

The Fish River Chain of Lakes Concept Plan

VOLUME 2 – THE CONCEPT PLAN



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

A. INTRODUCTION AND PURPOSE

1. Concept Planning

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

Concept plans are a flexible alternative to traditional shoreland regulation and were established to encourage long-range land use planning based on resource characteristics and site suitability, and to prevent haphazard, incremental development. The planning process necessary to prepare a concept plan encourages landowners to chart the future of their ownership in a manner that is both thoughtful and forward-looking. Pursuant to Section 4.3B of the CLUP:

Concept Plans are landowner-created, long range plans for the development and conservation of a large block of shorelands and/or backlands. The plans clarify the long-term intent of landowners, indicating, in a general way (1) areas where development will be focused, (2) the relative density of proposed development, and (3) areas where significant natural resources will be protected, as well as the mechanism to protect them.

The Commission encourages the use of concept plans through its willingness to consider adjusting certain existing standards, such as the adjacency criterion, provided any such adjustments are matched by comparable conservation. Such adjacency adjustments have been made in this concept plan, and have been matched by comparable conservation. The Commission additionally encourages the use of concept plans by its commitment to expedite the permitting process for development proposed pursuant to approved plans. The Commission reaffirms this commitment to an expedited permitting process in this plan.

2. The Fish River Chain of Lakes Concept Plan

The Fish River Chain of Lakes Concept Plan (Concept Plan) rezones approximately 51,015 acres of land around four of the lakes that comprise the Fish River Chain of Lakes in northern Aroostook County to create a new Resource Protection Subdistrict (P-RP). The Concept Plan is made effective by the Commission's approval of Zoning Petition XXXX. Terms used in the Concept Plan have the same meanings provided to them in the Chapter 10 Addendum in Volume 3 or as defined herein.

Other than the construction of a hand carry launch on Mud Lake, the Concept Plan does not propose any specific development, but rather is being used as a rezoning tool to allow for future development and conservation in specified areas. The Concept Plan:

- a. specifies certain locations where development will be allowed;
- b. prescribes and limits the types of development that will be allowed in each development area;
- c. prescribes a maximum number of development units or lots that will be allowed in each development area; and
- d. provides appropriate standards and review processes for development.

To ensure that development pursuant to the Concept Plan will not have any undue adverse impact on the Plan area, the Concept Plan:

- a. preserves and improves public access to the Plan area's recreational resources and maintains and promotes traditional uses, such as forestry, that are intrinsic to the economy and character of the region;
- b. protects the forest values, aquatic resource and wetland values, wildlife, plant and natural community values, and scenic values that contribute to the unique character of the Plan area;
- c. ensures the sustainability of the working forest economy by protecting large areas of mostly unfragmented, diverse, and substantially natural forestland through sustainable forest management practices; and
- d. provides for conservation in perpetuity of a substantial and ecologically valuable area via a conservation easement.

In addition, the Plan area includes approximately 425 existing licensed or leased camp lots, which were established prior to the Petitioners' ownership of the Plan area. The Concept Plan provides a comprehensive solution to address concerns regarding the siting, installation and maintenance of replacement subsurface waste water disposal systems on those lots. The Concept Plan also establishes a process that would allow Petitioners to expand many of the camp lots, thus in general making them less nonconforming with current dimensional standards.

B. PETITIONERS

The Petitioners are Aroostook Timberlands LP, Allagash Timberlands LLC, and Maine Woodlands Realty Company, as owners of the Plan area. They are referred to throughout the Concept Plan as Petitioners, which term shall include their successors and assigns.

C. CONCEPT PLAN AREA

The Plan area encompasses approximately 51,015 acres, which are identified as those lands within the boundaries of the P-RP Subdistrict, as adopted on the Official Land Use Guidance Maps attached hereto in Volume 3 at Maps 27–31.

The Plan area includes land within 6 unorganized townships: T17 R3, T17 R4, T17 R5 (Cross Lake Township), T16 R4 (Madawaska Lake Township), T16 R5, and T15 R5. The closest organized towns are to the north of the Plan area: St. Agatha, Madawaska, and Frenchville. Grand Isle and Van Buren are to the east of the Plan area; New Sweden and Westmanland are to the south of the Plan area; and Eagle Lake and New Canada are to the west of the Plan area. The Plan area includes approximately 34.5 miles of frontage on Long Lake, Mud Lake, Cross Lake, and Square Lake, as well as frontage along the thoroughfares that connect the lakes. The Plan area also encompasses Carry Pond, Dickey Pond, and Little California Pond, as well as several other named and unnamed streams and other waterbodies. The Plan area is traversed by two State roads (Route 161 and Route 162) and a network of forest management roads, as well as a transmission line corridor in close proximity to Route 161.

