

STATE OF MAINE
LAND USE PLANNING COMMISSION

Irving Woodlands LLC)	FISH RIVER LAKES LEASEHOLDERS
Proposed Fish River Lakes Concept Plan)	ASSOCIATION (FRLLA)
Zoning Petition ZP 768)	REBUTTAL COMMENTS JULY 13, 2018

In these rebuttal comments, we will not reiterate in any detail the concerns and recommendations made in our previous filings and at the public hearing, but will limit our comments to follow-up concerns pertaining to the topics listed below from the Petitioner’s Post Hearing Brief.

- Topic 1 – Roads
- Topic 2 – Water Access Sites
- Topic 3 – Development Areas
- Topic 4 – Conservation Easement
- Topic 5 – Hillside Development Standards
- Topic 6 – Phosphorus
- Topic 7 – Sustainable Forestry Principles/Outcome Based Forestry

TOPIC 1 – ROADS

The Petitioner has added some specificity of road ownership and maintenance in the summary of existing conditions and potential road ownership scenarios in **Attachment A** of their Post Hearing Brief. Although this attachment purports to identify which roads will be maintained solely by Irving, which roads will be maintained solely by associations, and which roads will have shared maintenance between Irving and road associations, additional clarification is needed. Also, how will this information be incorporated into the Concept Plan?

The Petitioner states, “We will also be working with Staff to add specifics to the road association framework so that questions of summer and winter maintenance responsibilities, level of road repair, and other matters will get addressed when forming a road association (see **Attachment B**).” Many of the existing camp roads already have road associations and we’re unsure of how the specifics of a “road association framework” will answer these questions. As an example, Irving does not currently plow or sand any of the camp roads in the winter; is that something they are willing to start doing? If not, why not state that all road associations must maintain all access roads in the winter? We’d like to see how the provisions to address these questions are to be worded in the Plan.

Lastly, although when development areas or camp lots are sold, “clear access rights will be granted by deed” ensuring legal access, we’re unclear as to how this will occur with the existing licensed lots on St. Peter Road and on Square Lake Road, two roads that the Petitioner does not own entirely.

We’ve added some specific comments as ~~strike throughs~~ and in red to the individual road scenarios in **Attachment A Overview of Roads and Future Scenarios** from Irving’s Post Hearing Brief.

TOPIC 2 – WATER ACCESS SITES

Although the Concept Plan sets a 20,000 square foot minimum lot size for water access sites, the only type of water access site where no minimum lot size is currently required by the Chapter 10 standards is one with no buildings. According to the definition of “building” this would include the accessory structures in the definition of water access site such as picnic shelters, canoe or kayak storage, restroom facilities, or storage sheds. We have no issue with a simple hand carry launch as shown on page 30, Figure 1 in Section E of the Plan, with no buildings and no docking structure, having a 20,000 square foot minimum lot size and 100 feet of shoreline and road frontage, as long as the other dimensional requirements are kept at the current standards (i.e., parking lot and vegetated shoreline buffer and property line buffer). To lessen the negative impact on the lakes and abutting camps, any of the other types of water access sites shown in Figures 2 - 4 of the Plan, such as those with docks with boat slips and accessory structures, should be required to meet the current minimum lot size of 40,000 square feet, as well as all of the other current dimensional requirements. Clarity should also be provided regarding the minimum shoreline frontage for each added element (i.e., hand carry launch, dock, or trailered ramp) and either the current minimum shoreline frontage of 300 feet (with one or more buildings) should be retained or a minimum shoreline frontage of no less than 150 feet for one element (with a building) should be required, as this is the Plan’s proposed minimum shoreline frontage for residential uses.

The accessory structures “picnic-shelters and related facilities” and “playground structures” should be eliminated from the definition of water access site, since they violate 10.27,P,12 by adding a new activity to the principal use of this type of site, which is only to provide water access for boats. These types of structures for up to 50 residences should be placed inside the development areas, at a location less impactful to the lake and abutting camps.

