

DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY  
**MAINE LAND USE PLANNING COMMISSION**

**Rule Revisions: Chapter 2, Definitions; and Chapter 10, Land  
Use Districts and Standards**

**2025 Miscellaneous Rule Revisions**

*October 8, 2025*

The following amendments propose changes to Chapter 2, Definitions and Chapter 10, Land Use Districts and Standards for Areas within the Jurisdiction of the Maine Land Use Planning Commission. This document only includes relevant sections of Chapter 10 and indicates additions in underline, deletions with a ~~strikethrough~~, and relocated text in double underline and double ~~strikethrough~~. Most revisions are self-evident. Where necessary, further explanations of some changes have been included in [brackets]. These explanatory notes would not be included in the final rule.

### **Summary of Proposed Rule Revisions:**

#### *Response to Statutory Changes:*

Certain revisions would align LUPC rules with recent changes to statute ([Public Law 2025 Chapter 11](#)), which changed the defined term “campsite” to “minor campground” in Title 12 M.R.S. §682(15) and amended 12 M.R.S. §685-B(1-A)(C) to state that a permit is not required for a minor campground in a management subdistrict. The following changes are proposed to reflect the updated statutory language:

- Update Chapter 2, Section 2.02 to replace the current definition of “campsite” with “minor campground,” which allows four campsites of up to 12 people each;
- Create a new definition of “campsite” as a single camping location for up to 12 people in Chapter 2, Section 2.02 based on existing language in the current definition, and which would continue to apply in all subdistricts where campsites are currently allowed;
- Revise Chapter 10, Section 10.22 to add “minor campground” to the lists of uses allowed without a permit subject to standards in M-GN, M-HP, and M-NC subdistricts.

#### *Miscellaneous Rule Revisions:*

In addition to the changes to Chapter 2 above, the following revisions are also proposed for Chapter 2:

- Slightly modify language for several additional definitions in Chapter 2, Section 2.02 to improve clarity and consistency with the LUPC statute and with 2022 LUPC rulemaking regarding solar energy generation facilities; and
- Add new definitions in Chapter 2, Section 2.02 for “community-based off-shore wind project,” “moratorium,” “planned subdistrict,” and “real estate.”

In addition to the changes to Chapter 10 above, the following revisions are also proposed for Chapter 10:

- Slightly modify the language for several definitions in Chapter 10, Sections 10.06, 10.11, and 10.21 to improve clarity and consistency with statute;
- Modify Section 10.16 to confirm where documents incorporated by reference can be accessed or copies thereof may be acquired;
- Modify language in Chapter 10, Section 10.21 to change the deadline for filing a development permit following the establishment of a D-PD or D-PR subdistrict from 18 months to five years and adding a provision that, if the Commission concludes that a legally existing nonconforming use has become a legally existing conforming use pursuant to the designation of the D-PR subdistrict, the deadline does not apply;
- Add a new use listing in Section 10.22,A as part of the implementation of Public Law 2025 Chapter 11;

- In Chapter 10, Section 10.23, add examples of types of Trailered ramps and making minor edits to improve clarity, and update a document incorporated by reference to the most recent available version;
- Modify Chapter 10, Section 10.25,T,2,K to change the limit for transient occupancy of RVs in the P-FP subdistrict from 120 to 150 days, in accordance with [Public Law 2025 Chapter 61](#), which revises 12 M.R.S. § 682(18);
- Slightly modify language in Chapter 10, Section 10.25 to improve clarity and to update documents incorporated by reference to more recent available versions;
- Modify language in Chapter 10, Section 10.26 to improve clarity and to add “major flowing water” to the list of types of bodies of water subject to shoreland zoning requirements;
- Modify language in Chapter 10, Section 10.27 to improve clarity and consistency with statute, and to allow for greater flexibility in the tools given as examples to help comply with the requirements of 10.27,D,2,a;
- Slightly modify language in Chapter 10, Appendix G to improve clarity and consistency with statute.

## Chapter 2, Definitions

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### 2.02 DEFINITIONS

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**[Revision Note:** The following item would be edited in response to [Public Law 2025 Chapter 11](#), which revises Title 12 M.R.S. § 682(15). This item will also be relocated to be in alphabetical order. Additionally, a new definition of campsite is proposed.]

##. **Campsite****Minor campground:**

“A camping location containing tents, registered tent trailers, registered pickup campers, registered recreational vehicles, registered trailers or similar devices used for camping. “**Campsite****Minor campground**” 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 minor campground** 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. § 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. Outhouses shall not exceed 36 square feet in area. For the purpose of the application of the Commission’s rules, the statutory provision that a “**campsite minor campground** 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 minor campground**, 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.

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**[Revision note:** In follow up to PL 2025 Chapter 11, add a new definition for “campsite” that employs familiar concepts and metrics without perpetuating the issues from the prior statutory definition.]

##. **Campsite:**

**A camping location containing tents, registered tent trailers, registered pickup campers, registered recreational vehicles, registered trailers or similar devices used for camping. A campsite must not have access to a pressurized water system or permanent structures other than outhouses, fireplaces, picnic tables, picnic tables with shelters or lean-tos. A campsite must be designed and utilized 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 exceed 120 square feet in area. Outhouses shall not exceed 36 square feet in area.

...

**##. Community-based off-shore wind project:**

"A wind energy development, as defined by Title 35-A, section 3451, subsection 11, with an aggregate generating capacity of less than 3 megawatts that meets the following criteria: the generating facilities are wholly or partially located on or above the coastal submerged lands of the State; the generating facilities are located within one nautical mile of one or more islands that are within the unorganized and deorganized areas of the State and the project will offset part or all of the electricity requirements of those island communities; and the development meets the definition of "community-based renewable energy project" as defined by Title 35-A, section 3602, subsection 1." 12 M.R.S. § 682.

...