The primary use of the lands in the Plan area is forest management. However, there is existing development both in and adjacent to the Plan area, including the Village of Sinclair, approximately 425 camp lots in the Plan area, as well as many others outside of it, and a number of recreational resources, such as campsites and points for water access. See Volume 3, Maps 14–17 and 32.¹

D. EFFECTIVE DATE, DURATION, EXPIRATION, AND AMENDMENT

1. Effective Date, Duration, and Expiration

The terms, conditions, and provisions of the Concept Plan shall apply for 30 years from the effective date (the initial term), as this term is defined in the Chapter 10 Addendum, Sub-Chapter I, Section 10.02,56.A.²

With Petitioners' consent, the Commission may extend the initial term of the Concept Plan with or without modification. If Petitioners intend to renew the Concept Plan, they must provide the Commission with written notice at least one year prior to the expiration of the initial term. If the Concept Plan is proposed for renewal, the petition for renewal must be substantially complete and submitted to the Commission at least six months prior to its expiration date. Any decision to extend the term would be preceded by public notice and opportunity to comment. Absent such extension, the Concept Plan will expire at the end of the initial term.

Following expiration of the Concept Plan, the Commission shall designate new zoning for the Plan area in accordance with statute, the CLUP and Chapter 10, as may be in effect at that time.

2. Amendments

Upon mutual agreement of Petitioners and the Commission, the Concept Plan may be amended on one or more occasions. Proposed amendments must be made by Petitioners in writing and will be subject to Commission review and approval in accordance with the CLUP and Chapter 10. Notice to abutters and

¹ Maps for the Concept Plan are included in Volume 3 of the Concept Plan. For convenience, references to the maps will provide only the relevant map number, identified in the lower right corner of each map. Thus, "Volume 3, Map 1" is abbreviated as "Map 1."

² The Chapter 10 Addendum is included in Volume 2 of the Concept Plan, at Tab 2. For convenience, references to the Chapter 10 Addendum will provide only the relevant sub-chapter and section. Thus, "Chapter 10 Addendum, Sub-Chapter I, Section 10.02,56.A" is abbreviated "Sub-Chapter I, Section 10.02,56.A."

the public will be required if proposed amendments would change the extent of development or reduce conservation measures.

Amendments to the Concept Plan will, upon adoption, be promptly filed in the Northern Aroostook County Registry of Deeds.

3. Rezoning

Upon the filing of a notice with the Commission by Petitioners, any development area in the Plan area may be rezoned to M-FRL-GN if such development area has not been approved for development with any new development units since the effective date. See Sub-Chapter I, Section 10.08,A,3.

4. Severability

The provisions of the Concept Plan may be severable, at Petitioners' election. If a portion of the Concept Plan is invalidated by a court of competent jurisdiction, within 60 days of a final, unappealable judgment, Petitioners shall notify the Commission of its election to either invalidate the entire Concept Plan or determine that the invalid provision is severable. If Petitioners elect to invalidate the entire Concept Plan, such election shall not affect the validity of the Conservation Easement, any other conveyances, or any approved development under the Concept Plan.

E. ELEMENTS OF THE PLAN

1. Rezoning of Development Areas

The Concept Plan rezones the Plan area to a P-RP Subdistrict with four types of development zones (Development Zones) around the Fish River Chain of Lakes: Residential Development (D-FRL-RS), Recreation Facility Development (D-FRL-RF), General Development (D-FRL-GN), and Commercial Industrial Development (D-FRL-CI). Each of these zones as summarized below has one or more development areas where zoning to allow new development will be focused. The remaining areas of the Plan area are zoned as General Management (M-FRL-GN) or in a Protection subdistrict.

a. Residential Development Zone (D-FRL-RS):

The Concept Plan rezones as D-FRL-RS ten new development areas and numerous additional areas that include existing camp lots.

The first development area rezoned as D-FRL-RS is labeled "Long Lake A" on the Concept Plan Maps. See Map 22. Long Lake A is located on the east side of Van Buren Cove on Long Lake and is approximately 129 acres in size.

The second development area rezoned as D-FRL-RS is labeled "Long Lake B" on the Concept Plan Maps. See Map 22. Long Lake B is located on the west side of Van Buren Cove on Long Lake and is approximately 56 acres in size.

The third development area rezoned as D-FRL-RS is labeled “Long Lake C” on the Concept Plan Maps. See Map 23. Long Lake C is located on the southwest side of Long Lake, south of Barn Brook Road and east of the Village of Sinclair. It is approximately 120 acres in size.

The fourth development area rezoned as D-FRL-RS is labeled “Cross Lake A” on the Concept Plan Maps. See Map 24. Cross Lake A is located on the northwestern end of Cross Lake and is approximately 110 acres in size.

The fifth development area rezoned as D-FRL-RS zone is labeled “Cross Lake B” on the Concept Plan Maps. See Map 24. Cross Lake B is located on the northeastern end of Cross Lake and is approximately 91 acres in size.

The sixth development area rezoned as D-FRL-RS is labeled “Cross Lake C” on the Concept Plan Maps. See Map 24. Cross Lake C is located on the eastern side of Cross Lake south of the Mud Lake/Cross Lake thoroughfare and is approximately 57 acres in size.

The seventh development area rezoned as D-FRL-RS is labeled “Cross Lake D” on the Concept Plan Maps. See Map 25. Cross Lake D is located on the eastern side of Cross Lake south of Cross Lake C and is approximately 187 acres in size.

The eighth development area rezoned as D-FRL-RS is labeled “Cross Lake E” on the Concept Plan Maps. See Map 25. Cross Lake E is located on the southeastern side of Cross Lake and is approximately 163 acres in size.

The ninth development area rezoned as D-FRL-RS is labeled “Square Lake E” on the Concept Plan Maps. See Map 26. Square Lake E is located on the east side of Square Lake and is approximately 278 acres in size.

