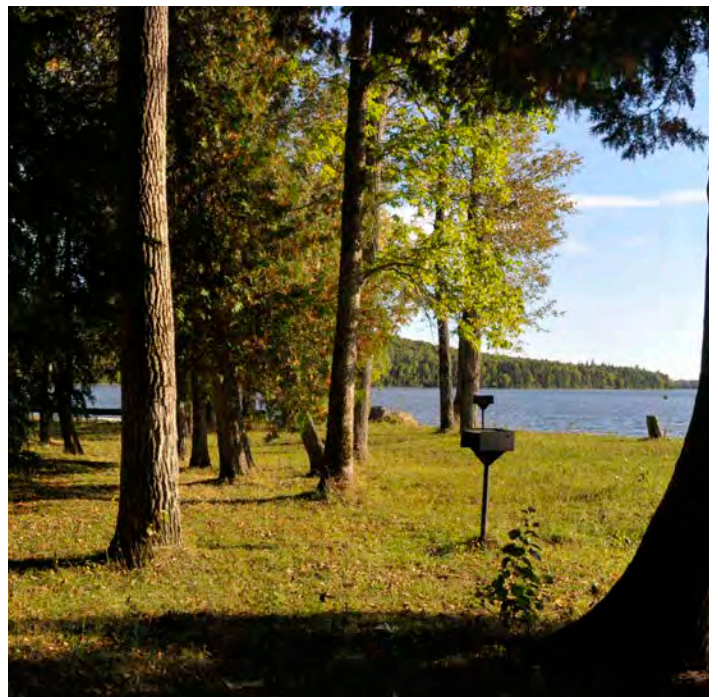


The Fish River Chain of Lakes Concept Plan

VOLUME 1 – PETITION FOR REZONING



MAY 2017



The Fish River Chain of Lakes Concept Plan Overview and Summary

May 2017



IRVING WOODLANDS, LLC

THE FISH RIVER CHAIN OF LAKES

The Fish River chain of lakes in northern Aroostook County is as special as any place in the State of Maine. Its scenic values stem from the natural beauty of its lakes, rivers, and streams. The chain of lakes is a destination for ATV and snowmobile riders, boaters, hunters, and fishermen seeking trophy-size salmon or trout.

Long Lake, Mud Lake, Cross Lake, and Square Lake are largely unknown outside of the County. The Plan area boasts a remarkable assemblage of places set against a matrix of working forestland and lakes. While the four water bodies are connected by river-like thoroughfares, they all have unique scenic and environmental characteristics.

Residential development, recreational activities, and forestry have coexisted within the region for decades. The area is currently managed by Irving Woodlands.

THE CONCEPT PLAN

The Fish River Chain of Lakes Concept Plan is the result of a long-term systemic vision that addresses ecological resources, working forests, recreation, economic development, and regional planning around four lakes in northern Aroostook County – Long Lake, Mud Lake, Cross Lake, and Square Lake.

The Concept Plan proposes to re-zone over 51,000 acres (close to 80 square miles) to better protect and manage the existing uses and resources in the region. The Plan will be in effect for at least 30 years and establishes a sustainable framework for both development and conservation. Approximately 96 percent of the Plan area provides significant long-term protection from development, including over 14,600 acres in a permanent conservation easement.

The Plan area includes approximately 425 existing camp lots, as well as campsites, forest management roads, and large blocks of working forest.



Forest management activity will continue throughout the Concept Plan area.



Long Lake is the easternmost of the five water bodies that make up the Fish River chain of lakes.

Less than four percent of the Plan area will be rezoned to allow opportunities for residential development, community and economic development, and recreational lodging.

CONCEPT PLANNING

The Land Use Regulation Commission (LURC) established Concept Plans in 1990 as part of the Comprehensive Land Use Plan. The goal was to encourage meaningful long-range planning based on resource characteristics and site suitability, and to prevent haphazard, incremental development in the Unorganized Territories.

The planning process necessary to prepare a concept plan encourages landowners to chart the future of their ownership in a manner that is thoughtful and forward-looking. Development of the Fish River Chain of Lakes Concept Plan has taken over 5 years and includes a system-wide,

The Plan Area will be subject to sustainable forest management practices that are based on ecologically sound, economically appropriate, and socially responsible Outcome Based Forestry principles.

comprehensive approach to envisioning the future of the Plan area. The process for developing the Concept Plan included:

- Holding more than 25 meetings with key stakeholders and the public to solicit input on the important values of the area and feedback on the Plan.
- Compiling data on important habitats and cultural / natural resources to help understand the relationship between existing land uses and natural systems in the area.
- Working with experienced conservation professionals to form a manageable and effective permanent conservation easement area.

FORESTRY

Forestry is an important economic and cultural resource in the region and for Maine’s Unorganized Territories. One of the goals of the Concept Plan is to preserve the working forest. By ensuring that large blocks of productive forestland are maintained and protected, the Concept Plan improves the long-term viability of the forestry and forest products industries in the region.



Cross Lake boat launch and picnic area. The Concept Plan will guarantee public access to the majority of the Plan area for traditional low-intensity recreation in perpetuity.

The Plan area will be subject to sustainable forest management practices based on ecologically sound, economically appropriate, and socially responsible Outcome-Based Forestry principles. These include watercourse and wetland buffer requirements that meet or exceed current Land Use Planning Commission and Department of Environmental Protection regulations, aesthetic timber harvesting practices to minimize the visual impact of harvest operations, maintenance of biological diversity to maintain healthy populations of flora and fauna, and promotion of overall forest health.



Most existing Protection Subdistricts will be adopted throughout the Plan area.

The Concept Plan enables Irving to make long-term decisions for forest management activities with a high degree of predictability by identifying those areas designated for future development.