**[Revision Note: Edit will improve clarity and transparency.]**

**##. Cross-Sectional Area:**

The cross-sectional area of a stream channel shallmust 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 markthe normal high water mark on the opposite side of the channel. The average stream channel depth shallmust 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.

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**##. 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, as the Commission may by regulation determine do not need regulating to achieve the purpose, intent and provisions of this chapter." 12 M.R.S. § 682.

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**[Revision Note: Clerical edit to remove incomplete and unnecessary gender references.]**

**##. Home Child Day Care Provider:**

A person who receives consideration to provide childcare in his or hertheir 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.

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**[Revision Note: Update definition to accurately reflect statute, and add a new sentence regarding interpretation.]**

**##. 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 usesor resources." 12 M.R.S. § 682.

District and subdistrict may be used interchangeably.

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**##. 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 120 150 consecutive days.

...

**##. Moratorium:**

“A temporary land use regulation or ordinance approved by the commission or a municipal legislative body which prevents development or subdivision by withholding authorization or approval necessary for development.” 12 M.R.S. § 682.

...

**##. Planned subdistrict:**

“A delineated area for which a specific land use plan and standards have been agreed to by the owner of the land within the delineated area and approved by the commission.” 12 M.R.S. § 682.

...

**##. Real Estate:**

“Land and structures attached to it.” 12 M.R.S. § 682.

...

**##. Road Projects, Level B:**

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 (does not include water crossings) 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.

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**##. Septage:**

“Waste, refuse, effluent, sludge, and any other materials from septic tanks, cesspools, or any other similar facilities.” 38 M.R.S. § 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

...

**##. 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..” 12 M.R.S. § 682.

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**[Revision Note:** Clerical edit to concur with Title 12 § 682.]

**##. Shoreline:**

"The normal high water mark of tidal waters, a coastal or inland wetland, a standing body of water, or flowing water or non-tidal water body, or the upland edge of a freshwater wetland." 12 M.R.S. § 682.

**[Revision Note:** Clerical edit to remove incomplete and unnecessary gender references. Additionally, continue to replace usage of "shall" to more appropriate terminology or phrasings.]

**##. Sign:**

Any structure, display, logo, device or representation which is designed or used to advertise or call attention to anything, 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 shallmust mean capable of being seen without visual aid by a person of normal visual acuity.

The size of a ground, roof, or projecting sign shallmust 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 shallmust 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 shallmust 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 shallmust be considered to be a single sign.

**Sign, On Premises:**

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.

**Sign, Projecting:**

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

**Sign, Roof:**

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

**Sign, Residential Directional:**

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

**Sign, Wall:**

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.

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**[Revision Note:** Clerical edit to reflect revisions adopted within 2022 rulemaking.]

**##. Solar Energy Generation Facility:**

- a. **Accessory Solar Energy Generation Facility.** A freestanding or standalone solar energy system that is intended to convert solar energy into electric or thermal energy for on-site use or off-site use, and which has a project area of 750 square feet or less; excluding rooftop installations over existing footprint.
- b. **Small-scale Solar Energy Generation Facility.** A solar energy system that is intended to convert solar energy into electric or thermal energy for on-site use or off-site use, and which has a project area of more than 750 square feet but not more than one acre.
- c. **Mid-scale Solar Energy Generation Facility.** A solar energy system that generates electricity for on-site use or off-site use, and which has a project area of more than one acre but not more than ten acres.
- d. **Large-scale Solar Energy Generation Facility.** A ~~Solar Energy System~~solar energy system that generates electricity primarily or solely for commercial sale for off-site use, and has project area of more than ten acres.

Project area includes, but is not limited to, all land area containing new access roads, internal roads, the solar energy generation system (e.g., panels, inverter, battery storage), electrical and communications infrastructure including generator lead lines, structures, parking, security fencing, and vegetation clearing, including shade management areas.

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**##. Subdivision:**

“Except as provided in 12 M.R.S. § 682-B, “subdivision” means a division of an existing parcel of land into 3 or more parcels or lots within any five-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 five-year period.” <sup>12</sup> M.R.S. § 682(2-A).

Refer to Chapter 10, Section 10.25(Q), “Subdivision and Lot Creation” for additional criteria on types of lots that are included or are exempt from this definition.

**[Revision note:** Subdivisions may be residential, non-residential, or mixed use. While most subdivisions processed by the Commission are residential projects, these definitions were not intended to be limited to residential subdivisions.]

- ##. **Subdivision Density, Low-density Subdivision:** A ~~residential~~-subdivision with a minimum lot size of 11 acres, maximum lot size of 25 acres, and an average lot size of greater than 15 acres.
- ##. **Subdivision Density, Moderate-density Subdivision:** A ~~residential~~-subdivision with a minimum lot size of one acre, maximum lot size of 10 acres, and an average lot size between two and four acres.
- ##. **Subdivision Density, High-density Subdivision:** A ~~residential~~-subdivision with a minimum lot size of 20,000 square feet, maximum lot size of three acres, and an average lot size of less than two acres.

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**##. Subsurface Wastewater Disposal System:**

- a. “Any system for the disposal of waste or wastewater 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:
  - (6) Any discharge system licensed under 38 M.R.S. § 414;
  - (7) Any surface wastewater disposal system; or
  - (8) Any municipal or quasi-municipal sewer or wastewater treatment system.” 30-A M.R.S. § 4201(5).

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**##. Transient Occupancy:**

“Occupancy that does not exceed 120-150 days in a calendar year” 12 M.R.S. §682(18). With respect to campsites and residential campsites occupancy is measured by the length of time the tent, trailer, camper, recreational vehicle, or similar device used for camping is located on the site. There is no limit to the number of days a person may store an unoccupied camping device at a lawfully existing camping location within a lawfully existing campground.

**##. Unorganized and Deorganized Areas:**

“Unorganized and deorganized areas includes:

- a. all unorganized and deorganized townships;
- b. plantations that have not received commission approval under section 685-A, subsection 4-A to implement their own land use controls;
- c. municipalities that have organized since 1971 but have not received commission approval under section 685-A, subsection 4-A to implement their own land use controls; and
- d. all other areas of the State that are not part of an organized municipality except Indian reservations.