We appreciate that the residential development area water access sites will be private, except for possibly Square Lake E, as stated in the revisions in **Attachment C** of Irving’s Post Hearing Brief. To ensure the sites remain private, there should be a requirement for gating and fencing, as we’ve recommended.

As detailed in our Topic One public hearing oral and written testimony, to ensure appropriate siting and type of access, and limit adverse impacts to the lakes, we also request a Plan provision requiring consultation with governmental review agencies regarding locations, and types and numbers of proposed shoreland structures when an application includes a water access site, as well as documentation of boating levels and estimation of carrying capacity to ensure this remains within the agreed upon Water and Land Recreation Opportunity Spectrum (WALROS) designation for each and all specific portions of the lake.

TOPIC 3 – DEVELOPMENT AREAS

As stated in more detail in our pre-filed and oral testimony, to preserve the remoteness and relative absence of development in the south end of Cross Lake and Square Lake, we request the Commission and Petitioner consider relocating or reducing the lot density of the Cross Lake E development area, relocating or adding special zoning for Square Lake W, and modifying the nature and scale of the Yexas/Square Lake E development areas.

While we appreciate the interim planning in the Schematic Design Plan for the Yexas development area, we recommend consideration also be given to provisions in the Semi-Remote Lake Protection Subdistrict (P-GP2), which is, “...designed to conserve the shoreline character of these lakes and other values such as fisheries and

solitude,” in particular, Section 10.23,F,3,g,(5), “Build-out rate. No more than 20 individual units may be constructed in any ten-year period...” as well as other section provisions.

We also appreciate the changes to the marina requirements for Yexas or Square Lake E to ensure that any marina is properly sized, as amended in **Attachment C** of Irving's Post Hearing Brief.

TOPIC 4 – CONSERVATION EASEMENT

As stated by Andy Hamilton in his closing statement, to help preserve the relative remoteness and undeveloped nature of the south end of Cross Lake and Square Lake, and to provide greater protection of important brook trout habitat, water quality, and identified wildlife corridors, we agree with adding the conserved lands proposed by the Forest Society of Maine (FSM) and others: (1) the Square Lake W development area (FSM's area E on Exhibit C of their pre-filed testimony), if this development area is moved or removed, (2) FSM's areas identified as B, C, D, on Exhibit C, and (3) if any additional benefit to Cross Lake's water quality by mitigation of phosphorus export can be gained, the areas identified by FSM as A and F, but only on that basis.

TOPIC 5 – HILLSIDE DEVELOPMENT STANDARDS

As stated in our pre-filed and oral testimony, to help limit adverse impacts to water quality from erosion (especially to Cross Lake) and to help limit the visual impact of hillside developments, we request that development only be allowed on slopes $\leq 20\%$ for both shoreland and hillside development, as is currently the standard for cluster developments. In the Plan, Subchapter III 10.25,R,2,a,(1),(b) and (2),(c), still propose changing the current 20% to 25% as “unbuildable land.” We also propose the Plan revisions in ~~strikethrough~~ *magenta* below in **Attachment E Hillside Development Standards** from Irving's Post Hearing Brief.

Page 10, Section E,1,a,ii,f,

- o Slopes ~~>20~~15 % should be avoided (e.g., wherever possible, development should be located in areas where sustained slopes are less than 15%; development may not be allowed on sustained slopes in excess of ~~25~~20%); and

Section 10.34,B,6,

- h. ~~S~~Steep slopes (i.e., ~~two or more contiguous acres with slopes of 20/5 % or greater) than 20%~~ should be avoided (e.g., wherever possible, development should be located in areas where sustained slopes are less than 15%; development may not be allowed on slopes in excess of ~~25~~20%); and

Although stated as being addressed in the Plan, provisions regarding education and enforceability apparently have not been added, but should be. Also, because inadvertent and/or intentional violations of these requirements are certain to occur over time, we request an additional provision for at least an annual independent qualified third party inspection for compliance with the Plan's hillside development, vegetation clearing, and erosion control requirements, with a report to the Land Use Planning Commission (LUPC) and the Department of Environmental Protection (DEP).