CONSERVATION

Protecting the unique values of the Plan area – including habitat, recreational access, and productive forestland – is a significant benefit to the region and to the general public. The 14,600 acre Conservation Easement is an integral part of the Plan. It includes nearly 17 miles of largely untouched shoreline on lakes and thoroughfares, including 10.6 miles around Square Lake, 2.0 miles on Cross Lake, 1.7 miles on Mud Lake, 2.0 miles along the Mud/Cross Lake thoroughfare, and 0.6 mile on the Cross/Square Lake thoroughfare (all numbers are approximate).

The easement also includes over 600 acres of the Cross Lake Fen, the Cross Lake Bog (roughly 3,000 acres), plus thousands of acres of wildlife habitat.

The Conservation Easement will ensure the continuation of sustainable forestry practices, prohibit all residential development, and guarantee the right of the public to access the lands for traditional low-impact recreation in perpetuity. When the easement area proposed as part of this Plan is combined with the Bureau of Parks and Lands' adjacent Eagle Lake Unit, over 38,000 acres (almost 62 square miles) of land will be in permanent protection while preserving the values and traditions of the working forest.

THOUGHTFUL DEVELOPMENT

One of the greatest risks to the Plan area is the possibility of fragmented and incremental development. To protect against this, the Concept Plan creates the opportunity for thoughtful development in the future. Rather than proposing specific projects (other than a boat launch on Mud Lake), the Plan identifies appropriate development areas (less than 4% of the Plan area) and creates zones for residential or commercial uses. The majority of these zones are natural extensions of existing developed areas, thus avoiding the possibility of haphazard development that could otherwise occur.

The Plan creates a zone on Square Lake to allow the development of a recreational lodging facility. This zone, focused at the former Yexas Sporting Camp, could be the foundation of a larger “Hub, Spokes, and Rim” recreational tourism system. As envisioned, the core (Hub) facility at Yexas would offer lodging and amenities, and be connected to a range of satellite facilities or outposts (Rim) through trails, roads, or water (Spokes). The Fish River chain



The former Yexas Sporting Camp on Square Lake could be the recreational focal point of the Concept Plan.

of lakes, by its interconnected nature and setting in an extensive woodland environment, is well suited for this type of development.

RECREATION

Land within the Plan area is used for a wide variety of traditional recreational activities that are important for both residents and visitors alike. The Fish River chain of lakes is well known for some of the best salmon and trout fishing in Maine. Hunting for deer, bear, and other species occurs seasonally throughout the Plan area. ATV riding and snowmobiling are very popular, with a series of marked trails maintained by local clubs.

No conversation about trophy land-locked salmon among Pine Tree anglers can occur without some reference to Long Lake of the renowned Fish River chain of lakes near St. Agatha. (Bangor Daily News. Jan. 31, 2009.)

The thoroughfares that connect each of the lakes offer the unique opportunity to canoe from Long Lake through Mud Lake, Cross Lake, Square Lake, and Eagle Lake to the Fish River and back nearly to the point of beginning.

The Concept Plan assures public access to continue these traditional activities and the possibility to expand them in the future. The Plan provides:

- New public boat access on Mud Lake and the opportunity to develop access on Square Lake, both of which were recognized by IF&W in

its 2000 Strategic Plan for Public Access as needing an access point.

- Guaranteed public access to the Cross Lake boat launch, beach, and picnic area, and continued public use of the beach at Van Buren Cove on Long Lake.
- Opportunities to develop remote campsites and rental cabins as part of a larger recreational strategy.
- Opportunity to redevelop recreational lodging on Square Lake at the site of a historic sporting camp.

WILDLIFE

The Plan area includes a wide range of habitats and natural resource values that have been identified by both the State and by Irving as part of its Unique Areas Program. For example, the Cross Lake Fen near the west shore of Cross Lake is an ecological site of statewide significance.

There are also numerous designated deer wintering areas; inland waterfowl/wading bird areas; bald eagle and osprey nests; and a multitude of other significant natural features.

The Concept Plan ensures that significant habitats will be maintained by placing over 14,600 acres of land in permanent conservation and adopting the vast majority of existing protection subdistricts throughout the Plan area. In addition, deer wintering areas will continue to be monitored and managed to maintain or improve their quality through cooperative agreements with IF&W.