For the purposes of permitting a community-based offshore wind energy project and structures associated with resource analysis activities necessary for such an intended project, the area of submerged land to be occupied for such a project and resource analysis structures is considered to be in the unorganized or deorganized areas.” 12 M.R.S. § 682.

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## Chapter 10 – Land Use Districts and Standards

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### 10.06 INTERPRETATION OF LAND USE STANDARDS

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The following apply to all uses in all subdistricts except as otherwise provided:

- A. The description of permitted uses herein does not authorize any person to unlawfully trespass, infringe upon or injure the property of another, and does not relieve any person of the necessity of complying with other applicable laws and regulations.
- B. Unless otherwise specified herein, accessory uses and structures which are permitted in a subdistrict must conform to the requirements for the principal use or structure to which they relate.
- C. Whenever a provision of this Chapter conflicts with or is inconsistent with another provision of this Chapter or of any other lawfully adopted rules, regulations, standards, ordinances, deed restrictions or covenants, the more protective of existing natural, recreational and historic resources shall control.
- D. Where two or more protection subdistricts apply to a single land area, the combination of the more protective standards for each subdistrict shall apply. Where another protection subdistrict applies to the same land area as a P-FW subdistrict, any activities within such area which are not in conformance with the applicable standards of Section 10.27 shall require a permit.
- E. Wherever an M-NC subdistrict surrounds another management or protection subdistrict, no commercial, industrial, or residential development shall be allowed in such management or protection subdistricts except as allowed in such M-NC subdistrict.
- F. Notwithstanding any other provisions contained in this chapter, a “land use standard may not deprive an owner or lessee or subsequent owner or lessee of any interest in real estate of the use to which it is lawfully devoted at the time of adoption of that standard.” 12 M.R.S. § 685-A(5)
- G. Subdivisions are prohibited unless allowed with a permit pursuant to the standards set forth for the subdistrict involved, except as provided in Section 10.25,Q,3,d,(6).
- H. “Except for projects that are located in a planned subdistrict that was approved or accepted by the commission for processing prior to September 1, 2012, a permit is not required for those aspects of a project approved by the Department of Environmental Protection under Title 38 if the commission determines that the project is an allowed use within the subdistrict or subdistricts for which it is proposed. Notice of intent to develop and a map indicating the location of the proposed development must be filed with the commission prior to or concurrently with submission of a development application to the Department of Environmental Protection.” 12 M.R.S. § ~~685-B(1-A)(B)~~  
~~685-B(1-A)(G)~~
- I. If a proposed activity other than timber harvesting requires a permit and will alter 15,000 or more square feet of a mapped wetland (P-WL1, P-WL2, or P-WL3 subdistrict), 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” U.S. Army Corps of Engineers. (1987) and the “Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region.” U.S. Army Corps of Engineers. (Version 2.0, January 2012).

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## **10.11 NONCONFORMING USES AND STRUCTURES**

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### **C. NONCONFORMING STRUCTURES**

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2. **Reconstruction or Replacement.** A legally existing, nonconforming structure may be reconstructed or replaced with a permit, provided that the permit application is completed and filed within two years of the date of damage, destruction or removal; the structure was in regular active legally existing use within a ~~two-year~~two-year period immediately preceding the damage, destruction, or removal; and if the reconstruction or replacement involves expansion, the structure meets the requirements of Section 10.11,C,1, except that a legally existing, nonconforming structure located within a DACSS listed in Appendix G, Section 2 of this chapter may be reconstructed or replaced in accordance with Section 10.11,C,2,f; and except that a legally existing nonconforming structure within a commercial sporting camp may be reconstructed in accordance with Section 10.11,C,2,e.

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## **10.16 ~~(RESERVED)~~MATERIALS INCORPORATED BY REFERENCE**

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Copies of each document incorporated by reference in this rule are available on the Commission's webpage ([www.maine.gov/DACF/lupc/index.shtml](http://www.maine.gov/DACF/lupc/index.shtml)). Alternatively, a paper copy may be available at cost by contacting the Maine Land Use Planning Commission's office.

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## **10.21 DEVELOPMENT SUBDISTRICTS**

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

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### **A. COMMERCIAL INDUSTRIAL DEVELOPMENT SUBDISTRICT (D-CI)**

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#### **3. Land Uses**

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##### **c. Uses Requiring a Permit**

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(20) Trailered ramps:

- (a) Commercial; and
- (b) private Private trailered ramps;

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### **G. MARITIME DEVELOPMENT SUBDISTRICT (D-MT)**

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#### **3. Land Uses**

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##### **d. Special Exceptions**

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(3) Marine

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

- (a) Fabrication of marine related goods, including fishboat equipment, provided that a location on the water is essential for their production; and
- (b) Fish by-products processing.

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

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

- (d) Excursion services which do not displace existing water dependent uses, or occupy docking and berthing space which had been actively and substantially used by commercial fishing boats and vessels within the preceding ~~twelve (12) months~~<sup>twelve-month</sup> period; and which do not sell any product except for the excursion service; and which provide for all parking space outside of this zone or district; and
- (e) Publicly owned wharves for general public access to the shore, provided that the facility or facilities do not unreasonably interfere with permitted commercial fishing uses and which provide for all parking space outside of this zone or district.

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## **H. PLANNED DEVELOPMENT SUBDISTRICT (D-PD)**

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### **8. Application for Zone Change and Associated Development Plan**

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

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**[Revision Note:** As originally established in 1977, Chapter 10 has included a deadline between the establishment of a D-PD or D-PR subdistrict and subsequent filing of a development permit application, in-part to avoid unused or 'ghost subdistricts.' Conversely, all Commission permits are afforded two years for substantial start and five years for substantial completion. In light of the required minimum size requirements for D-PD and D-PR subdistricts, and that their purposes allow for/encourage "well-planned development," an 18-month deadline is difficult to meet and is less compatible with productive outcomes. Further, concept plans and resource plans can be equally customized and complex land use and regulatory documents but are not encumbered by similar timing requirements. In rare cases, some D-PD or D-PR subdistricts may serve as a mechanism to transform a legally existing nonconforming use into a legally existing conforming use. The following edits serve to address these circumstances.]

