat for white-tailed deer.
- To improve the quality of deer winter habitat and maintain >50% of the composite area in combined PWS and SWS when stand conditions allow, and where possible:
 - ❖ To maintain one half or more of this winter shelter acreage as PWS;
 - ❖ To develop 50 year management plans for all deer wintering areas meeting winter shelter criteria prior to conducting further harvesting operations.
- To include areas found to hold significant wintering deer populations into the Co-Operative DWA's until a healthy population has been reached.
- To give management consideration to other species of wildlife when appropriate.
- To improve forest stand vigor.
- To ensure that the Properties continue to contribute to an active, profitable forestry operation.
- To produce a balanced forest age-class structure in the long term within the Properties that will provide stable habitat levels to support a diversity of flora and fauna.

III. General Management Guidelines

Harvest Timing

Although harvesting will be allowed throughout the year, it will be encouraged in mid to late winter to provide food for deer. Regeneration harvest prescriptions will follow Irving's guidelines for vertical diversity within Co-Operative DWA's and P-FW's. Summer or fall harvests may occur in areas devoid of wintering deer populations or when land scarification is desired for favorable spruce seedbed.

Road Construction

The following guidelines will be encouraged in order to minimize habitat fragmentation and other potential negative effects while allowing access to the Properties for active forest management:

- Road right of ways within the Properties should be a maximum of 50 feet from standing timber to standing timber. This road width specification is very important within PWS and SWS areas. Areas needing additional right of way width (due to steep slopes, deep snow, etc.) should be reviewed and discussed with MDIF&W.



- Right of ways through historic travel corridors and water crossings should be narrowed to a maximum of 45 feet where possible.
- Roads within deer wintering areas can hinder deer movement in winter – the wider the opening the greater risk of restricting movement. Snow banks on plowed roads within deer wintering areas can also be an impediment to movement or may hold deer within road banks where they are exposed to vehicular accidents or coyote predation. Seasonal roads will be preferred method of access, but permanent roads will be allowed in non-active deer wintering areas or areas beneficial to spring food harvests (late winter/early spring harvests that provide deer feed). Irving should consult with MDIF&W on the location of such seasonal and permanent roads.
- When road construction is completed for an area, disturbed areas such as road shoulders, road ditches, and landings should be seeded in with an MDIF&W approved “wildlife mix” of grasses and/or herbaceous plants in order to stabilize soils and provide food for wildlife. A discussion should occur between Irving and MDIF&W regarding disturbed areas within the Properties that are not appropriate for seeding.
- Assistance should be provided by MDIF&W for use of its ATV and seeder by Irving for seeding disturbed areas within the Properties, as time and equipment permit.

Silviculture

In certain cases, some level of silviculture treatments may be incorporated into the Properties where it is consistent with Irving’s timber objectives. These treatments should include tree planting, herbicide applications, and pre-commercial thinning. One type of specialized treatment includes the planting of cedar seedlings in planted areas within the Properties. Irving should consult with MDIF&W in relation to these treatments.

Travel Corridors

To avoid isolation of habitat within the Properties, softwood or softwood/hardwood travel corridors (if present and of good quality) should be identified between softwood shelterwood and clearcut areas. The corridor between shelterwood areas should be approximately 330 feet (5 chains) wide. The corridor between clearcut areas should be approximately 660 feet (10 chains) wide. Riparian buffers along P-SL1 streams and Great Ponds should be 330 feet (5 chains) along each side of the waterbody, and along P-SL2 streams should be 200 feet along each side of the stream. Riparian areas that are considered significant travel corridors should be evaluated for expanded riparian buffers on a case-by-case basis.



Irving should consult with MDIF&W on the location and width of the expanded riparian buffer. These travel corridors adjacent to shelterwood and clearcut prescriptions and riparian buffers should meet the deer wintering habitat criteria as defined in Section I.3 above.

Special Considerations

Both parties recognize that in certain situations, there may be factors which prevent desired habitat levels in the Properties. These factors include but are not limited to:

- A skewed forest age-class structure in a particular Co-Operative DWA or P-FW which requires extensive forest intervention to develop a more balanced age-class distribution.
- Natural influences such as insects, disease, fire, or storms may cause a loss of habitat.

Recreational Use

Existing recreational trails, including snowmobile and cross-country ski trails, within the Properties will be permitted. Other compatible uses will be allowed within the Properties, including but not limited to fishing, hunting, wildlife study, photography, trapping, and camping. Irving and MDIF&W should review all new trail development proposals within the Properties in order to ensure the least impact possible on deer wintering areas. Recreational activities may be evaluated by Irving and MDIF&W for current and potential conflicts with timber or wildlife habitat management. Portions of the Properties may be leased by Irving to private individuals for camp construction and recreational use. If located carefully, camp lots can provide recreational opportunities without conflicting with timber or wildlife habitat management. In order to prevent potential disturbance to deer in these leased areas, Irving should:

- Communicate the sensitive nature of these areas to lessees;
- Request that lessees adjust their activities so as to minimize disturbance to deer travel patterns (i.e., winter recreational activities including snowmobiling, snowshoeing, and cross-country skiing within the Properties);
- Inform lessees that dogs should be controlled at all times when in these areas; and
- Consult with MDIF&W on potential locations for the leased properties.