TOPIC 6 – PHOSPHORUS

From Irving's Post Hearing Brief, "Healthy lakes have an intrinsic value to the Plan Area from both an environmental perspective and recreational perspective." The fact that Cross Lake is not a "healthy lake" cannot be argued and therefore this lake requires special attention and efforts at controlling phosphorus exports, whether from additional development or existing sources. To that end, in our pre-filed and oral testimony, we requested four (4) added Plan provisions regarding the proposed Cross Lake Phosphorus Control Plan:

- 1) Biweekly Secchi disc readings be required, [We've since learned that total phosphorus (TP) samples and dissolved oxygen (DO) and temperature readings provide important additional information and would request these elements also be required, see *Note below.]
- 2) Because inadvertent and/or intentional violations of the Phosphorus Control Plan requirements are certain to occur over time, during development and at least annually, independent qualified third-party inspections should be required for compliance with the Plan's phosphorus control and water quality standards, with a report submitted to LUPC and DEP;
- 3) The required Petitioner recordkeeping should include the above inspection reports, proposed mitigation projects, and phosphorus control measures, and should be provided to both LUPC and DEP, as well as made available to the public; and
- 4) The Total Phosphorus Budget for the development areas should not be increased on a 1:1 basis by any mitigation project in the watershed, since the net effect will not reduce the existing excess phosphorus loading to this already impaired lake.

We also request that Irving and the DEP agree on the amount of phosphorus export allowed from the development areas in Cross Lake's watershed and would ask for documentation of the agreement and the allowed amount.

*Note: The Cross Lake license holders and other camp owners are in the process of organizing a lake association to attempt to address Cross Lake's impaired water quality. Biweekly Secchi disc readings are being conducted and TP sampling (as can be afforded). We also plan to purchase a DO/temperature meter and complete the required training to conduct that additional monitoring. One of the first steps to address Cross Lake's water quality is to complete a watershed survey (primarily by volunteers) to identify nonpoint sources of stormwater runoff and then develop a nine-element plan to be eligible for future grant funding to fix identified problems in the watershed. Since the best time to complete the watershed survey is in the spring, we plan to complete this work in the spring of 2019 with the offered assistance of the DEP.

TOPIC 7 – OUTCOME BASED FORESTRY

The Fish River Lakes' fisheries will undoubtedly be impacted by the development proposed in the Concept Plan and all possible measures should be undertaken to mitigate that impact. We therefore agree with the Maine Department of Inland Fisheries & Wildlife (MDIFW) recommendations regarding requirements for stream buffers and crossings in the Plan area, as several other parties have previously submitted in more detailed comments (Natural Resources Council of Maine (NRCM), Maine Audubon, Trout Unlimited, and Backcountry Hunters and Anglers). The MDIFW "*preserves, protects, and enhances the inland fisheries and wildlife resources of the state*" and we must trust their recommendations to accomplish that in this area.

Attachment A – Overview of Existing Roads and Future Scenarios

LONG LAKE A

• **Current Situation**

- Road association (Club 17) maintains East and West Van Buren Cove Roads (EVBCR and WVBCR).
- Irving does not use EVBCR for forest management but does use East Lake View Road (ELVR) for this purpose.
- Lake Road is owned / maintained by Irving. [Lake Road is maintained primarily as needed by Irving and only in the summer. Although it is also used for public access to the beach in the winter and even when it is used for winter harvesting operations, Club 17 plows/sands this road in the winter. Irving and/or the beach licensee should contribute to the winter plowing/sanding to this public access point, also during and immediately following harvesting operations. Note: winter plowing/sanding of all access roads is either completed by existing road associations or individual camp owners on roads with no road association.]