- (3) Within a maximum of ~~18 months~~<sup>five years</sup> following a Commission decision to designate an area as a D-PD subdistrict, the applicant, or another person with title, right, or interest, must file a development permit application with the Commission or a Site Location of Development Law (Site Law) permit application with DEP for development consistent with the approved Development Plan. Upon a showing of good cause, the Commission may, at its discretion, extend the deadline for filing a permit application with the Commission or DEP. In cases where the Commission concludes that a legally existing nonconforming use has become a legally existing conforming use, pursuant to the designation of the D-PD subdistrict, the deadline stated above does not apply.
- (4) If, for any reason, no person files a permit application for the Planned Development within the prescribed time, the D-PD subdistrict designation must be deemed to be revoked and the original subdistrict(s) must again apply.

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

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### 8. Application for Zone Change and Associated Development Plan

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

...

(3) Within a maximum of ~~18 months~~five years following a Commission decision to designate an area as a D-PR subdistrict, the applicant, or another person with title, right, or interest, must file a development permit application with the Commission or a Site Location of Development Law (Site Law) permit application with the DEP for development consistent with the approved Development Plan. Upon a showing of good cause, the Commission may, at its discretion, extend the deadline for filing a permit application with the Commission or the DEP, and may exempt from the filing deadline those plan areas where the area designated as a D-PR subdistrict is already developed.

In cases where the Commission concludes that a legally existing nonconforming use has become a legally existing conforming use, pursuant to the designation of the D-PR subdistrict, the deadline stated above does not apply.

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

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## O. RESIDENTIAL RECREATION DEVELOPMENT SUBDISTRICT (D-RS3)

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### 3. Land Uses

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

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#### d. Special Exceptions

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

Management Class 2 lakes or within 250 feet of Management Class 4 and Management Class 5 lakes, subject to the applicable requirements of Section 10.25,A:

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

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**[Revision Note:** Pursuant to Public Law 2025 Chapter 11, add minor campground as a use allowed without a permit in each management subdistrict, and as needed clarify the existing use listing for Level A Recreational Lodging Facility accordingly.]

## **10.22 MANAGEMENT SUBDISTRICTS**

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

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### **A. GENERAL MANAGEMENT SUBDISTRICT (M-GN)**

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#### **3. Land Uses**

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##### **b. Uses Allowed Without a Permit Subject to Standards**

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

...

(13) Minor campground;

...

##### **c. Uses Requiring a Permit**

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

...

(16) Recreational lodging facilities:

Level A (except as provided for in Section 10.22,A,3,b);

Level B;  
Level C; and  
Level D (inside the geographic allowance area);  
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## **B. HIGHLY PRODUCTIVE MANAGEMENT SUBDISTRICT (M-HP)**

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### **3. Land Uses**

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#### **b. Uses Allowed Without a Permit Subject to Standards**

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

...

(2) Campsites;

...

(7) Minor Campground;

...

#### **c. Uses Requiring a Permit**

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

(2)(1) Campsites;

...

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## **C. NATURAL CHARACTER MANAGEMENT SUBDISTRICT (M-NC)**

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### **3. Land Uses**

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#### **b. Uses Allowed Without a Permit Subject to Standards**

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

...

**(7) Minor Campground;**

...

**c. Uses Requiring a Permit**

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

...

**(6) Recreational lodging facilities: Level A (except as provided for in Section 10.22,C,3,b);**

...

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## **10.23 PROTECTION SUBDISTRICTS**

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

---

### **A. ACCESSIBLE LAKE PROTECTION SUBDISTRICT (P-AL)**

---

...

**3. Land Uses**

**d. Special Exceptions**

...

**(5) Trailered ramps:**

**(a) Commercial trailered ramps;**

**(b) Private trailered ramps, not in conformance with Section 10.27,L,1; and**

**(c) Public trailered ramps;**

...

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

---

...

### **2. Description**

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

- a.** Significant fish spawning nursery and feeding areas, critical habitat of endangered and threatened fish and wildlife species ascertained by state or federal agencies, and habitat of fish or wildlife species needing special protection by other means, including by a state fish or wildlife conservation plan.
- b.** The shelter portions of deer wintering areas when the following conditions are met:

...

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

...

### **3. Land Uses**

...

#### **c. Uses Requiring a Permit**

...

- (12)** Utility facilities~~s~~, excluding service drops;

...

#### **d. Special Exceptions**

...

- (8)** Trailered ramps:

- (a)** Commercial trailered ramps;
  - (b)** Private trailered ramps, not in conformance with Section 10.27,L,1; and
  - (c)** Public trailered ramps;

...

## **E. GREAT POND PROTECTION SUBDISTRICT (P-GP)**

---

...

### **3. Land Uses**

...

#### **c. Uses Requiring a Permit**

...

(20) Utility facilities ~~other than, excluding~~ service drops;

...

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

---

...

### **3. Land Uses**

...

#### **g. Allowed Densities**

...

(3) Phosphorous control. All development must be designed in accordance with ~~“Maine Stormwater Management Design Manual, Volume II, Phosphorus Control Manual”~~ ~~Maine Department of Environmental Protection. (March 2016)~~ ~~the Maine Department of Environmental Protection’s “Maine Stormwater Best Management Practices Manual, Volume II, Phosphorous Control in Lake Watersheds: A Technical Guide to Evaluating New Development.”~~ Development density must conform to the requirements of this manual.