The tenth development area rezoned D-FRL-RS is labeled “Square Lake W” on the Concept Plan Maps. See Map 26. Square Lake W is located on the western side of Square Lake and is approximately 121 acres in size.

In addition to these development areas, there are approximately 425 camp lots that are leased or licensed from Petitioners within the Plan area near or along the shores of Long Lake, Cross Lake and Square Lake, or on one of the thoroughfares between the lakes. These lots tend to be developed with seasonal or year-round residential camps. They are accessed by a variety of existing roads, some of which are maintained by the camp lessees/licensees. See Maps 14-17. Some of the camp lots also include back lots on the opposite side of the access road that are used for a variety of uses accessory to the principal lot. These areas will be zoned D-FRL-RS along with, where available, a strip of land directly behind them to enable potential expansion of the camp lots. See Maps 27-31; see Sub-Chapter IV, Section 10.31.

Land Uses in D-FRL-RS

Land uses in areas zoned D-FRL-RS generally mirror the current land uses allowed in the residential development subdistricts under Chapter 10 with the following changes:

- i. If completed prior to submission of an application for a subdivision or other development approval in any of the development areas to be zoned D-FRL-RS, timber harvesting is allowed in that area without a permit, but subject to standards, including sustainable forestry principles. See Sub-Chapter II, Section 10.21,K,3,b,15 and Sub-Chapter IV, Section 10.30.
- ii. After submission of an application for a subdivision or other development approval in any of the development areas to be zoned D-FRL-RS, timber harvesting is allowed in that area only with a permit from the Commission and in accordance with sustainable forestry principles. See Sub-Chapter II, Section 10.21,K,3,c,19 and Sub-Chapter IV, Section 10.30.
- iii. Commercial and public trailered ramps are only allowed by special exception. See Sub-Chapter II, Section 10.21,K,d,5.

Land Use Standards in D-FRL-RS

Land use standards in development areas zoned D-FRL-RS generally mirror the current land use standards allowed in the residential development subdistricts under Chapter 10 with the following changes:

- i. To the extent practicable, subdivision lots should be laid out to create or preserve a distinct community center or multiple community centers that offer the opportunity for community open space, recreation areas, or other amenities and facilities appropriate to the size and scale of the subdivision and adjacent lots. See Sub-Chapter III, Section 10.25,Q,3,b.
- ii. The minimum lot size for residential campsites and single-family dwellings is 20,000 square feet per dwelling unit. See Sub-Chapter III, Section 10.26,A,1.
- iii. The minimum lot size for multi-family dwellings, and commercial, industrial, and other non-residential uses involving one or more buildings is 40,000 square feet. See Sub-Chapter III, Sections 10.26,A,1 and 10.26,A,2.
- iv. The minimum shoreline frontage for lots fronting on a flowing water draining 50 square miles or more or a body of standing water 10 acres or greater in size is 150 feet. See Sub-Chapter III, Section 10.26,B,2,a.
- v. The minimum setback from the travelled portion of all roadways is 30 feet. See Sub-Chapter III, Section 10.26,D,1,d.
- vi. The maximum structure height is 35 feet for residential uses, campsites and residential campsites, and 60 feet for commercial, industrial, and other non-residential uses involving one or more structures. See Sub-Chapter III, Sections 10.26,F,1,a and 10.26,F,1,b.
- vii. No more than 330 new development units may be approved in the new development areas located in a D-FRL-RS or D-FRL-RF zone. See Sub-Chapter IV, Section 10.28,B,1.
- viii. There is a maximum number of new development units that may be approved in the new development areas located in a D-FRL-RS and D-FRL-RF zone around each of Long Lake (75), Cross Lake (125) and Square Lake (130), known as the development area cap. See Sub-Chapter IV, Section 10.28,B,2.
- ix. Upon the sale of lots, lot owners will be required to join road associations and may be required to join an association to manage other common facilities. See Sub-Chapter IV, Section 10.29.

- x. Exterior lighting for residential uses must meet additional standards to minimize light impacts. See Sub-Chapter III, Section 10.25,F,2,b.

In addition, the Concept Plan provides the following for each of the development areas in D-FRL-RS:

- i. For Long Lake A:
 - a. The maximum number of new development units that can be developed is 50, subject to the development area cap for Long Lake. See Sub-Chapter IV, Sections 10.28,B,2,a.
 - b. The maximum number of water access sites that can be developed within the Plan area to serve Long Lake A is two. See Sub-Chapter III, Section 10.27,L,1,a.
 - c. A special exception for a new trailered ramp will only be granted by the Commission if there is a demonstrated need for the trailered ramp that cannot practicably be met with existing facilities that serve Long Lake. See Sub-Chapter III, Section 10.27,L,3,c,vii.
 - d. Lots will be granted deeded access over the existing road network from the Van Buren town line via Lake Road and East Lake View Road. See Map 36.
- ii. For Long Lake B:
 - a. The maximum number of new development units that can be developed is 15, subject to the development area cap for Long Lake. See Sub-Chapter IV, Sections 10.28,B,2,a.
 - b. The maximum number of water access sites that can be developed within the Plan area to serve Long Lake B is one. See Sub-Chapter III, Section 10.27,L,1,a.
 - c. A special exception for a new trailered ramp will only be granted by the Commission if there is a demonstrated need for the trailered ramp that cannot practicably be met with existing facilities that serve Long Lake. See Sub-Chapter III, Section 10.27,L,3,c,vii.
 - d. Lots will be granted deeded access over the existing road network from the Van Buren town line via Lake Road and the West Van Buren Cove Road. See Map 36.
- iii. For Long Lake C:
 - a. The maximum number of new development units that can be developed is 25, subject to the development area cap for Long Lake. See Sub-Chapter IV, Sections 10.28,B,2,a.
 - b. There will be no water access sites developed within the Plan area to serve Long Lake C. See Sub-Chapter III, Section 10.27,L,1,a.
 - c. Lots will be granted deeded access over the existing road network from Van Buren via Lake Road, Sullivan Road, and Knockout Hill Road, as well as a new road as needed. See Map 36.
- iv. For Cross Lake A:
 - a. The maximum number of new development units that can be developed is 30, subject to the development area cap for Cross Lake. See Sub-Chapter IV, Sections 10.28,B,2,b.
 - b. The maximum number of water access sites that can be developed within the Plan area to serve Cross Lake A is one. See Sub-Chapter III, Section 10.27,L,1,a.
 - c. A special exception for a new trailered ramp will only be granted by the Commission if there is a demonstrated need for the trailered ramp that cannot

- practicably be met with existing facilities that serve Cross Lake. See Sub-Chapter III, Section 10.27,L,3,c,vii.
- d. Lots will be granted deeded access over the existing road network from Route 161 via West Side Road. See Map 36.
- v. For Cross Lake B:
 - a. The maximum number of new development units that can be developed is 30, subject to the development area cap for Cross Lake. See Sub-Chapter IV, Sections 10.28,B,2,b.
 - b. The maximum number of water access sites that can be developed within the Plan area to serve Cross Lake B is one. See Sub-Chapter III, Section 10.27,L,1,a.
 - c. A special exception for a new trailered ramp will only be granted by the Commission if there is a demonstrated need for the trailered ramp that cannot practicably be met with existing facilities that serve Cross Lake. See Sub-Chapter III, Section 10.27,L,3,c,vii.
 - d. Lots will be granted deeded access over the existing road network from Route 161 via multiple roads. See Map 36.
 - vi. For Cross Lake C:
 - a. The maximum number of new development units that can be developed is 30, subject to the development area cap for Cross Lake. See Sub-Chapter IV, Sections 10.28,B,2,b.
 - b. The maximum number of water access sites that can be developed within the Plan area to serve Cross Lake C is one. See Sub-Chapter III, Section 10.27,L,1,a.
 - c. A special exception for a new trailered ramp will only be granted by the Commission if there is a demonstrated need for the trailered ramp that cannot practicably be met with existing facilities that serve Cross Lake. See Sub-Chapter III, Section 10.27,L,3,c,vii.
 - d. Lots will be granted deeded access over the existing road network from Route 161 via Cyr Road. See Map 36.
 - vii. For Cross Lake D:
 - a. The maximum number of new development units that can be developed is 35, subject to the development area cap for Cross Lake. See Sub-Chapter IV, Sections 10.28,B,2,b.
 - b. The maximum number of water access sites that can be developed within the Plan area to serve Cross Lake D is one. See Sub-Chapter III, Section 10.27,L,1,a.
 - c. A special exception for a new trailered ramp will only be granted by the Commission if there is a demonstrated need for the trailered ramp that cannot practicably be met with existing facilities that serve Cross Lake. See Sub-Chapter III, Section 10.27,L,3,c,vii.
 - d. Lots will be granted deeded access over the existing road network from Route 161 via Disy Road, Mifs Lane, and Landing Road. See Map 36.
 - viii. For Cross Lake E:
 - a. The maximum number of new development units that can be developed is 60, subject to the development area cap for Cross Lake. See Sub-Chapter IV, Sections 10.28,B,2,b.
 - b. The maximum number of water access sites that can be developed within the Plan area to serve Cross Lake D is two. See Sub-Chapter III, Section 10.27,L,1,a.

- c. A special exception for a new trailered ramp will only be granted by the Commission if there is a demonstrated need for the trailered ramp that cannot practicably be met with existing facilities that serve Cross Lake. See Sub-Chapter III, Section 10.27,L,3,c,vii.
 - d. Lots will be granted deeded access over the existing road network from Route 161 via Disy Road and Disy Crossover Road. See Map 36.
- ix. For Square Lake E:
- a. The maximum number of new development units that can be developed is 85, subject to the development area cap for Square Lake. See Sub-Chapter IV, Sections 10.28,B,2,c.
 - b. The maximum number of water access sites that can be developed within the Plan area to serve Square Lake E and Square Lake Yexas is three. Each of these development areas will be allowed up to two water access sites, provided that the other has only one. Under no circumstances will there be more than one trailered ramp between the two development areas. See Sub-Chapter III, Section 10.27,L,1,a.
 - c. Lots will be granted deeded access over the existing road network from Route 161 via Disy Road, Disy Crossover Road, and Black Brook Road. See Map 36.
- x. For Square Lake W:
- a. The maximum number of new development units that can be developed is 30, subject to the development area cap for Square Lake. See Sub-Chapter IV, Sections 10.28,B,2,c.
 - b. The maximum number of water access sites that can be developed within the Plan area to serve Square Lake W is one, which may not be a trailered ramp. See Sub-Chapter III, Section 10.27,L,1,a.
 - c. Lots will be granted deeded access over that portion of the existing road network owned by Petitioners from Route 161 via the Square Lake Road, although reaching Square Lake W via this route will also require access from the State over Maine Public Reserve Land. See Map 36. Lot owners will also have the option of accessing these lots by water.