• **Future Scenario: Development of LLA**

- Irving would continue to own and maintain Lake Road in T17 R3. [Maintain during what seasons and to what level of repair?]
- Irving to provide access rights to new lot owners in LLA and general public over Lake Road.
- Existing East Lake View Road could be used for access and partial frontage for up to 50 new lots on 129± acres. New lot owners would be required to join an owners road association [Shouldn't this be an "owners association" as that is required for the new development areas?] that would participate in the maintenance of ELVR. Maintenance for that portion of ELVR within LLA may be shared with Irving once it is developed, since it provides access to woodlands to the north. Irving will continue to maintain access rights over ELVR. [Would this new owners association be required to contribute to plowing/sanding Lake Road in the winter, assuming it continues to be completed by Club 17? The Attachment B change to Section 10.29,B,3, states only that, "Owners associations shall have the authority to share maintenance responsibilities with other entities, such as other road associations or property owners, where roads benefit non-association members." It does not state that this would be required. Also, would a developer of this area also be required to contribute to plowing/sanding of Lake Road prior to the sale of any lots? Some construction would almost certainly occur prior to lot sales (e.g., construction of interior roads and electric service). An equitable proportionate share of maintenance from the developer and each lot owner in the new development should be required in Section 10.29,B.]
- [Any damage or required upgrades to existing roads caused by the construction of new homes and infrastructure would be the responsibility of the developer.]

• **Future Scenario: Existing Licensed Lots on East Van Buren Cove Road**

- If Irving decides to sell the existing licensed lots on EVBCR, with provisions for back lots and back lands, the land under the road would be conveyed to the abutting lot owner and an access easement/ROW would be established for all of the camp lots. Irving may continue to maintain some rights to the road. [Why? Also, would Club 17 be required to maintain EVBCR in both the winter and summer?]
- [Irving would continue to own and maintain Lake Road in T17 R3 during what seasons and to what level of repair?]

LONG LAKE B

- **Current Situation**
 - Road association (Club 17) maintains East and West Van Buren Cove Roads.
 - Irving does not use WVBCR for forest management.
 - Lake Road in T17 R3 is owned / maintained by Irving. [Lake Road is maintained primarily as needed by Irving and only in the summer. Although it is also used for public access to the beach in the winter and even when it is used for winter harvesting operations, Club 17 plows/sands this road in the winter. Irving and/or the beach licensee should contribute to the winter plowing/sanding to this public access point, also during and immediately following harvesting operations.]

- **Future Scenario: Development of LLB**
 - Irving would continue to own and maintain Lake Road in T17 R3. [Maintain during what seasons and to what level of repair?]
 - Irving to provide deeded access rights to existing license holders on WVBCR; new lot owners in LLB; and general public over Lake Road.
 - Development of up to 15 lots/units on 56± acres is expected to be on new roads and/or driveways off West Van Buren Cove Road.
 - Once LLB is approved and built, maintenance for that portion of West Van Buren Cove Road affected by the new development may shall be shared with the existing WVBCR association Club 17. [The portion of the road should not matter. All road association members contribute equally to road maintenance, regardless of what portion of the road they use to get to their camp. Would the new owners association be required to contribute to plowing/sanding Lake Road? Also, would a developer of this area also be required to contribute to plowing/sanding of Lake Road prior to the sale of any lots? Some construction would almost certainly occur prior to lot sales (e.g., construction of interior roads and electric service). An equitable proportionate share of maintenance from the developer and each lot owner in the new development should be required in Section 10.29,B.]
 - Any damage [or required upgrades] to existing roads caused by the construction of new homes and infrastructure would be the responsibility of the developer.

- **Future Scenarios: Existing Licensed Lots on West Van Buren Cove Road**
 - If Irving decides to sell the existing licensed lots on WVBCR, with provisions for back lots and back lands, Irving will continue to maintain some rights to the road for forest management purposes. [Why, since it is stated above that Irving does not use WVBCR for forest management?]
 - The land under the road would be conveyed to the abutting lot owner and an access easement/ROW would be established for all of the lots. [Would Club 17 be required to maintain WVBCR in both the winter and summer?]
 - One option for LLB would create a new road on the west side of WVBCR that would only be used for the lot owners in LLB. This may require a separate road association. The new lot owners may also be required to join the existing road association for a proportionate share of EVBCR maintenance. [The new lot owners and/or developer should be required to contribute an equitable proportionate share to Club 17, who maintains Lake Road and WVBCR in the winter and (we assume) would also maintain WVBCR in the summer, if the licensed lots are sold.]
 - There is also the potential for a few back lots that could be off private driveways on the west side of WVBCR. These lot owners would be required to join the existing road association, but not the one created for a new road discussed above. [Wouldn't all back lots be accessed from WVBCR?]
 - [Irving would continue to maintain Lake Road during what seasons and to what level of repair?]