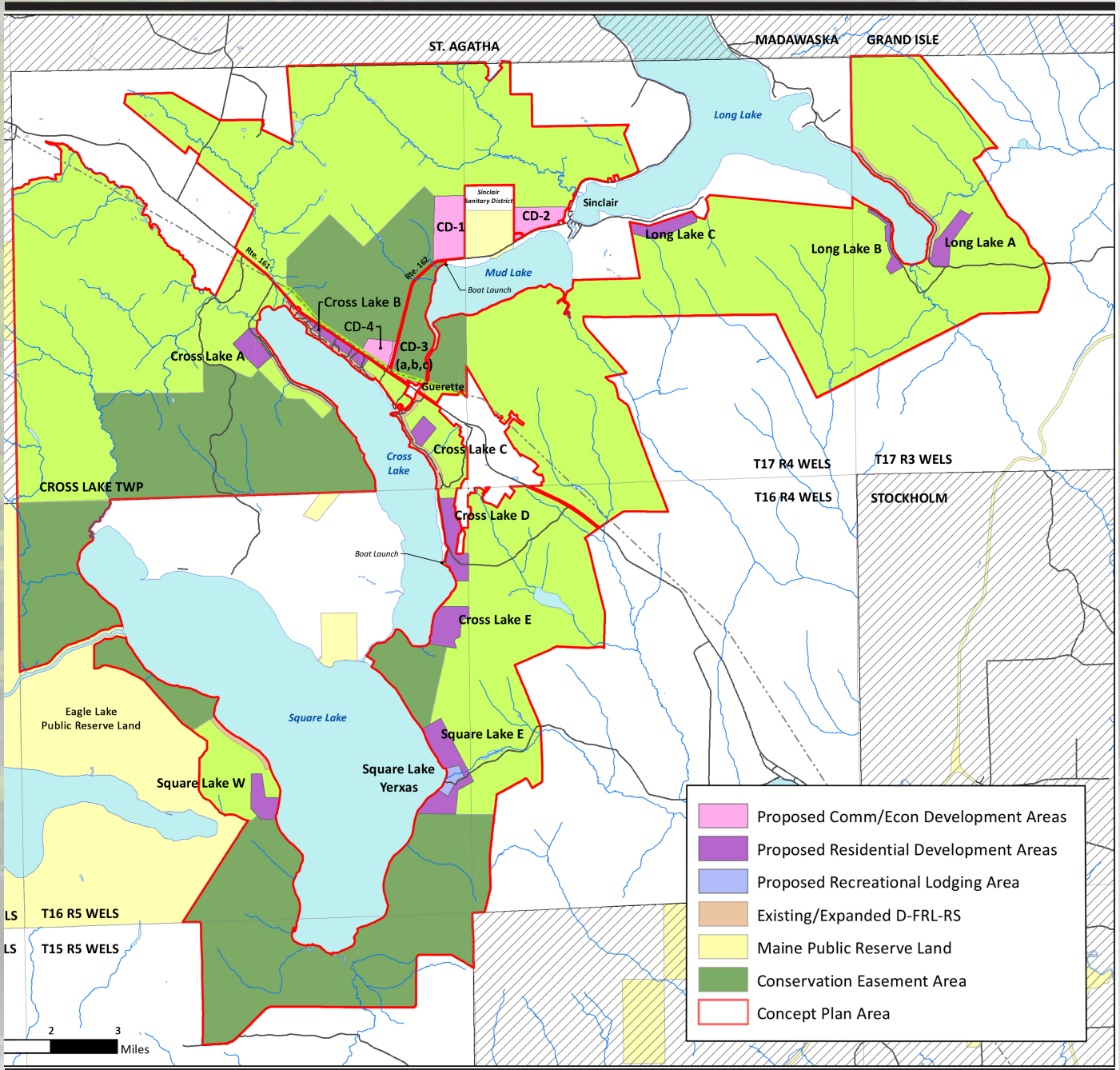
The Concept Plan provides opportunities for new public boat access on Mud Lake (seen here) and Square Lake.

CONCLUSION

The Concept Plan promotes the values described in the Comprehensive Land Use Plan that define the distinctive character of Maine’s Unorganized Territories. Irving has integrated sound planning practices into the Plan that will maintain and

enhance the established forest economy, promote recreational and traditional uses, protect critical natural areas, and guide future development to maintain the intrinsic character of the Fish River chain of lakes.

FISH RIVER LAKES CHAIN OF LAKES • PLAN AREA



IRVING WOODLANDS, LLC



IRVING WOODLANDS, LLC

IRVING Woodlands LLC

P. O. Box 5777, 300 Union Street, Saint John, New Brunswick, Canada E2L 4M3

Tel: (506) 632-7777 E-Mail: hourahan.anthony@jdirving.com

May 26, 2017

Nicholas D. Livesay, Executive Director
Maine Land Use Planning Commission
22 State House Station
Augusta, ME 04333-0022

Dear Mr. Livesay:

On behalf of Petitioners Aroostook Timberlands LP, Allagash Timberlands LLC, and Maine Woodlands Realty Company, Irving Woodlands, LLC is pleased to submit an amended Petition for Rezoning and Concept Plan for the Fish River Chain of Lakes. Enclosed are an Overview and Summary of the proposal, as well as the Petition for Rezoning (Volume 1), the Concept Plan and Chapter 10 Addendum (Volume 2), and the associated maps (Volume 3). Taken as a whole, the amended Plan strikes a publicly beneficial balance by protecting the Plan area's important natural resources while maintaining the working forest and providing zoning to allow for appropriate development.

The Fish River Chain of Lakes Concept Plan is a long-range plan for more than 51,000 acres in northern Maine that provides a public benefit through management of ecological resources, working forests, recreation, and economic development. Among other things, the Concept Plan includes permanent conservation of over 14,600 acres through a conservation easement, preserves and expands public access for recreation, and provides a comprehensive plan to allow limited, thoughtful development of designated areas around Cross, Long, and Square Lakes.

The initial petition was filed on December 24, 2014. Your staff reviewed that filing and commented that certain additional items were required to make a completeness determination. Although we have previously corresponded with your staff on many of these points, this addresses all of those issues. Your staff's comments, our responses, and where the new materials can be found in the Petition are summarized for your convenience in the enclosed table.

In addition, this filing also responds to feedback from your staff on numerous substantive issues, as well as providing some additional improvements developed through further discussions, both internally and with stakeholders. Key changes from the original submission include the following:

1. **Replacement septic systems.** The amended Petition includes a process to provide the vast majority of the approximately 425 existing camp lots located in the Plan area with opportunities for locating replacement septic systems on suitable soils outside of the shoreland zone. This process includes the conveyance of additional land to expand the size of the camp lot and/or to provide access to additional Petitioner-owned property, if necessary. This provides greater protection to water quality in the Fish River Chain of Lakes, while still allowing the use of existing camp lots. See Vol. 2, Tab 2(E), Chapter 10 Addendum § 10.31.
2. **Water access sites.** The amended Petition revises the rules regarding water access sites, such as hand-carry launches, docks, and trailered ramps. By limiting the number that can be developed in the Plan area, the amended Petition requires common use of these facilities and reduces the potential impact on the lakes of having multiple new water access sites. The rules include dimensional standards, including buffers, for lots to be developed with water access sites, thereby limiting their potential impact on neighboring lots and the lake. Further, the rules require a demonstration of need before any trailered ramps could be developed in any development area other than Square Lake E or Square Lake Yexas, each of which are regulated by their own prescribed regulations. See Vol. 2, Tab 2(D), Chapter 10 Addendum § 10.10.27,L.