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## **10.24 GENERAL CRITERIA FOR APPROVAL OF PERMIT APPLICATIONS**

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In approving applications submitted to it pursuant to 12 M.R.S. § 685-A(10) and §685-B, the Commission may impose such reasonable terms and conditions as the Commission may consider appropriate in order to satisfy the criteria of approval and purpose set forth in these statutes, rules and the Comprehensive Land Use Plan.

...

## **B. CRITERIA FOR PERMIT APPLICATIONS INVOLVING SPECIAL EXCEPTIONS**

---

The following criteria apply to permit applications for uses allowed by special exception in accordance with Sub-chapter II. The applicant must show by substantial evidence that:

...

10. residential uses will not adversely affect ~~permitting~~ permitted commercial uses within the subdistrict with which it is incompatible.

...

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## **10.25 DEVELOPMENT STANDARDS**

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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 is prohibited.

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

...

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## **D. VEHICULAR CIRCULATION, ACCESS, AND PARKING**

---

...

3. **Parking Layout and Design.** The following standards apply to all subdivisions and commercial, industrial and other non-residential development, except for parking areas associated with trailered ramps and hand-carry launches which are regulated under the provisions of Section 10.27,L:

...

i. ~~For parking areas associated with~~ When commercial, industrial or other non-residential development include any one parking area ~~that are~~ greater than one acre in size, a landscaping plan must be developed and implemented that indicates planting locations, type and maintenance. The plan must include the following:

- (1) Parking areas must have landscaped strips along the perimeter, as well as landscaped islands within the parking area.
- (2) Expanses of parking area must be broken up with landscaped islands that include shade trees and shrubs. Where possible, the area of ground left uncovered around the base of a tree must be at least equal to the diameter of the branch area or crown at maturity. Where not possible, adequate measures, including but not limited to soil enhancement techniques and underground irrigation, must be used to ensure sufficient space for root growth and vegetative survival.

...

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## L. PHOSPHORUS CONTROL

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...

### 2. General Standards.

- a. Provision ~~shall-must~~ 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 the ~~“Maine Stormwater Best Practices Manual, Volume II, Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development” Maine Department of Environmental Protection, 2008”~~ ~~“Maine Stormwater Management Design Manual, Volume II, Phosphorus Control Manual”~~ ~~“Maine Department of Environmental Protection. (March 2016),~~ and hereafter cited as the 2016 Phosphorus Design Control Manual.
- b. **Impact Analysis.** The phosphorus impact analysis and control plan for a proposed subdivision or development on a water body ~~shall-must~~ be prepared using the procedures set forth in the 2016 Phosphorus Design Control Manual, including all worksheets, engineering calculations, and construction specifications and diagrams for control measures as may be required by the manual, except as allowed in Section 10.25,L,2,d, below.

...

### 3. Alternative Buffer Standard.

...

- b. **Vegetated Buffers.** Vegetated buffers for phosphorus control are undisturbed strips of dense vegetation located adjacent to and down gradient of developed areas, and that provide storage and treatment for stormwater that enters them in diffuse overland flow. Five types of vegetated buffers are allowed under the alternative standard as listed in Section 10.25,L,3,b,(1) through (5) below. All vegetated buffers must be appropriately used, located, designed, sized, constructed, and maintained as specified in the ~~“Maine Stormwater Best Practices Manual, Volume III, BMP Technical Design Manual, Chapter 5, Vegetated Buffers”~~ ~~“Maine Department of Environmental Protection, June 2010”~~ ~~“Maine Stormwater Management Design Manual, Volume III, Technical Design Manual”~~ ~~“Maine Department of Environmental Protection. (May 2016),~~ and hereafter cited as the Technical Design Manual. Where the Technical Design Manual allows for a variation in the design specification with approval from the Department of Environmental Protection, approval from the Land Use Planning Commission is required for projects located in the unorganized and deorganized areas of Maine.

...

### 4. Design and Maintenance Standards.

- a. Phosphorus control measures and their maintenance shall meet the design criteria contained in the ~~“Maine Stormwater Management Design Manual, Volume III, Technical Design Manual”~~ ~~“Maine Department of Environmental Protection. (May 2016) “Maine Stormwater~~

~~Best Practices Manual, Volume III. BMP Technical Design Manual, Chapter 11. Designing for Operation and Maintenance” Maine Department of Environmental Protection, 2008~~, and hereafter cited as the Technical Design Manual.”

...

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## **T. ACTIVITIES IN FLOOD PRONE AREAS**

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All development in flood prone areas, including areas of special flood hazard, as identified by P-FP subdistricts or Federal Emergency Management Agency (FEMA) Flood Boundary and Floodway, Flood Hazard Boundary, or Flood Insurance Rate maps, must meet the following applicable requirements and standards:

...

### **2. Development Standards.**

...

#### **k. Recreational Vehicles.** Recreational vehicles must either:

- (1) Be on the site for ~~fewer no more~~ than ~~120-150~~ consecutive days and be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- (2) Be permitted in accordance with the elevation and anchoring requirements for manufactured homes in Section 10.25,T,2,j.
- (3) When located within Zone VE, be on the site for ~~fewer no more~~ than ~~120-150~~ consecutive days and be fully licensed and ready for highway use, or meet the requirements for coastal floodplains in Section 10.25,T,2,r.

...

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## **10.26 DIMENSIONAL REQUIREMENTS**

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

...

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### **D. MINIMUM SETBACKS**

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#### **1. Minimum setbacks must be applied in the following manner:**

- a. Shoreline setbacks must be measured from the normal high water mark of the nearest shoreline of each flowing water or body of standing water, and from the nearest upland edge of applicable wetlands.
- b. Roadway setbacks apply to any privately or publicly owned roadway that is used for public access, including roadways used by the public for which a toll is paid, and must be measured from the ~~travelled~~traveled portion of the roadway.

...

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## F. MAXIMUM STRUCTURE HEIGHT

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- 1. Except as provided for in Section 10.26,F,2, 4, and 5 below, the maximum structure height ~~shall~~must be:
  - a. 75 feet for residential uses, campsites, and residential campsites; and
  - b. 100 feet for commercial, industrial, and other non-residential uses involving one or more structures.