CROSS LAKE A

• Current Situation

- West Side Road (Irving owned) provides access to CLA from Route 161. There are no residential properties on the section of the road from Route 161 to Shoreline Drive.
- CLA is bounded on the northwest and southwest by unnamed forestry roads in good condition. A narrow woods road parallels the southeastern boundary of CLA. There are no residential properties on any of these roads.
- Irving uses West Side Road for forest management.
- Camps on Shoreline Drive and West Side Road are part of a road association that works with Irving to maintain the roads. [Irving has graded the roads once/year and maintained the bridge over Daigle Brook. The Matrimony Point Association completes the rest of the maintenance, including culvert replacement (which had been done by Irving in the past), ditching, mowing, and all plowing/sanding.]

• Future Scenario: Development of CLA

- The Concept Plan for CLA would allow up to 30 lots to be created on 91± acres west of the existing development on the lake. Development should not affect maintenance requirements for Shoreline Drive or the residential portion of West Side Drive Road. Development occurs off existing forestry roads and/or on new interior roads within CLA.
- Irving would continue to own West Side Road and continue to coordinate maintenance and cost sharing with the existing road association. [Would Irving continue to maintain the bridge over Daigle Brook and grade all of the roads once/year? What about culverts, etc.?] Irving would continue to own and maintain unnamed forestry roads on the northwest and southwest sides of CLA.
- Irving to provide deeded access rights over a portion of West Side Road and existing forestry roads to new lot owners in CLA.
- Ownership and maintenance of new interior roads at CLA would be the responsibility of a road association to be formed by developer. Maintenance that portion of existing Irving forestry roads used for frontage may be shared by lot owners and Irving.
- A narrow woods road on the southeast side of CLA may be improved to provide access to the water. Ownership and maintenance would be the responsibility of the CLA association.
- [Would this new owners association also be required to contribute to the maintenance completed by Matrimony Point Association on West Side Road? The Attachment B change to Section 10.29,B,3, does not state that this would be required. Also, would a developer of this area also be required to contribute to the maintenance of West Side Road prior to the sale of any lots? Some construction would almost certainly occur prior to lot sales (e.g., construction of interior roads and electric service). A required equitable proportionate share for maintenance from the developer and each lot owner in the new development should also be included in Section 10.29,B.]
- [Any damage or required upgrades to existing roads caused by the construction of new homes and infrastructure would be the responsibility of the developer.]

• Future Scenario: Existing Licensed Lots on Shoreline Drive and West Side Road

- If Irving decides to sell the existing licensed lots along Shoreline Drive, maintenance responsibilities [both summer and winter?] and ownership may be transferred to the existing road association. [Wouldn't ownership be transferred to the license holders with the back lots?] Lot owners along Shoreline Drive would have to join the road association for West Side Road to share in its maintenance. [They already do belong to this road association.] Irving will maintain some rights to Shoreline Drive. [Why, it isn't used for forest management?]

- If Irving decides to sell the existing licensed lots along West Side Road, maintenance responsibilities [both summer and winter?] may ["may" or "would"?] be transferred to the existing road association. [For what portions of West Side Road or for all of it? And wouldn't ownership of some portions be transferred to the license holders with the back lots?] Irving may continue to maintain some rights to the road to provide access forest management. Lot owners would have to join the road association for West Side Road to share in its maintenance. [They already are members of that road association. Lot owners would own the portion of road to the back lot, but who would own the portions of West Side Road with no camps on it (especially the beginning of the road and behind Shoreline Drive)?]

CROSS LAKE B

• **Current Situation**

- There are at least 10 separate roads providing frontage and access on the south side of Route 161. The roads are all owned by Irving and maintained by road associations [or by individual camp owners on the roads with no existing association]. Irving uses these roads for forest management purposes. [Not according to our information.]
- The majority of the licensed lots are on the Cross Lake waterfront.