3. **Access to Lakes.** The amended Petition proposes to provide public access to Mud Lake through a commitment from the Petitioners to design, permit, construct, and maintain a publicly-accessible hand-carry launch and associated facilities, including parking, on the western end of Mud Lake. This is intended to address feedback from the Department of Inland Fisheries and Wildlife that providing public access to Mud Lake is a high priority. As part of this revision, we have eliminated from the Plan area the small sliver of land on the northern side of Mud Lake that was initially proposed for this purpose. In addition, the amended Petition requires the Petitioners to make the existing private boat ramp on Long Lake into a publicly-accessible facility and requires that any boat ramp developed on Square Lake must also be publicly-accessible. These steps will promote equitable access to the Fish River Chain of Lakes. *See Vol. 1, Tab 1(E), Concept Plan § E(3).*
4. **Unit caps.** The amended Petition includes revised limits on the number of units that can be developed in any new residential development area by eliminating the potential to transfer units between development areas. The Petition provides for an overall cap of 330 new development units in the new residential development areas (including Square Lake Yexas), and caps the number of new units that can be developed both within any given residential development area and on each of Long, Cross, and Square Lakes. These caps are established to provide flexibility for future development without allowing an undue concentration of new units in any single development area. New development units continue to be prohibited on Mud Lake. *See Vol. 2, Tab 2(E), Chapter 10 Addendum § 10.28.*
5. **Forest management plan.** The amended Petition requires that a forest management plan be included in conjunction with the conservation easement. The forest management plan promotes sustainable working forestry practices by requiring the use of outcome based forestry principles and requires regular communication and coordination with the holder of the conservation easement, currently expected to be Forest Society of Maine. *See Vol. 1, Tab 3(H), Forest Management Plan.*
6. **Revisions to Plan area.** The amended Petition includes several minor changes to the Plan area, including modifications to the shape and size of the new development areas at Long Lake A, Long Lake B, Cross Lake A, and Cross Lake B, to make them better fit the topography and existing road network, while accommodating future development. The amended Petition also includes changes to Community and Economic Development Area 3 by breaking that area into several smaller sub-zones to better reflect the nature of development that would be appropriate in each location. This includes, for example, standards such as buffering and setbacks, to help separate potentially incompatible uses. Also, the maps have been revised to accurately depict the access road through the CD-2 development area to the Sinclair treatment plant as being located outside of the Concept Plan, given that it was taken by eminent domain. *See Vol. 3, Maps 21-26.*
7. **Owners associations.** The amended Plan provides a process for addressing common areas in developments throughout the Plan area. The amended Petition requires that most lot and camp lot owners in the Plan area join road associations to manage and maintain access roads. In addition, upon the sale of lots in the development areas, lot owners may be required to join owners associations, as appropriate, to meet permitting and subdivision requirements for the development area. In each case, the amended Petition sets out the required elements of these associations, such as requiring bylaws or similar arrangements that address features like common water access sites and open space. *See Vol. 2, Tab 2(E), Chapter 10 Addendum § 10.29.*

8. **Yexas Camps clean-up.** To improve the scenic character of Square Lake, the amended Petition includes a commitment from Petitioners to remove or restore any of the structures at the Yexas Camps that cannot practicably be restored or otherwise preserved. *See* Vol. 1, Tab 1(E), Concept Plan § E(4)(e).

9. **Protected natural resources.** The revised Petition no longer proposes to freeze the standards in Section 10.25,P of Chapter 10, which regulate impacts to protected natural resources, thereby allowing future revisions to this rule to apply throughout the Plan area. *See* Vol. 1, Tab 2(D), Chapter 10 Addendum § 10.25,P.

We have been developing the Concept Plan for the past several years with the goal of rezoning the Plan area in a way that is more appropriate for the protection and management of existing uses and resources. We think we have achieved that goal and look forward to continuing to work with you, the Commission, and staff throughout the review process.

Sincerely,



Anthony Hourihan
Director Land Development

Enclosures

Fish River Chain of Lakes Concept Plan
Table of Contents
Volume 1

PETITION FOR REZONING

1. LUPC Petition for Rezoning Application Form
2. Agent Authorization
3. Financial Capacity
4. Notice of Filing
5. Exhibit A - Corporate Good Standing Certificate
6. Exhibit B - Right, Title or Interest
7. Exhibit C - Location Map
8. Exhibit D - On-site Soils Mapping
9. Exhibit E - Letters Evaluating Impacts
10. Exhibit F - Letters Confirming Availability of Services
11. Exhibit G – Forest Society of Maine
12. Question 5 - Location of Property
13. Question 6 - Notice of Filing
14. Question 7 - Existing Zoning
15. Question 8 - Current Use
16. Question 9 - Surrounding Uses and Resources
17. Question 10 - Proposed Uses
18. Question 11 - Consistency with the Comprehensive Land Use Plan
19. Question 12 - Adjacency Criteria
20. Question 13 - Protection Zoning
21. Question 14 - Shoreland Criteria
22. Question 15 - Anticipated Favorable Impacts
23. Question 16 - Anticipated Unfavorable Impacts
24. Question 17 - Public Services
25. Question 18 - Compliance with Laws and Standards
26. Question 19 - Conformance with the Commissions Standards
27. Question 20 - Resource Protection
28. Question 21 - Balance Between Development and Conservation
29. Question 22 - Conservation Measures

Appendix

- A. Existing Conditions in the Plan Area
- B. Public Outreach Activities
- C. Evaluation of Impacts to Recreation
- D. Irving Woodlands in Maine
- E. Irving Unique Areas Program
- F. Rusty Blackbird Study
- G. Inventory of License Lots within the Concept Plan Area
- H. Fish River Chain of Lakes Management Plan
- I. Motorized Recreational Use Policy

For office use:

| | | | | |
|--------------|----|------------|----|--------------|
| | ZP | | \$ | |
| Tracking No. | | Permit No. | | Fee Received |



Petition for Rezoning

To Implement a Resource Plan Protection (P-RP) Subdistrict
Under the Provision of a Concept Plan