**[Revision Note: Improving protection of scenic values of major flowing waters is warranted and would concur with shoreland zoning guidelines.]**

- 2. Structures within 500 feet of the normal high water mark of a body of standing water 10 acres or greater, major flowing water, or coastal wetland ~~shall~~must be no higher than 30 feet. The Commission may apply this provision at greater distances from the normal high water mark of bodies of standing water and major flowing 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.

...

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## 10.27 ACTIVITY-SPECIFIC STANDARDS

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

...

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## B. VEGETATION CLEARING

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Vegetation clearing activities not in conformance with the standards of Section 10.27,B 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~~must show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of Section 10.27,B, ~~shall~~must be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

The following requirements ~~shall-must~~ 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:

...

**[Revision Note: Minor edits to improve administration of the rule.]**

5. When revegetation is required: (i) in response to violations of the vegetation standards set forth in Section 10.27,B,1 through 4; (ii) to address the removal of non-native invasive species of vegetation; (iii) as a mechanism to allow for development by permit that exceeds the vegetation standards of Section 10.27,B or the cleared opening standards of Section 10.27,Q,1,Table A,(4), ~~including;~~ (iv) to address the removal of vegetation in conjunction with a shoreline stabilization project; or (iv)(v) as part of a mitigation plan for clearing associated with a recreational lodging facility, ~~for which~~ the revegetation must comply with the following requirements.

...

---

#### **D. ROADS AND WATER CROSSINGS**

---

Roads and water crossings not in conformance with the standards of Section 10.27,D 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 a permit ~~shall-must~~ show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of Section 10.27,D, will be conducted in a manner that produces no undue adverse impact upon the resources and uses in the area.

The following standards apply to roads and water crossings for any purpose other than land management roads and water crossings on/for land management roads where those uses are regulated by the Maine Forest Service; repair and maintenance of legally existing road culverts or replacement of legally existing road culverts in accordance with 12 M.R.S. §685-B(1-A)(AH); and driveways associated with residential structures and uses, except as provided in Section 10.27,H. The following requirements ~~shall-must~~ apply to construction and maintenance of roads:

...

2. **Water Crossings of Flowing Waters.** Except as provided in Section 10.27,D,2,~~dc~~,(17) for trail crossings, the following standards apply to crossings of flowing waters:

...

- c. **Permanent Crossings.**

...

- (8) 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 25-year and 100-year frequency storm events and thereby determining crossing sizes as required in Section 10.27,D,2:

- (a) ~~The~~A currently supported version of a tool or methodology published by the USDA Natural Resources Conservation Service (NRCS) ~~for calculating watershed runoff based on precipitation; or Method: “Urban Hydrology for~~

~~Small Watersheds.” (Technical Release #55). USDA Soil Conservation Service (June 1986).~~

(b) ~~The USDA NRCS Method: “TR 20—Computer Program for Project Formulation—Hydrology,” Second Edition, U.S. Department of Agriculture, Soil Conservation Service (March 1986).~~

(be) ~~Provided that the only design storm severity estimate used for sizing the crossing is a 100-year frequency storm event, the Commission may also allow use of the United States Geological Survey (USGS) method: tool such as StreamStats, (a Web-based Geographic Information Systems application) or similar replacement tool provided by the USGS(Geological Survey, U. S. (2019, April 19). USGS. Retrieved from StreamStats: <https://streamstats.usgs.gov/ss/>).~~

...

(12) If work is performed in a flowing water that is ~~less-more~~ than 3 feet deep at the time of the activity and at the location of the activity, the applicant must provide for temporary diversion of flow to the opposite side of the channel while work is in progress.

...

3. **Wetland Crossings.** The design and construction of roads, other than those located in 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 must 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 must 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 must consist of free draining granular material.

To accomplish the above, the following requirements apply:

...

**b. Wetland crossings on soils with organic layers in excess of 4 feet in thickness.**

...

(3) Cross drainage must be provided by either a continuous porous layer, or appropriate placement of culverts or other cross-drainage structures and ditching as specified below:

...

(b) Cross drainage culverts or other cross-drainage structures must be placed at points where they will receive the greatest support. Culverts or other cross-drainage structures must be a minimum of 18 inches in diameter, or the functional equivalent, and have the bottom ~~embedded-embedded~~ at least 6 inches below the soil surface of the wetland. Where necessary to maintain existing

water flows and levels in wetlands, ditches parallel to the roadbed on both sides must be used to collect surface and subsurface water, carry it through the culvert(s), and redistribute it on the other side. Such ditches must be located three times the depth of the organic layer from the edge of the road fill. Unditched breaks must be left midway between culverts to prevent channelization.

...

5. **Written Notice Required.** 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,2,~~dc~~,(17) above, must be given to the Commission prior to the commencement of such activities. Such notice must conform to the requirements of Chapter 4, Section ~~4.05(C)~~4.05,C and must state the manner in which the water crossing size requirements of Section 10.27,D will be satisfied.

---

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

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Except as hereinafter provided, trailered ramps, hand-carry launches, and water-access ways not in conformance with the standards of standards of Section 10.27,L may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved.

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.

...

**[Revision note:** the first paragraph is confusing and not necessary if “public” is clarified in the second paragraph.]

### 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 P\_AL, P\_RR, P\_WL, and Management Class 1, 2, and 6 Lakes.~~

The following notification provision applies to construction of new or replacement public trailered ramps and public 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.

...

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

Unless otherwise stated, 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.

...

**e. Trailered Ramps.**

- (1) A public trailered ramp having a slope in excess of ~~8%8 percent~~ 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~~must ensure that appropriate measures are taken to repair such erosion and avoid any further erosion.

...

---

**N. HOME-BASED BUSINESSES**

---

Except as hereinafter provided, home-based businesses not in conformance with the standards of Section 10.27,N are prohibited.