• **Future Scenario: Development of CLB**

- The Concept Plan for CLB would allow up to 30 infill lots to be created on the 91± acres between Route 161 and the existing development on the lake. CLB is designed to allow existing licensed lots to have a back lot as described in the Concept Plan.
- The Concept Plan anticipates that new lots would use existing Irving roads for access and lot frontage. The Plan does not anticipate any additional interconnections of existing roads.
- Irving would provide deeded access rights to new lot owners over existing roads.
- New lot owners would be required to join the existing road association that has maintenance responsibility for their frontage road and pay a proportionate share of its maintenance costs. [Several roads have no formal road association because there are only a few camps on the road. For these roads, the Concept Plan requires forming new road associations for road maintenance. Would the new CLB lot owners be required to join the road association for the road they are on (as the above sentence states) or would their new group "owners association" be required to share maintenance responsibilities with each road association, or some combination of both? The Concept Plan requires that an "owners association" be formed upon the sale of lots in development areas, "... to manage and maintain common facilities, such as roads, open space, water access sites, and stormwater management structures,...". Also, would a developer of this area also be required to contribute to maintenance of the roads prior to the sale of any lots? Some construction may occur prior to lot sales. A required equitable proportionate share for maintenance from the developer and each lot owner in the new development should be included in Section 10.29,B. Whereas this development area surrounds many different roads, with separate road associations and no planned new interior roads, the Plan language needs to be made clear for this specific area.]
- Any damage [or required upgrades] to existing roads caused by the construction of new homes and infrastructure would be the responsibility of the developer.
- Water access to Cross Lake for new residents of CLB may [would] require travel on or crossing existing access roads. Potential impacts on these roads would be examined as part of the approval process. [We're not sure what this means. If a new lot did not front on the water access site road, an annual access fee would be our suggestion, which could be incorporated into the language under Section 10.29, B.]
- Corner lots with frontage on Route 161 may be required to gain access off existing Irving roads to prevent additional driveways onto Route 161.

• **Future Scenario: Existing Licensed Lots on Lake Access Roads**

- If Irving decides to sell the existing licensed lots in the vicinity of Cross Lake B, ownership and maintenance responsibilities would be transferred to existing [or newly formed] road associations. [Wouldn't ownership of some portion of the roads be transferred to the license holders with the back lots and the rest to the road associations?] Irving may continue to maintain some rights to the roads. [Why, our information is that they are not used for forest management?]

CROSS LAKE C

• Current Situation

- The Cyr Road provides access to existing licensed lots fronting on Cross Lake and the Mud Lake / Cross Lake thoroughfare.
- Cyr Road is owned by Irving and maintained by a road association. [Cross Lake Thoroughfare Association or CLTA]
- While Irving uses the Cyr Road [not to our knowledge], there is a network of other logging roads that they used for forest management purposes whenever possible.
- The majority of the licensed lots are on the Cross Lake waterfront, with a considerable number of back lots established.

• Future Scenarios: Development of CLC

- The Concept Plan for CLC would allow up to 30 lots to be created on the 57± acres between Route 161 and Cyr Road. CLC is designed to allow existing licensed lots on Cyr Road to have a back lot.
- The Concept Plan anticipates that any future lots in CLC would be developed on a new road off Cyr Road. [Cyr Road is already heavily developed and the existing forestry road off Route 161 would provide better access to CLC.]
- New lot owners would be required to join an owners road association that would own and maintain the road(s) within CLC and contribute to the maintenance of a portion of Cyr Road. [The owners association should be required to contribute to the maintenance of "all" not a "portion" of Cyr Road; the existing license holders are all charged the same regardless of the location of their lots. The contribution would be in what proportion? Also, would a developer of this area also be required to contribute to the maintenance of Cyr Road prior to the sale of any lots? Some construction would almost certainly occur prior to lot sales (e.g., construction of interior roads and electric service). A required equitable proportionate share for maintenance from the developer and each lot owner in the new development should be included in Section 10.29,B.]
- Map 36 in the Concept Plan anticipates that access to CLC would be over Cyr Road. If this were to be the case, Irving would provide deeded access rights to new lot owners over Cyr Road.
- Any damage [or required upgrades] to Cyr Road caused by the construction of new homes, roads, and other infrastructure would be the responsibility of the developer.
- An alternative access could be considered from Route 161 that would eliminate the need to use Cyr Road to access CLC. Irving may retain ownership rights to that portion of this alternative route between Route 161 and CLC for forest management and grant easement rights to owners of new lots in CLC. [This road would provide much better and shorter road access to CLC.]