1. **Petitioner:** Allagash Timberlands LP
Aroostook Timberlands LLC
Maine Woodlands Realty Company

Mailing Address: P.O. Box 5777
300 Union Street
Saint John, NB E2L4M3
Canada

Daytime Telephone: (506) 632-7777
E-mail Address: _____

2. **Petitioner's Status:**

| | | |
|-----------------|--|--|
| <u> </u> | Individual or sole proprietorship (d/b/a): | |
| <u> X </u> | Partnership (Provide names of partners): | <u>Allagash Timberlands LP:</u> <u>Eagle Lake Timberlands Inc.;</u> <u>Consolidated Rambler Mines</u> <u>Limited; Allagash Holdings</u> <u>Limited; J.D. Irving, Limited</u> |
| <u> X </u> | Corporation (Provide name of corporation): | <u>Maine Woodlands Realty</u> <u>Company</u> |
| <u> X </u> | Other entity (Please explain): | <u>Aroostook Timberlands LLC</u> |

3. **Agent Authorization:** If you have an agent, such as a realtor, lawyer or contractor, acting on your behalf regarding this petition, complete the following authorization:

Name of Agent: See Tab 2

Mailing Address: _____

Daytime Telephone: _____

E-mail Address: _____

I hereby authorize the above-listed individual to act as my legal agent in all matters relating to this Petition for Rezoning. I understand that I am ultimately responsible for compliance with all conditions and limitations of any permit issued to me by the Land Use Regulation Commission.

Petitioner's Signature:  **Date:** Dec 22, 2014

4. **Exhibits:** Please ensure that this rezoning petition includes the following required exhibits prior to submission:

| | | |
|--------------|--|--|
| <u> X </u> | Application Fee (nonrefundable): Submit a check or money order payable to "Treasurer, State of Maine" for the appropriate fee: \$5,000.00 plus \$25.00 per acre of new areas proposed for development, including infrastructure. Due to the typical complexities of concept plans, additional | See Application Fee Attached to |
|--------------|--|--|

fees may apply. Please consult with LURC staff for a determination regarding whether or not your application will constitute an Extraordinary Project under the provisions of 12 MRSA Section 685-F.

**Cover
Letter**

X Notice of Filing: Attach a copy of a completed Notice of Filing form that was sent to landowners and officials. Please review the instructions to determine which persons must be provided notice of this rezoning petition. **See Tab 4**

X Exhibit A: Corporate Good Standing. If petitioner's status is a Corporation, submit a Certificate of Good Standing from the Secretary of State, State of Maine. **See Tab 5**

X Exhibit B: Right, Title or Interest. The law requires that a petitioner (other than a state or federal agency) must own or lease all of the property for which rezoning is being petitioned. To demonstrate right, title or interest, submit complete, signed copies of all deed(s) or lease(s) which document the petitioner's right, title or interest in all of the land addressed in this rezoning petition. **See Tab 6**

X Exhibit C: Location Map. Submit a large Land Use Guidance Map on which you have clearly marked the boundaries of the property for which rezoning is petitioned, using the same scale as shown on the guidance map. **See Tab 7**

X Exhibit D: On-Site Soils Mapping. Submit on-site soils mapping conducted by a soil scientist for all areas proposed for development, including roads. Soils information should be at a minimum scale of 1:62,500 or 1" to the mile, with 40 acre minimum mapping units. Soils mapping should include: **See Tab 8**

- the location of all test pits and/or borings,
- a description of all soil mapping units referring to soil grouping designations according to both the USDA soils series names and the Maine State Plumbing Code profile and condition,
- the boundary lines of all proposed subdivisions, roads and other development areas,
- topographic contour lines at a minimum of five foot intervals,
- the percent and direction of slopes, and
- the location of all streams and waterbodies.

The map must be drawn to the same scale as any other site plans that are submitted and must be dated and include the signature and license number of the soil scientist responsible for the work.

X Exhibit E: Letters Evaluating Impacts. Submit letters from town, plantation, county and/or other officials describing what they anticipate as impacts, both favorable and unfavorable, of the proposed use of the land on the local community and surrounding area. If the property is located in a town or plantation, contact the selectmen or assessors for such a letter. If the property is located in a township, contact the regional planning commission, county commissioners or similar officials. **See Tab 9**

- X Exhibit F: Letters Confirming Availability of Services:** If the proposed rezoning and subsequent use of the land will require municipal services, submit letters from town, plantation, and/or county officials and school administrative districts indicating that needed municipal or county services (i.e. solid waste disposal, fire and police protection, schools and school transportation, etc.) will be available. The letters should describe any special circumstances or conditions that must be met prior to providing such services. **See Tab 10**
- X Exhibit G:** Submit a copy of all documents demonstrating that the proposed easement holder meets the Commission’s *Guidelines for Selection of Easement Holders*. **See Tab 11**
- X Concept Plan:** Submit a written concept plan that, at minimum, identifies (1) all areas where new, lake-related development is to be located; (2) resource values or shoreland areas to be protected; (3) mechanisms that will be used to conserve important resources or areas; and (4) the life span of the plan. Additional details about the proposal may be necessary to include within the plan. Please refer to the Commission’s *Guide to Preparing a Concept Plan* for more information. **See Concept Plan**

Please respond to the following questions about your proposal either on a separate sheet of paper or, preferably, within the text of the concept plan.