The Concept Plan also provides the following for the D-FRL-RS zone specifically with respect to the existing camp lots, as shown on Maps 14-17:

- i. Subject to (iii), below, if the existing camp lots are sold, additional land (referred to as back lots) will be included in each sale.
- ii. Subject to (iii), below, additional land will be made available for camp owners to replace existing subsurface waste water disposal systems, as follows:
 - a. A camp owner on an existing camp lot who intends to replace his or her subsurface waste water disposal systems will first attempt to site the replacement system on the camp lot and/or back lot, in accordance with applicable rules, including in Title 22 M.R.S., Section 42(3). See Subsection IV, Sections 10.31,B and 10.31,C.
 - b. If the system cannot be sited in this manner, Petitioners will grant sufficient rights to the camp owner to site a replacement system on land located behind the back lots, if available. This additional land (referred to as the back lands) is located for any given camp lot within 500 feet of the shoreline of the nearest

lake and within 2,500 feet of the nearest boundary of the camp lot. See Subsection IV, Sections 10.31,B and 10.31,C.

- iii. Due to site specific conditions, certain camp lots are exempt from the requirements for back lots and/or back lands. See Subsection IV, Section 10.31,D. This is typically because the camp lot is at least 40,000 square feet in size, and thus already has adequate space for a replacement subsurface waste water disposal system; is not located on a water body, and thus does not pose the same degree of threat to water quality; or the configuration of neighboring lots or other features precludes it.
- iv. Upon the sale of camp lots, the new lot owners will be required to join a road association to manage and maintain appropriate portions of access roads and may be required to join an owners association. See Sub-Chapter IV, Section 10.29.
- v. Existing camp lots are not counted as a lot for the purposes of subdivision if sold, licensed or leased. In addition, the division of any other parcel of land shall not be counted for purposes of subdivision if the result of such division is to enlarge an existing camp lot. See Sub-Chapter III, Section 10.25,Q,1,g,9.

b. Recreational Facility Development Zone (D-FRL-RF):

The Concept Plan rezones one area as a D-FRL-RF zone. The D-FRL-RF zone allows for the development of moderate intensity recreation facilities. See Sub-Chapter II, Section 10.21,J,1. The development area rezoned D-FRL-RF is labeled “Square Lake Yexas” on the Concept Plan Maps. See Map 31. Square Lake Yexas is approximately 51 acres in size and is located on the east side of Square Lake. It is surrounded to the north, east, and south by Square Lake E. Lots will be granted deeded access over the existing road network from Route 161 via Disy Road, Disy Crossover Road, and Black Brook Road. See Map 36.

Land Uses in D-FRL-RF

Land uses in the area zoned D-FRL-RF generally mirror the current land uses allowed in the recreational facility development subdistrict under Chapter 10 with the following changes:

- i. If completed prior to submission of an application for a subdivision or other development, timber harvesting is allowed without a permit, but subject to standards, including sustainable forestry principles. See Sub-Chapter II, Section 10.21,J,3,b,15 and Sub-Chapter IV, Section 10.30.
- ii. After submission of an application for a subdivision or other development approval, timber harvesting is allowed only with a permit from the Commission and in accordance with sustainable forestry principles. See Sub-Chapter II, Section 10.21,J,3,c,14 and Sub-Chapter IV, Section 10.30.
- iii. A recreational lodging facility (levels A through D) is allowed with a permit if it either includes a public or commercial trailered ramp or one has already been developed or permitted for development in Square Lake E or Square Lake Yexas. See Sub-Chapter II, Section 10.21,J,3,c,9.
- iv. Single and two-family dwellings and residential subdivisions may be allowed by special exception provided, however, that for ten years from the effective date, they must be developed as part of or subsequent to the development of a recreational lodging facility. See Sub-Chapter II, Sections 10.21,J,3,d,2 and 10.21,J,3,d,3.

Land Use Standards in D-FRL-RF

As with the land uses, the land use standards in D-FRL-RF generally mirror the current land use standards in the Chapter 10 with the following changes:

- i. To the extent practicable, subdivision lots should be laid out to create or preserve a distinct community center or multiple community centers that offer the opportunity for community open space, recreation areas, or other amenities and facilities appropriate to the size and scale of the subdivision and adjacent lots. See Sub-Chapter III, Section 10.25,Q,3,b.
- ii. The minimum lot size for residential campsites and single-family dwellings is 20,000 square feet per dwelling unit. See Sub-Chapter III, Section 10.26,A,1.
- iii. The minimum lot size for multi-family dwellings, and commercial, industrial, and other non-residential uses involving one or more buildings is 40,000 square feet. See Sub-Chapter III, Sections 10.26,A,1 and 10.26,A,2.
- iv. The minimum shoreline frontage for lots fronting on a flowing water draining at least 50 square miles or a body of standing water 10 acres or greater in size is 150 feet. See Sub-Chapter III, Section 10.26,B,2,a.
- v. The maximum structure height is 35 feet for residential uses, campsites and residential campsites. See Sub-Chapter III, Section 10.26, F,1,a.
- vi. The maximum structure height is 60 feet for commercial, industrial, and other non-residential uses involving one or more structures. See Sub-Chapter III, Section 10.26, F,1,b.
- vii. No more than 330 new development units may be approved in the new development areas located in a D-FRL-RS or D-FRL-RF zone. See Sub-Chapter IV, Section 10.28,B,1.
- viii. The development area cap for Square Lake is 130 development units. See Sub-Chapter IV, Section 10.28,B,2,c.
- ix. Subject to the development area cap, the maximum number of new development units that may be approved in Square Lake Yexas is 67, 50 of which may be development units in recreational lodging facilities. See Sub-Chapter IV, Section 10.28,B,2,c.
- x. Upon the sale of lots, lot owners will be required to join road associations and may be required to join an association to manage other common facilities. See Sub-Chapter IV, Section 10.29.
- xi. The maximum number of water access sites that can be developed within the Plan area to serve Square Lake E and Square Lake Yexas is three. Each of these development areas will be allowed up to two water access sites, provided that the other has only one. Under no circumstances will there be more than one trailered ramp between the two development areas. See Sub-Chapter III, Section 10.27,L,1,a.
- xii. A recreational lodging facility located in Square Lake Yexas would need to be developed in accordance with prescribed standards. See Sub-Chapter III, Section 10.27,Q.
- xiii. Exterior lighting for residential uses must meet additional standards to minimize light impacts. See Sub-Chapter III, Section 10.25,F,2,b.

c. Commercial Industrial Development Zone (D-FRL-CI):

The Concept Plan rezones two areas as D-FRL-CI. The D-FRL-CI zone allows for commercial, industrial and other development that may not be compatible with residential uses. See Sub-Chapter II, Section 10.21,A,1.

The first area rezoned D-FRL-CI is labeled “CD-1” on the Concept Plan Maps. See Map 23. CD-1 is approximately 281 acres in size with approximately 2,400 feet of frontage on Route 162. A portion of CD-1 abuts the west side of the Village of Sinclair’s waste water treatment facility.

The second area rezoned D-FRL-CI is labeled “CD-4” on the Concept Plan Maps. See Map 23 or 24. CD-4 is approximately 73 acres in size and is located approximately 300 feet off Route 161 and 260 to 320 feet off Route 162. CD-4 is accessible by an existing woods road (Ackerson Road) or through CD-3c. CD-4 abuts an existing transmission line corridor.

Land Uses in D-FRL-CI

Land uses in development areas zoned D-FRL-CI generally mirror the current land uses allowed in the commercial industrial development subdistricts under Chapter 10 with the following changes:

- i. If completed prior to submission of an application for a subdivision or other development approval in any of the development areas to be zoned D-FRL-CI, timber harvesting is allowed in that development area without a permit, but subject to standards, including sustainable forestry principles. See Sub-Chapter II, Section 10.21,A,3,b,12 and Sub-Chapter IV, Section 10.30.
- ii. After submission of an application for a subdivision or other development approval in either of the development areas to be zoned D-FRL-CI, timber harvesting is allowed in that area only with a permit from the Commission and in accordance with sustainable forestry principles. See Sub-Chapter II, Section 10.21,A,3,c,19 and Sub-Chapter IV, Section 10.30.
- iii. Hand carry launches are not allowed. See Sub-Chapter II, Sections 10.21,A,3,b,5 and 10.21,A,3,c,7.
- iv. Recreational lodging facilities are not allowed. See Sub-Chapter II, Section 10.21,A,3,c,13.
- v. Trailered ramps are not allowed. See Sub-Chapter II, Section 10.21,A,3,c,20.
- vi. Water access ways are not allowed. Sub-Chapter II, Section 10.21,A,3,c,22.

Land Use Standards in D-FRL-CI

As with the land uses, the land use standards in development areas zoned D-FRL-CI generally mirror the current land use standards in the commercial industrial subdistricts under Chapter 10 with the following changes:

- i. In addition to the minimum lot size requirements (40,000 square feet for commercial and industrial uses), no more than 50% of each respective development area may be