• Future Scenario: Existing Licensed Lots on Cyr Road and St. Peter Road

- If Irving decides to sell the existing licensed lots in the vicinity of Cross Lake C with provisions for back lots and back lands, ownership and maintenance responsibilities would be transferred to the existing road associations. [Wouldn't ownership of some portion of the roads be transferred to the license holders with the back lots? On St. Peter Road, would Irving retain ownership of the portion of the road east of the existing licensed lots and would this road association be responsible for all maintenance of the entire road both summer and winter? Since Irving does not own the entire road, how would deeded access be provided to the existing lots on St. Peter Road?] Irving may continue to maintain some rights to the roads. [Why on Cyr Road, which is not used for forestry operations?]

CROSS LAKE D**• Current Situation**

- Disy Road, which provides access to Mif's Lane, Landing Lane Road, and the Cross Lake Boat Landing, is owned / maintained by Irving and is actively used for forest management. [Irving does summer maintenance only on Disy and Landing Roads, but the South Cross Lake Road Association snowplows and sands these roads that also serve a public access point, as well as Mif's Lane. Irving and/or the Boat Landing licensee should contribute to the winter plowing/sanding to this public access point.]
- Mif's Lane and Landing Road are both owned by Irving. The homes on the west side of Mif's Lane and the north side of Landing Road are privately owned. Homeowners on Mif's Lane and Landing Road have deeded access rights over Disy Road. Their road association is responsible for all road maintenance on Mif's Lane. [Summer maintenance of Disy and Landing Roads has historically been completed by Irving.]
- Two non-Irving properties are located on the south side of Landing Road. The status of their road maintenance agreement is unknown.
- [Two lot owners on Mif's Lane currently lease a back lot from Irving on the east side of the road for septic systems. These two owners should be given first option to purchase these licensed lots if CLD is developed on the east side of Mif's Lane. These two lots would also prohibit new residential lots from being developed at these two locations (where the conceptual sketch for Cross Lake D shows 8 lots on the east side of Mif's Lane, only 6 could be developed).]

• Future Scenario: Development of CLD

- The Concept Plan for CLD would allow up to 35 lots to be created on 187± acres on a portion of Disy Road, the east side of Landing Road, the east side of Mif's Lane, and additional future roads.
- Irving would continue to own and maintain Disy Road in T16 R4. [Maintain in what seasons and to what level of repair? If all snowplowing/sanding continues to be completed by the South Cross Lake Road Association, the CLD owners association should be required to contribute to this maintenance and the new lots east of Mif's Lane should be required to contribute to all maintenance of Mif's Lane in the same proportion as the existing lots. Ownership and maintenance (in any seasons) of Landing Road and Mif's Lane are not addressed in this scenario.]
- Irving to provide deeded access rights over Disy Road to new lot and the general public.
- [Any damage or required upgrades to existing roads caused by the construction of new homes and infrastructure would be the responsibility of the developer.]

CROSS LAKE E**• Current Situation**

- Disy Road, which provides access to Disy Crossover Road and Black Brook Road, as well as Mif's Lane and Landing Road, is owned / maintained by Irving and is actively used for forest management. [Irving does summer maintenance only on Disy and Landing Roads, but the South Cross Lake Road Association snowplows and sands these roads that also serve a public access point, as well as Mif's Lane. Irving and/or the Boat Landing licensee should contribute to the winter plowing/sanding to this public access point.]
- There are no active licensed lots on Disy Road or Disy Crossover Road between Route 161 and Cross Lake E.