**1. Minor Home-based Businesses.**

- a. **Purpose.** The intent of Section 10.27,N,1 is to allow minor home-based businesses under the conditions stated herein in certain subdistricts without requiring a permit.
- b. **Size.**

- (1) A minor home-based business must not utilize ~~net~~ more than 50 percent of all floor area of all principal and accessory structures up to a limit of 1,500 square feet.

...

**2. Major Home-based Businesses.**

...

- d. **Exterior effects.** There must be no exterior display, no exterior storage of materials, and no other exterior indications of a major home-based business with the following exceptions:

- (1) Outdoor activity areas are allowed for home child day care providers and home adult day services programs;
- (2) Signs are allowed in conformance with Section 10.27,J except in D-RS, D-RS2 and D-RS3 subdistricts where one unlighted sign no greater than four square feet in area is allowed for the home-based business; and
- (3) Vehicles and equipment as defined below in Section 10.27,N,~~12~~,h.

...

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## Q. RECREATIONAL LODGING FACILITIES

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All new recreational lodging facilities, and reconstruction of or substantial improvements to existing recreational lodging facilities, must be developed in conformance with the standards of Section 10.27,Q 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~~must apply.

...

### 5. New or Enlarged Clearing.

- a. Recreational lodging facilities may create or enlarge a clearing within 250 feet of the shoreline, provided the clearing, in combination with all other clearings at the facility, does not exceed the applicable limits in Section 10.27,Q,1, Table A and such a clearing is in an area that has:

~~(27)(1)~~ a 100 foot vegetative buffer that meets the provisions of Section 10.27,B,2<sup>1</sup> between the proposed clearing and all points on the shoreline; and

~~(28)(2)~~ slopes of ~~20%20 percent~~ or less as measured from the highest elevation in the area within 250 feet of the shoreline in which clearing or development is proposed, to the nearest point on the shoreline.

...

### 6. Campgrounds.

- 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 campground provided that the device is not occupied for more than ~~120-150~~ days in a calendar year.

...

### 8. Conversion of Use.

Pursuant to 12 M.R.S. § 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~~must apply:

---

<sup>1</sup> Section 10.27,B,2 sets out restrictions on cleared openings and requirements for maintaining a well-distributed stand of trees within a buffer strip when conducting vegetative clearing activities in locations along shorelines and public roadways identified in Section 10.27,B,1. For purposes of Section 10.27,Q, the provisions of Section 10.27,B,2 ~~shall~~must apply to the required 100 foot vegetative buffer in the area between a proposed new or enlarged clearing within 250 feet of the shoreline and all points on the shoreline. This requirement will apply regardless of whether or not the buffer extends to the shoreline.

...

**[Revision note:** Consistent with the provisions of Sections 10.25,Q,3,d and 10.26,G,2, the revision below clarifies limits to reducing dimensional requirements. Additionally, consistent with the provisions of Section 10.25,Q,3,d, the revision below confirms that building envelopes must be identified.]

d. Notwithstanding Section 10.27,Q,8,c, the Commission may permit the subdivision of the facility provided that:

...

(4) the condominium lot and existing structures:

(a) in the aggregate, meet all dimensional requirements of Sections 10.26,A, B, and C, except that shoreline setbacks must not be reduced; and

(b) as an individual lot or structure, meet all dimensional requirements of Section 10.26 to the greatest extent practicable; and

(5) commonly owned lots must not contain in no case shall less than three principal structures be located on a commonly owned lot.; and

(6) Building envelopes must be identified and consider existing development and possible relocation of reconstructed structures, consistent with Section 10.25,Q,3,c.

...

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## S. COMMERCIAL BUSINESSES

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3. Recreation Supply Facilities

b. **Standards for Recreation Supply Facilities without Structural Development.** In addition to the standards listed in Section 10.27,S,3,a recreation supply facilities that do not have structures must comply with the following:

...

(2) Scale.

(a) A business must be mobile, and must not include structures as defined in Chapter 2 of the Commission's rules. The facility and all appurtenant components must not be in the same location for more than 120-150 days in a calendar year. Mobile means that a vehicle or trailer must be ready for highway use, and must be fully licensed unless intended to travel exclusively on private roads.

...

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## APPENDIX G    DESIGNATED AREAS OF CULTURAL OR SPECIAL SIGNIFICANCE (DACS)

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1. **Designated Area of Cultural or Special Significance (DACS).** Areas of cultural or special significance may be designated by the Commission to facilitate expansion, reconstruction or replacement, or relocation of structures that provide significant public benefits to the surrounding community. A DACS is intended to include discrete geographic areas with significant cultural or other special features. Once included in a DACS, a structure may be expanded in accordance with Section 10.11,C,1,c, reconstructed or replaced in accordance with Section 10.11,C,2,f, and relocated in accordance with Section 10.11,C,3, of the Commission's rules. Designation of an area as a DACS does not preclude expansion, reconstruction or replacement, or relocation of legally existing non-conforming structures in accordance with other applicable provisions of Section 10.11.
  - a. **Designation Criteria.** The Commission ~~shall~~must designate an area of cultural or special significance upon finding that a proposed area meets the following criteria:
    - (1) The proposed area is an iconic location containing features that convey a sense of time or place to residents or visitors;
    - (2) The proposed area is a geographically definable area or neighborhood composed of a finite group of related features that have a special character, historical interest, or aesthetic value; and
    - (3) The proposed area provides a significant public benefit, per Section 1,b.
  - b. **Contributing Factors.** When evaluating whether an area proposed for designation provides a significant public benefit, as required by Appendix G, Section 1,c the Commission ~~shall~~must consider the factors listed below. The Commission may find an area provides a significant public benefit even if the area does not include features satisfying all of the factors set forth in subsections (1) through (4) below, provided the evidence offered for a particular factor or subset of factors is compelling. In applying these factors, the Commission may consider, among other evidence, documentation such as published books, magazines, academic writings, or newspaper articles; other historic records identifying the value of the feature or area; and visual depictions such as postcards, images or paintings. The Commission also may receive testimony by persons with special knowledge about applicable factors.
    - (1) Cultural: Buildings, improvements or other features that exemplify or reflect a group of people linked together by shared values, traditional uses, beliefs, and historical associations;
    - (2) Historic: Represents a distinct historical period, type, style, region, or way of life; is the site of an important historical event, or is associated with historic events that have made a meaningful contribution to the nation, state, or community; or represents a specific business or use, which either once was common but now is rare, or continues to have historical value as it currently operates.