- developed and in no case will there be more than 30 lots created within each development area. See Sub-Chapter III, Sections 10.26,A,5,a and 10.26,A,5,d.
- ii. In addition to the maximum lot coverage standard (50%), structures in CD-1 will have a footprint no greater than 4,000 square feet for any portion of the structure located within 250 feet of the travelled portion of Route 162. See Sub-Chapter III, Sections 10.26,E,6.
 - iii. The maximum structure height is 60 feet for commercial, industrial and other non-residential uses involving one or more structures, except in CD-1, where it is 35 feet within 250 feet of the travelled portion of Routes 162. See Sub-Chapter III, Sections 10.26,F,1,b and 10.26,F,5.
 - iv. The minimum setback from the travelled portion of interior subdivision roadways is 25 feet. See Sub-Chapter III, Section 10.26,D,2,e.
 - v. Upon the sale of lots, lot owners will be required to join road associations, except where the entrance is located on a public road, and may be required to join an association to manage common facilities. See Sub-Chapter IV, Section 10.29.
 - vi. A buffer strip will be maintained and/or provided to minimize the visual impacts on surrounding uses as follows:
 - a. A vegetated buffer strip will extend no less than 75 feet from, in the case of CD-1, the travelled portion of Route 162, and along the southern boundary of CD-4; see Sub-Chapter IV, Sections 10.32,A,1,a and 10.32,A,3,a;
 - b. Adequate provision will be made for the maintenance, repair, and replacement of all buffers to ensure continuous year-round screening; see Sub-Chapter IV, Sections 10.32,A,1,b and 10.32,A,3,b;
 - c. Minor breaks in the buffer strip will be allowed for purposes of access, such as with roads, driveways, and for utilities; see Sub-Chapter IV, Sections 10.32,A,1,c and 10.32,A,3,c.
 - d.

To address site-specific situations, the Concept Plan provides that the Commission may:

- i. Allow for reduction in buffer width when site conditions make the full buffer unnecessary, but may also require additional buffer width or installation of site improvements where vegetation is inadequate to minimize visual impacts. See Sub-Chapter III, Sections 10.32,A,1,d and 10.32,A,3,d.
- ii. In CD-1, allow for a reduction in buffer width for stores, commercial recreational uses and certain entertainment or eating establishments subject to certain prescribed conditions. See Sub-Chapter III, Section 10.32,A,1,e.

d. General Development Zone (D-FRL-GN):

The Concept Plan rezones four areas as D-FRL-GN. The D-FRL-GN zone recognizes existing patterns of development in appropriate areas and encourages further growth of compatible development. See Sub-Chapter II, Section 10.21,C,1.

The first area rezoned D-FRL-GN is labeled “CD-2” on the Concept Plan Maps. See Map 23. CD-2 is located within the Village of Sinclair, is approximately 167 acres in size and has approximately 3,950 feet of frontage on Route 162. A portion of CD-2 abuts the east side of the Village of

Sinclair's waste water treatment facility and is bisected by a portion of the access road that serves that facility.

The three remaining areas rezoned D-FRL-GN are labeled as "CD-3a", "CD-3b" and "CD-3c" on the Concept Plan Maps. See Map 23 or 24. All CD-3 areas are located near the intersection of Route 161 and Route 162. CD-3a is located southeast of the intersection, is approximately 11 acres in size and has approximately 1,300 feet of frontage on the northern side of Route 161. CD-3b is located northeast of the intersection, is approximately 6 acres in size and has approximately 2,100 feet of frontage on eastern side of Route 162. CD-3c is located northwest of the intersection, is approximately 11 acres in size and has approximately 1,900 feet of frontage on the western side of Route 162.

Land Uses in D-FRL-GN

Land uses in development areas zoned D-FRL-GN generally mirror the current land uses allowed in the general development subdistricts under Chapter 10 with the following changes:

- i. If completed prior to submission of an application for a subdivision or other development approval in any of the development areas to be zoned D-FRL-GN, timber harvesting is allowed in that development area without a permit, but subject to standards, including sustainable forestry principles. See Sub-Chapter II, Section 10.21,C,3,b,15 and Sub-Chapter IV, Section 10.30.
- ii. After submission of an application for a subdivision or other development approval in any of the development areas to be zoned D-FRL-GN, timber harvesting is allowed in that development area only with a permit from the Commission and in accordance with sustainable forestry principles. See Sub-Chapter II, Section 10.21,C,3,c,22 and Sub-Chapter IV, Section 10.30.
- iii. The following uses are not allowed:
 - a. Hand carry launches; see Sub-Chapter II, Sections 10.21,C,3,b,6, 10.21,C,3,c,10 and 10.21,C,3,d,5;
 - b. Trailered ramps; see Sub-Chapter II, Sections 10.21,C,3,b,12, 10.21,C,3,c,23, and 10.21,C,3,d,7;
 - c. Home occupations: Major home occupations; see Sub-Chapter II, Section 10.21,C,3,c,11;
 - d. Recreational lodging facilities; see Sub-Chapter II, Sections 10.21,C,3,c,16, 10.21,C,3,d,2 and 10.21,C,3,d,3;
 - e. Residential: Single family dwellings, two-family dwellings, and multi-family dwellings; see Sub-Chapter II, Section 10.21,C,3,c,17;
 - f. Docking structures: New or expanded permanent docking structures; see Sub-Chapter II, Section 10.21,C,3,d,4;
 - g. Marinas; see Sub-Chapter II, Section 10.21,C,3,d,6; and
 - h. Water access ways; see Sub-Chapter II, Section 10.21,C,3,d,8.
- iv. Multi-family Dwellings for Affordable Housing is allowed as a special exception in CD-2. See Sub-Chapter II, Section 10.21,C,3,d,9.