- 5. **Location of Property:** List all towns, townships, and plantations that include land proposed for rezoning to the P-RP subdistrict. Include the number of acres that you own or lease, the number of acres proposed for rezoning, and the names of waterbodies and roads located on or adjacent to land proposed for rezoning. **See Tab 12**

| Town, Township or Plantation | County | Acres Owned | Acres to Rezone | Waterbodies | Roads |
|------------------------------|--------|-------------|-----------------|-------------|-------|
| | | | | | |
| | | | | | |
| | | | | | |
| Total Acres: | | | | | |

- 6. **Notice of Filing:** Provide the names and mailing addresses of all individuals, companies or others who own land within 1,000 feet of the property for which you seek rezoning and any other persons to whom notice of this rezoning petition was provided. Also provide the date such notice was provided. **Failure to submit a complete list of landowners may invalidate this petition, even if otherwise approvable.** **See Tab 13**

| Name | Mailing Address | Notice Date |
|------|-----------------|-------------|
| | | |
| | | |
| | | |

7. **Existing Zoning:** List the zones currently applied to the area(s) proposed for rezoning. **See Tab 14**
8. **Current Use:** Describe the current and historical use of the land proposed for rezoning. **See Tab 15**
9. **Surrounding Uses and Resources:** Describe the uses and resources of the area/region surrounding the land proposed for rezoning (i.e. commercial forest, farm land, seasonal/year-round residential use, commercial uses, etc.). **See Tab 16**
9. **Existing Development:** Describe existing development in the area/region and within the area proposed for rezoning, including type, amount, density, and proximity (by road) to the area proposed for rezoning. If the plan includes only a portion of a lake, describe existing development on the rest of the lake in sufficient detail to understand the context of the proposed plan. **See Tab 16**
10. **Proposed Uses:** Describe all proposed uses of the land involved in this rezoning petition. If any subdivisions are proposed, describe the types of subdivisions (seasonal, year-round, residential, commercial, etc.) and the numbers and sizes of lots within each subdivision (including any common areas or lots designated to remain undeveloped). Attach a site plan that shows all locations of the proposed subdivisions within the concept plan. If structural development is proposed, describe its type, size and use and attach a preliminary site plan that shows how such structural development and support facilities will be located. If any other use is proposed, describe in detail what that use will be and why it is being proposed. **See Tab 17**

Under provisions of the Commission’s statute, 12 M.R.S.A. §685-A(8), no change in a district boundary may be approved unless:

1. There is substantial evidence that the change would be consistent with the standards for district boundaries in effect at the time, the Comprehensive Land Use Plan, and the purpose, intent and provisions of Chapter 206-A (the Land Use Regulation Law); and
2. The change in zoning will satisfy a demonstrated need in the community or area and will have no undue adverse impact on existing uses or resources or is more appropriate for the protection and management of existing uses and resources within the affected area.

[Note: In the instance of a concept plan, the latter provision, “is more appropriate...,” is the applicable standard of approval.]

The following questions are intended to generate information that will be useful in assessing whether the proposal meets the Commission’s statutory rezoning criteria.

11. **Consistency with the Comprehensive Land Use Plan:** The Commission’s plan includes specific goals to guide the location of new development; to protect and conserve forest, recreational, plant or animal habitat and other natural resources; to ensure the compatibility of land uses with one another; and to allow for a reasonable range of development opportunities important to the people of Maine. **See Tab 18**

Carefully read and refer to the Commission's *Comprehensive Land Use Plan* (particularly the objectives and policy statements found on pages 134-143). Explain how the proposed change in zoning will be consistent with the Commission's *Comprehensive Land Use Plan*.

12. **Adjacency Criterion:** The Commission's plan encourages orderly growth within and proximate to existing, compatible developed areas. This is referred to as the "adjacency" criterion. When considering any petition for rezoning, the Commission places considerable weight on this objective. However, the Commission may consider adjusting the adjacency criterion when assessing concept plans, provided any such relaxation is matched by comparable conservation measures. **See Tab 19**

Does your proposal fit the adjacency objective? If so, describe in detail the type and amount of existing nearby development. Include the distance (by straight line and by road) of such development from your proposed area(s) of development.

Does the proposal require adjustment of the Commission's adjacency policy? If so, explain why such adjustment is justified in the context of the Commission's policies, and describe how the development gained through the adjustment is matched by comparable conservation measures.

13. **Protection Zoning:** Is the P-RP zone that you propose more appropriate for the protection and management of *existing* uses and resources in the area? If so, describe how the P-RP zone is more appropriate. **See Tab 20**

14. **Shoreland Criteria:** The Commission's lake management program contains policy statements that include review criteria for permit applications (including petitions for rezoning prior to such activities) that could affect the shoreline. These special review criteria for intensive development proposed on lakes are included in the Commission's *Land Use Districts and Standards* under provisions of Section 10.13,B,2. **See Tab 21**

If your petition for rezoning includes any shoreland areas, carefully read and refer to the Review Criteria for Shoreland Permits in Appendix C of the *Comprehensive Land Use Plan* (pages C-4 and C-5) and the Review Standards for Structures Adjacent to Lakes in Section 10.13,B,2 of the Commission's *Land Use Districts and Standards*. Explain how the proposed rezoning is consistent with the following criteria:

- a. Natural and Cultural Resource Values: The proposal will not adversely affect natural and cultural resource values identified as significant or outstanding in the Wildland Lakes Assessment;
- b. Water Quality: The proposal will not, alone or in conjunction with other development, have an undue adverse impact on water quality;
- c. Traditional Uses: The proposal will not have an undue adverse impact on traditional uses, including without limitation, non-intensive public recreation, sporting camp operations, timber harvesting, and agriculture;
- d. Regional Diversity: The proposal will not substantially alter the diversity of lake-related uses afforded within the region in which the activity is proposed;
- e. Natural Character: Adequate provision has been made to maintain the natural character of shoreland;

- f. Lake Management Goals: The proposal is consistent with the management intent of the affected lakes classification; and
- g. Landowner Equity: Where future development on a lake may be limited for water quality or other reasons, proposed development on each landownership does not exceed its proportionate share of total allowable development.