- (3) Architectural or Engineering: Exemplifies a particular architectural style or way of life, construction materials or engineering methods used to build features, or embodies elements of outstanding attention to architectural or engineering design, detail, material, or craftsmanship.
- (4) Neighborhood or Geographic Setting: The proposed area is in a unique location, or represents an established and familiar visual feature of the community that draws residents and visitors, or structures or features within the designated area include singular physical characteristics.

c. **Procedural Requirements.** In accordance with Chapter 4 of the Commission's Rules, Rules of Practice, Section ~~4.064.05,G~~, any person may petition the Commission for designation of an area as a DACSS. Petitions must be in writing and identify the area proposed for designation, specify the purpose of the proposed designation, and explain how the designation conforms with the criteria set forth in Appendix G, Section 1,a. In addition to notification requirements described in Section ~~4.06(5)4.04,B,2~~ upon receiving a petition to designate a proposed area the Commission ~~shall must~~ notify: (i) property owners within the area proposed as a DACSS; (ii) the municipality or plantation where the designated area is proposed; (iii) the county if located in an unorganized township; (iv) appropriate state and federal agencies, to be determined by the Commission; and (v) tribal governments. Upon designation of an area as a DACSS, a description of the designated area, its purpose, and the facts substantiating the Commission's finding that the applicant satisfied the criteria in Appendix G, Section 1,a ~~shall must~~ be listed in Appendix G, Section 2 of this chapter.

d. **Removal of Designation.** Upon petition in accordance with Chapter 4 of the Commission's Rules, Rules of Practice, Section ~~4.064.05,G~~, the Commission may remove a designation of a DACSS when the Commission finds that the DACSS no longer meets the purpose of the DACSS listed in Appendix G, Section 2, of this chapter or no longer provides a significant public benefit based on the factors in Appendix G, Section ~~s~~ 1,b,(1) through (4).

2. **Designated Areas.** The following areas have been designated as a DACSS in accordance with the procedure described in Appendix G, Section 1.

a. **Grand Lake Stream Plantation Boathouses and Waterfront.** Grand Lake Stream Plantation is a place where fishing, boating, access to water, and a strong connection to the past are key components of its identity and culture and very important to its residents, as well as the large number of visitors that come to the community each year. It is a place to which people from all over the world travel for its culture, its beauty, and importantly, the "old-time feeling" that makes it special.

- (1) Designation Purpose. The purpose of listing the Grand Lake Stream shorefront as a designated area is to provide the community an opportunity to sustain the boathouses located on the iconic southern shoreline of West Grand Lake that symbolize key components of its culture, and history, and that convey a tranquil "old-time feeling" for the people that live in and visit the community, and contribute to Grand Lake Stream Plantation's quality of life and sense of place.
- (2) Geographic Boundaries. The designated area includes all structures within its boundaries that are legally existing as of the effective date of this rule amendment. The designated area specifically includes the two public boat launches and excludes the man-made dam and any portion thereof, and is composed of the following two sub-areas:

- (a) Western sub-area. Extends northerly and westerly from the intersection of the driveway for the public boat launch and centerline of Shaw Road, along the centerline of Shaw Road, to the point where Shaw Road crosses the inlet into Hatchery Cove; and extends on the lake side of the road, to the extent necessary to include all legally existing structures.
- (b) Eastern sub-area. Extends southerly from the end of Canal Street, along the centerline of Canal Street, to the center of the intersection of Canal Street and the driveway leading to the dam; and extends on the lake side of the road, to the extent necessary to include all legally existing structures.

(3) Facts Substantiating Designation of Grand Lake Stream Plantation Boathouses and Waterfront as a Designated Area of Cultural or Special Significance.

- (a) The historic boat houses that have existed along the shoreline at the southern end of West Grand Lake since the early 1900's are part of what makes the area described in Appendix G, Section 2,a iconic. For residents and visitors, the boathouses reflect the community, its culture, and their shared value of traditional uses and an "old-time feeling."
- (b) The boathouses in Hatchery Cove are representative of the Maine Guiding Tradition and a specific way of life. They originally sheltered steamboats used to transport sportsmen and other visitors to remote lodges located around the lake. They have since been used to store boats for visiting sportsmen, including the famous Grand Laker Canoe, which was designed and built locally for conditions commonly found on the lake. Additionally, the boathouses have been used by property and business owners to supply camps and lodges located around the lake, and by the Maine Forest Service as a base for firefighting operations. Although privately owned and used, the community associates the boathouses with their past. One resident commented that all good stories start with "we were down at the boathouses ...."
- (c) The area described in Appendix G, Section 2,a,(1) is a unique geographic location and represents an established and familiar visual feature of the community that draws residents and visitors, and contributes to a high quality of life for residents and economic activity from tourism. Residents talk of children in the area, against the wishes of their parents, jumping from the boathouses into the lake. Fishermen visit the area to check the flow in the river and to launch their boats on the lake. Hikers, ATV riders, paddlers and snowmobilers use the area to access the many nearby recreational trails. Families and school groups come to swim and picnic. The community holds events at the waterfront such as fireworks displays and activities during the annual Grand Lake Stream Folk Arts Festival. Photographers have a single place where they can capture many of the important elements that contribute to the culture and sense of place that locals and visitors experience in the community. Residents describe this area as Grand Lake Stream's "working waterfront," and as the "core of the town."