• Future Scenario: Development of CLE

- The Concept Plan would allow up to 60 lots/units to be created on the 229± acres designated for CLE. Dedicated access from Route 161 would be guaranteed over Disy Road and Disy Crossover Road, as well as other unnamed Irving forestry roads.
- Irving would continue to own and maintain all roads used for access to the boundaries of CLE. [Maintain in what seasons and to what level of repair?]
- Irving to provide deeded access rights over these roads to new lot/unit owners in CLE.
- New lot owners would be required to join a road association that would own and maintain the road(s) within CLE, and contribute to the maintenance of a portion of Disy Road, Disy Crossover Road, and other Irving roads that may be affected by the additional traffic. Irving will retain rights to use new roads for forest management. [Would the new lot owners and a developer be required to contribute to the snowplowing/sanding of Disy Road currently completed by the South Cross Lake Road Association?]
- Cross Lake E is bisected by an area of very steep slopes, which may result in an upper and lower development areas. The connecting road between the upper and lower portion of CLE may be outside the limits of the residential development area (and outside of the Conservation Easement).
- The physical composition of the land and other factors may necessitate the formation of two separate road associations.
- An alternative access from Square Lake E could be considered, using an existing Irving forestry road that intersects the southern boundary of CLE.
- [Any damage or required upgrades to existing roads caused by the construction of new homes and infrastructure would be the responsibility of the developer.]

SQUARE LAKE W

• Current Situation

- The 19 licensed lots on the west side of Square Lake are accessed by the Square Lake Road, which is owned by Irving in T16 R4, Westmanland, and T15 R5. The southern portion of the road in T16 R5 traverses the Eagle Lake Public Reserve Land and is owned by the Bureau of Public Lands (BPL). Although not a public road, this section of roadway has traditionally been used by the licensed lot owners to access their camps. Maintenance responsibilities for this section of the road are shared by Irving and BPL. The northern portion of Square Lake Road in T16 R5 is owned / maintained by Irving. [The road is only really maintained when used by Irving for harvesting operations.]
- Square Lake Road is generally not maintained during winter months. General maintenance is done by Irving for fire access and to tend to forest management operations. License holders access their camps during these times by snowmobile. [Individual license holders also maintain portions of the road to access their camps by vehicle in the summer.]

• Future Scenario: Development of SLW

- The Concept Plan would allow up to 30 lots/units to be created on the 169± acres designated for SLW. Existing forestry roads in SLW could be used for access and frontage for new development. New lot owners would be required to join a road owners association that would own and/or maintain any new or upgraded roads. Irving will retain rights to use these roads for forest management.
- Irving would continue to own and seasonally maintain all roads used to access existing licensed lots. [The road is only really maintained when used by Irving for harvesting operations, so to what level of repair does “seasonally maintain” mean?]
- Irving would provide deeded access rights over these roads to new lot/unit owners in SLW. [Since Irving does not own the entire road, how would deeded access be provided to the new lots?]
- Any damage to existing roads caused by the construction of new homes and infrastructure would be the responsibility of the developer.
- If access over State land is not available, developer of SLW would be responsible for providing a parking area at SLE to accommodate boat trailers for SLE owners.
- [Any damage or required upgrades to existing roads caused by the construction of new homes and infrastructure would be the responsibility of the developer.]

• Future Scenario: Existing Licensed Lots on Square Lake

- If Irving decides to sell the existing 19 licensed lots on Square Lake, deeded access rights to and maintenance responsibilities of a portion of Square Lake Road would be transferred to the existing road association. Irving will retain rights to use the road for forest management. [Maintenance of what portion of Square Lake Road would be the responsibility of a newly formed road association? (Currently one does not exist.) If just the portion behind the camps, why would Irving retain rights to that road? Wouldn't deeded access rights be granted to the lot owners, not the road association? How would deeded access rights be granted whereas Irving does not own the entire road? The road is only really maintained when used by Irving for harvesting operations, so to what level of maintenance would the Irving-retained portion of road be kept? Also, would it be restored to its original condition after harvesting operations are completed?]