15. **Anticipated Favorable Impacts:** Do you anticipate that your proposed use of the land would result in any favorable impacts on any of the surrounding land, resources, and/or uses in the community or area? If so, describe in detail the anticipated favorable impacts. **See Tab 22**
16. **Anticipated Unfavorable Impacts:** Do you anticipate that your proposed use of the land would result in any unfavorable impacts on any of the surrounding land, resources, and/or uses in the community or area? If so, describe in detail the anticipated unfavorable impacts and any measures proposed to control or minimize them. **See Tab 23**
17. **Public Services:** What municipal, county, or other services (i.e. solid waste disposal, fire and police protection, schools and school transportation, etc.) will your proposed use of the land require? Describe by what means these public services will be obtained. **See Tab 24**
18. **Compliance with Laws and Standards:** If your proposal includes a subdivision or development proposal, provide information in response to the following questions concerning whether the land is likely to be suitable for the proposed use. **See Tab 25**

Describe what provisions will be made to comply with the Commission’s development standards and other environmental laws.

- a. Water Supply: What provisions will be made for securing and maintaining a healthy water supply to the area?
- b. Soil Conditions: Are soil conditions appropriate for proposed uses, particularly in areas proposed for development?
- c. Traffic: What provisions will be made for parking and safe traffic flow?
- d. Erosion Control: What provisions will be made for stabilization and erosion control of the site?
- e. Subsurface Waste Water Disposal: What provisions will be made to comply with the requirements of the Subsurface Waste Water Disposal Rules of the Maine State Plumbing Code?
- f. Harmonious Fit: What measures will be taken to fit the proposal into the existing surroundings? Include any special considerations given to siting, design, size, coloring, landscaping or other factors that will lessen the impact of the proposal on the surroundings.
- g. Scenic Impacts: What measures will be taken to minimize impacts of the proposal on the scenic quality of the area? Consideration should be given to visibility from roads and water bodies.
- h. Wildlife Habitat: What measures will be made to minimize impacts on wildlife habitat including birds and water fowl? Consideration should be given to riparian zones along waterbodies.

Note: Should your petition for rezoning be approved, the Commission will require more detailed information about any proposed development within the concept plan area in the specific subdivision or development permit application.

Under provisions of Section 10.16,F,6 of the Commission's *Land Use Districts and Standards*, the Commission may approve a concept plan only if it finds that the following criteria are also satisfied:

1. The plan conforms with the Commission's *Land Use Districts and Standards*, where applicable.
2. The plan, taken as a whole, is at least as protective of the natural environment as the subdistricts which it replaces. In the case of lake concept plans, this means that any development gained through any waiver of the adjacency criterion is matched by comparable conservation measures.
3. The plan includes in its purpose the protection of those resources in need of protection.
4. The plan strikes a reasonable and publicly beneficial balance between appropriate development and long-term conservation of lake resources.
5. Conservation measures apply in perpetuity, except where it is demonstrated by clear and convincing evidence that other alternative conservation measures fully provide for long-term protection or conservation.

The following questions are intended to generate information that will be useful in assessing whether the proposal meets the Commission's criteria associated with rezoning to the P-RP subdistrict.

- | | | |
|-----|--|-------------------|
| 19. | Conformance with the Commission's Standards: Does the proposal meet or exceed the Commission's normal standards for site suitability, including the Commission's minimum dimensional requirements? If the plan includes any provisions that deviate from the Commission's <i>Land Use Districts and Standards</i> , explain in detail how the provisions differ from the Commission's rules and provide reasons for the proposed deviations. | See Tab 26 |
| 20. | Resource Protection: Is the proposal at least as protective of the natural environment as the Commission's existing protections? How does the proposal maintain or enhance the protection of the natural resources and public values within the areas involved? | See Tab 27 |
| 21. | Balance between Development and Conservation: How does the proposal strike a reasonable and publicly beneficial balance between appropriate development and long-term conservation of lake resources? Please keep in mind that proposed conservation measures must provide clear and significant public benefits. | See Tab 28 |
| 22. | Conservation Measures: If conservation easements are proposed, describe their substantive provisions (e.g. area of easement, allowed uses, access, special restrictions). Describe how the proposed easement holder meets the Commission's <i>Guidelines for Selection of Easement Holders</i> . If alternative conservation measures are proposed, describe their substantive provisions and describe how these measures fully provide for long-term protection or conservation. | See Tab 29 |

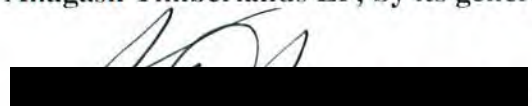
Additional Information: State any additional facts regarding this petition for rezoning that you feel may further explain your proposal or assist the Commission in its review of your petition. Address any important issues identified by the public and other interested parties during the initial project planning.

Please read and sign the certification, below and attach a copy of the completed *Notice of Filing of Zoning Petition*.

By signing this petition, I certify that notice of this petition has been given to all owners of abutting property and those within 1,000 feet of the subject property and, if applicable, to Town or Plantation officials and County Commissioners.

I have personally examined and am familiar with the information submitted in this petition for rezoning, including all attachments, and I believe the information to be true, accurate and complete. I further certify that I will comply with all applicable statutes and with rules adopted by the Maine Land Use Regulation Commission.


Allagash Timberlands LP, by its general partner Eagle Lake Timberlands Inc.



Authorized Signatory

Dec 22, 2014
Date

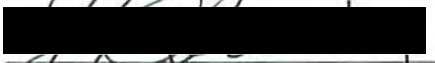
Aroostook Timberlands LLC



Authorized Signatory

Dec 22, 2014
Date

Maine Woodlands Realty Company



Authorized Signatory

Dec 22, 2014
Date



AGENT AUTHORIZATION

1. Agent Information

Anthony Hourihan
Irving Woodlands LLC
P.O. Box 5777
300 Union Street
Saint John, NB E2L 4M3
(506) 632-7777
Hourihan.Anthony@jdirving.com

Brian Rayback, Esq.
Pierce Atwood LLP
Merrill's Wharf
254 Commercial Street
Portland, ME 04101
(207) 791-1188
brayback@pierceatwood.com

Terrence DeWan, FASLA
Terrence J. DeWan & Associates
121 W Main Street
Yarmouth, ME 04096
(207) 846-0757
dewan@tjda.net

Noel Musson, Principal
The Musson Group
P.O. Box 286
Southwest Harbor, ME 04679
(207) 944-3132
noel@themussongroup.com

2. Landowner Information

*If the applicant(s) listed on the application, to which this supplement relates, is/are NOT the landowner(s), please complete the landowner information below and then explain on what legal authority you are able to apply for permits on the landowner's behalf:

Submit as part of Exhibit B (or any other Exhibit regarding title, right, or interest), authority from the landowner to represent them in all land use matters.