Where possible, Irving should also attempt to locate new lease sites in areas outside the Properties.

Foot Traffic Only Roads

Access roads within the Properties which dead-end within the Properties or will not be used as major thoroughfare passage may be designated as “Foot Traffic Only Roads”. Irving and MDIF&W should consult on any such access road designations. A sign should be erected to inform the public of the purpose of the foot traffic only designation and a means of discouraging vehicle access on these roads should be implemented.

IV. Terms of Agreement

Irving and MDIF&W acknowledge and agree as follows:

1. This Agreement establishes the objectives and guidelines (as set out in Sections II and III above, respectively) for all management activities within the Properties (as defined in Section I.1 above).



2. Any P-FW's within the Co-Operative DWA's will still require LURC permits. This Agreement will serve as the basis for the LURC Plan Agreement for any P-FW located on land managed by Irving and MDIF&W will ensure that any management activities recommended for such P-FW's under this Agreement will conform to applicable LURC rules and regulations.
3. The management activities and operating plans for the Properties should be agreed to annually between Irving and MDIF&W. Irving and MDIF&W will meet each year to review management activities conducted on the Properties since the last annual meeting, determine if the operating plans are still appropriate, and agree on the next year's planned management activities. A time schedule will be established for the completion of management activities.
4. Subject to Irving meeting the management objectives set out in Section II above, timber harvesting prescriptions for the Properties should be discussed and agreed upon by Irving and MDIF&W.
5. Irving's goal, within five years of signing of this Agreement, will be to have a written management plan for each Co-Operative DWA prior to initiating forest management interventions on the ground. In the interim, prior to development of management plans and where conditions warrant, harvest plans should be jointly developed by Irving and MDIF&W and implemented on a case by case basis.
6. Where necessary, Irving and MDIF&W will mutually relocate Co-Operative DWA's to provide the best benefit to wintering deer on a case by case basis.
7. Subject to Section V.2 below, the term of this Agreement shall be five (5) years from the date of signing by both parties. Irving and MDIF&W expect to renew this Agreement at the end of the five year term.

V. Resolution of Disagreements & Termination

1. Irving and MDIF&W agree to employ the following protocol in an attempt to resolve any disagreements that may arise in the implementation of this Agreement:

Action by MDIF&W's Regional Wildlife Biologist and Irving's Management Forester

An attempt will be made to resolve disagreements at the level of Irving's Management Forester and MDIF&W's Regional Wildlife Biologist. In resolving disagreements, Irving's Management Forester and MDIF&W's Regional Wildlife Biologist will be guided by specific language contained in this Agreement, which outlines the principal management concerns, goals, and specifications for the Properties. In the event that the subject matter of the



disagreement is not specifically addressed in this Agreement, they should be guided by the management objectives set out in Section II above.

Action by MDIF&W’s Wildlife Management Section Supervisor and Irving’s Operations Manager

In the event that Irving’s Management Forester and MDIF&W’s Regional Wildlife Biologist cannot resolve the disagreement, MDIF&W’s Wildlife Management Section Supervisor and Irving’s Operations Manager will meet with them to review the area of disagreement and attempt to provide resolution. In resolving disagreements, MDIF&W’s Wildlife Management Section Supervisor and Irving’s Operations Manager will also be guided by the language of this Agreement, as well as its objectives.

Action by Technical Experts and Third Parties

In the event that MDIF&W’s Wildlife Management Section Supervisor and Irving’s Operations Manager cannot resolve the disagreement, Irving and MDIF&W may elect to consult with technical experts, seek the assistance of third parties, or both. The function of the technical experts or of the third parties will be to make recommendations designated to resolve the disagreement. These recommendations will not be binding on either Irving or MDIF&W.

2. Irving and MDIF&W shall each have the right, without penalty, to terminate this Agreement in writing at any time, rendering it immediately null and void. Upon such termination, neither party shall be liable to the other party for any compensation or damages whatsoever.

At the time of termination, or at any time following termination, MDIF&W reserves the right to prepare and submit P-FW zoning petitions to the LURC for areas previously covered by this Agreement that meet the standards of the Fish and Wildlife Protection Sub-district. MDIF&W will continue to conduct aerial and ground surveys to monitor deer use and to maintain the data necessary for the zoning of any part of the areas that meet such standards. Irving will be advised in advance and will have the option to choose to participate in these surveys and will have access to the information collected. The rights provided for in this paragraph shall survive the termination of this Agreement.