See Petition for Rezoning form

3. Agent Authorization

I hereby authorize the individual or business listed above to act as my legal agent in all matters relating to my/our permit application(s). I understand that I am ultimately responsible for complying with all applicable regulations and with all conditions and limitations of any permits issued to me by the LUPC. I hereby authorize the agent (individual or business) to act as my legal agent in all matters relating to this permit application.

Caution: The person(s) signing below must demonstrate that they have a legal right to apply for this permit, either as the landowner, lease holder, or via a legal agreement or other written contract with the landowner.

Allagash Timberlands LP, by its general partner Eagle Lake Timberlands Inc.



Authorized Signatory

Dec 22, 2014

Date

Aroostook Timberlands LLC



Authorized Signatory

Dec 22, 2014

Date

Maine Woodlands Realty Company



Authorized Signatory

Dec 22, 2014

Date



John Hancock Financial Services

Bond and Corporate Finance Group
Natural Resources Team
128 S. Tryon Street
Suite 1700
Charlotte, NC 28202

(704) 377-1866
Fax: (704) 377-8545
whill@jhancock.com

C. Whitney Hill
Managing Director

The logo for John Hancock, featuring the name in a stylized, cursive script.

July 30, 2014

Nicholas Livesay, Executive Director
Land Use Planning Commission
18 Elkins Lane
22 State House Station
Augusta, Maine 04330

Dear Sir:

We understand that Allagash Timberlands LP and Aroostook Timberlands LLC (the "Companies") are preparing an application to the State of Maine Land Use Planning Commission (LUPC) to rezone some of their timberlands in Aroostook County, Maine for future residential or recreational development. We understand that as part of the application the LUPC bills the applicant the costs associated with hiring consultants, such as soil scientists, and for other costs relating to the application process. The Companies have estimated these costs to be in the order of \$100,000 to \$200,000 (the "Costs").

We hereby confirm that the Companies have the financial ability to pay the Costs associated with the application.

Yours truly,

A redacted signature consisting of a black rectangular box covering the name and any handwritten notes.

Whit Hill

**NOTICE OF FILING OF REZONING PETITION
WITH THE MAINE LAND USE PLANNING COMMISSION**

This is to notify you that Allagash Timberlands LP, Aroostook Timberlands LLC, and Maine Woodlands Realty Company, P.O. Box 5777, 300 Union Street, Saint John, NB E2L 4M3, Canada, has filed a Petition for Rezoning with the Maine Land Use Planning Commission (“LUPC”) pursuant to the provisions of 12 M.R.S. section 685-A to rezone approximately 51,015 acres of land around the Fish River chain of lakes in T17 R5 (Cross Lake Township), T17 R4, T17 R3, T16 R5, T16 R4 (Madawaska Lake Township), and T15 R5 in northern Aroostook County from its present General Management Subdistrict (M-GN), General Development Subdistrict (D-GN), Residential Development Subdistrict (D-RS), Wetland Protection Subdistrict (P-WL), Great Pond Protection Subdistrict (P-GP), Fish and Wildlife Protection Subdistrict (P-FW), Flood Prone Area Protection Subdistrict (P-FP), and Shoreland Protection Subdistrict (P-SL) designations to a Resource Protection Subdistrict (P-RP) for purposes of implementing a Concept Plan.

Concept Plans are landowner created, long-range plans for the development and conservation of a large area. The plans are a clarification of long term landowner intent and indicate, in a general way, the areas where development is to be focused, the relative density of future development, and the means by which significant natural and recreational resources are to be protected. The LUPC established the concept plan process as a flexible alternative to traditional subdivision and development regulation, designed to accomplish both public and private objectives. Concept plans are initiated by the landowner and must be approved by the Commission.

The Petition for Rezoning, also referred to as the proposed Fish River Lakes Concept Plan (the “Petition”) was filed at the LUPC offices in Ashland and Augusta on or about December 24, 2014. Paper copies of the Petition are available for public inspection by appointment in the offices of the LUPC at:

LUPC Ashland Office
45 Radar Road
Ashland, Maine 04732-3600
(207) 435-7963 (extension 207 or 208)

LUPC Augusta Office
18 Elkins Lane, Harlow Building
4th Floor
Augusta, Maine 04333-0022

A copy will be available on the web at: www.maine.gov/dacf/lupc.

Copies are also available for public inspection at the following locations:

Aroostook County Commissioner Office
c/o Paul Bernier
144 Sweden St, Suite 1
Caribou, ME 04736
(207) 493-3318
Hour: M-F, 8:00-4:30
*Please call Mr. Bernier to make an
appointment*

Fort Kent Town Office
416 W. Main St.
Fort Kent, ME 04743
(207) 834-3003
Hours: M-F, 8:30-4:30

The LUPC will schedule one or more public hearings to gather oral and written testimony from the public about this Petition. Written comments from interested persons should be sent to the Maine Land Use

Planning Commission, 22 State House Station, Augusta, Maine 04333-0022. The deadline for comments will be established once a public hearing is scheduled.

If you wish to receive email notices about upcoming public hearings and important deadlines related to the LUPC's review of this Petition, please go to <https://public.govdelivery.com/accounts/MEDACF/subscriber/new> and find the LUPC projects and topics at the bottom of the list, including the proposed Fish River Lakes Concept Plan. If you wish to receive postal notices, contact the LUPC by calling (207) 287-2631. Information about concept plans in general is also available on the web at www.maine.gov/dacf/lupc/.