VI. Amendments

Amendments to this Agreement, including but not limited to any deviations from the requirements of this Agreement for an individual Co-Operative DWA plan development, shall be approved in writing by Irving and MDIF&W.

[remainder of page intentionally left blank]



VII. Execution

IN WITNESS WHEREOF the parties have executed this Agreement by their duly authorized officers as of MM/DD/YYYY.

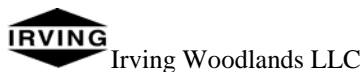
Representative
Irving Woodlands LLC

Representative
Maine Department Inland Fisheries & Wildlife

Appendix A

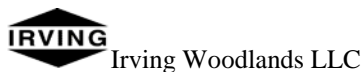
Co-Operative DWA and LURC Zoned P-FW Summary
by
Township

Township	Yard Type	Acres
Allagash	Cooperative DWA	16715
	Zoned P-FW	2804
Ashland	Cooperative DWA	4052
Dudley	Cooperative DWA	145.5
	Zoned P-FW	225.5
Dyer Brook	Cooperative DWA	5223.5
Garfield Plt	Cooperative DWA	172.5
Hammond	Zoned P-FW	666.5
Masardis	Cooperative DWA	457.5
Merrill	Cooperative DWA	314
Nashville	Zoned P-FW	13.5
Oakfield	Cooperative DWA	578
Oxbow Plt	Cooperative DWA	1647.5
Portage Lake	Cooperative DWA	801.5
	Zoned P-FW	3991.5
St. John Plt.	Cooperative DWA	1084.5
Symrna	Cooperative DWA	2196.5
Stockholm	Cooperative DWA	114.5
T12R8	Zoned P-FW	81
T13R11	Cooperative DWA	788.5
	Zoned P-FW	1092
T13R7	Zoned P-FW	328
T14R10	Zoned P-FW	409.5
T14R11	Cooperative DWA	1255.5
	Zoned P-FW	895.5



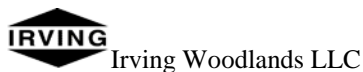
T14R12	Cooperative DWA	1097.5
	Zoned P-FW	167

T14R14	Cooperative DWA	3024.5
	Zoned P-FW	1127.5
T14R15	Cooperative DWA	1085
T14R5	Zoned P-FW	954.5
T14R6	Cooperative DWA	2071
	Zoned P-FW	688
T14R7	Cooperative DWA	1278
	Zoned P-FW	814.5
T14R8	Cooperative DWA	2102.5
	Zoned P-FW	179.3
T14R9	Zoned P-FW	116.5
T15R10	Cooperative DWA	889
T15R11	Cooperative DWA	932
	Zoned P-FW	410
T15R12	Cooperative DWA	813
T15R13	Cooperative DWA	2622
	Zoned P-FW	1483
T15R14	Cooperative DWA	791.5
	Zoned P-FW	1602
T15R5	Cooperative DWA	2065
	Zoned P-FW	2420.5
T15R8	Cooperative DWA	1145
	Zoned P-FW	260.5
T16R12	Cooperative DWA	4582
	Zoned P-FW	352.7



T16R13	Zoned P-FW	2497
T16R4	Cooperative DWA	1658.5
	Zoned P-FW	1177.5

T16R5	Cooperative DWA	765
	Zoned P-FW	157.5
T16R8	Cooperative DWA	3683.5
T16R9	Cooperative DWA	259
	Zoned P-FW	280
T17R12	Cooperative DWA	489
	Zoned P-FW	1326.5
T17R13	Cooperative DWA	130.5
	Zoned P-FW	2612.5
T17R14	Cooperative DWA	558.5
	Zoned P-FW	656.5
T17R4	Cooperative DWA	421
	Zoned P-FW	174
T17R5	Cooperative DWA	342.5
T18R10	Cooperative DWA	287.5
T18R11	Cooperative DWA	600
	Zoned P-FW	2093.5
T18R12	Cooperative DWA	1109.5
	Zoned P-FW	1803
T19R11	Cooperative DWA	412
T6R6	Zoned P-FW	1034.5
T7R5	Cooperative DWA	1343
	Zoned P-FW	2076.5
T7R6	Cooperative DWA	2474.5



	Zoned P-FW	421
T7R7	Zoned P-FW	426.5

T8R4	Cooperative DWA	897.5
T8R5	Cooperative DWA	450.5
	Zoned P-FW	811.5
T8R6	Zoned P-FW	332.5
T9R4	Cooperative DWA	409.5
TCR2	Cooperative DWA	1187
	Zoned P-FW	870.5
Wallagrass	Cooperative DWA	116
	Zoned P-FW	1008
Westfield	Cooperative DWA	474.5
Westmandland	Cooperative DWA	3510.5
	Zoned P-FW	304.5

Total Cooperative DWA	80692.0
Total Zoned P-FW	41448.0
Grand Total	122770.5