Land Standards Use in D-FRL-GN

As with the land uses, the land use standards in development areas zoned D-FRL-GN generally mirror the current land use standards in the general development subdistricts under Chapter 10 with the following changes:

- i. In CD-2, in addition to the minimum lot size requirements (40,000 square feet for commercial and industrial uses), no more than 50% of the development area may be developed and in no case will there be more than 30 lots created. See Sub-Chapter III, Section 10.26,A,5,b.
- ii. In CD-3, in addition to the minimum lot size requirements (40,000 square feet for commercial and industrial uses), each development area shall be limited as follows:
 - a. CD-3a shall have no more than 4 lots;
 - b. CD-3b shall have no more than 4 lots; and
 - c. CD-3c shall have no more than 4 lots.
 See Sub-Chapter III, Section 10.26,A,5,c.
- iii. The minimum setback from the travelled portion of interior subdivision roadways is 25 feet. See Sub-Chapter III, Section 10.26,D,2,e.
- iv. The minimum setback is 25 feet from the travelled portion of Route 161. See Sub-Chapter III, Section 10.26,D,2,g.
- v. The maximum structure height is 60 feet for commercial, industrial and other non-residential uses involving one or more structures, except within 250 feet of the travelled portion of Routes 161 or 162, where it is 35 feet. See Sub-Chapter III, Sections 10.26,F,1,b and 10.26,F,5.
- vi. Upon the sale of lots, and except where the entrance is located on a public road, lot owners will be required to join road associations and may be required to join an association to manage common facilities. See Sub-Chapter IV, Section 10.29.
- vii. A buffer strip will be maintained and/or provided to minimize the visual impacts on surrounding uses as follows:
 - a. A vegetated buffer strip will extend no less than 15 feet from all property boundaries;
 - b. Adequate provision will be made for the maintenance, repair and replacement of all buffers to ensure continuous year-round screening; and
 - c. Minor breaks in the buffer strip will be allowed for purposes of access, such as with roads, driveways, and for utilities
 See Sub-Chapter III, Sections 10.32,A,2,a, 10.32,A,2,b, and 10.32,A,2,c.

In order to address site-specific situations, the Concept Plan provides that the Commission may:

- i. Allow for a reduction in buffer width when site conditions make the full buffer unnecessary, but may also require additional buffer width or installation of site improvements where vegetation is inadequate to minimize visual impacts. See Sub-Chapter III, Section 10.32,A,2,d.
- ii. Subject to certain conditions, reduce the minimum road frontage requirement for commercial and industrial uses in CD-2 in order to be consistent with the prevailing road frontage of neighboring lots. See Sub-Chapter III, Section 10.26,G,21.

- iii. Subject to certain conditions, reduce minimum setback requirements for commercial and industrial uses in order to be consistent with the prevailing setback on adjacent lots. See Sub-Chapter III, Section 10.26,G,22.

e. General Management Zone (M-FRL-GN):

Portions of the Plan area that are not zoned as either development zones, which are described above, or as protection subdistricts, are zoned M-FRL-GN. The M-FRL-GN zone is intended to promote traditional forestry and recreational activities. See Sub-Chapter II, Section 10.22,A,1. Approximately 34,100 acres, or approximately 96% of the Plan area, is zoned M-FRL-GN.

Land Uses in M-FRL-GN

Land uses in areas zoned M-FRL-GN generally mirror the current land uses allowed in the general management subdistricts under Chapter 10 with the following changes:

- i. Temporary docking structures are allowed without a permit. See Sub-Chapter II, Section 10.22,A,3,a,9.
- ii. The following uses are allowed without a permit, but subject to standards:
 - a. Public hand carry launches. See Sub-Chapter II, Section 10.22,A,3,b,9.
 - b. Remote campsites. See Sub-Chapter II, Section 10.22,A,3,b,18.
 - c. Remote rental cabins. See Sub-Chapter II, Section 10.22,A,3,b,19.
 - d. Remote camps. See Sub-Chapter II, Section 10.22,A,3,b,20.
 - e. Permanent docking structures. See Sub-Chapter II, Section 10.22,A,3,b,21.
- iii. The following uses are not allowed:
 - a. Campsites and residential campsites. See Sub-Chapter II, Sections 10.22,A,3,b,3 and 10.22,A,3,c,1.
 - b. Minor or major home occupations. See Sub-Chapter II, Sections 10.22,A,3,b,10 and 10.22,A,3,c,7.
 - c. Trailered ramps. See Sub-Chapter II, Sections 10.22,A,3,b,16 and 10.22,A,3,c,21.
 - d. Recreational lodging facilities. See Sub-Chapter II, Sections 10.22,A,3,c,13 and 10.22,A,3,d,3.
 - e. Single and two-family dwellings. See Sub-Chapter II, Section 10.22,A,3,c,14.
 - f. Solid waste disposal facilities affecting an area less than 2 acres in size. See Sub-Chapter II, Section 10.22,A,3,c,18.
 - g. Level 2 subdivisions. See Sub-Chapter II, Section 10.22,A,3,c,20.

Land Use Standards in M-FRL-GN

Land use standards in areas zoned M-FRL-GN generally mirror the current land use standards allowed in the general management subdistricts under Chapter 10 with the following changes:

- i. Development of up to 8 remote rental cabins, remote campsites, or public water access sites within a single contiguous ownership larger than 5,000 acres within a township shall be allowed without subdivision review. See Sub-Chapter III, Section 10.25,Q,1,d.

- ii. Lots for remote rental cabins, remote campsites, or public water access sites shall be of a size reasonably needed to accommodate the use, but shall not exceed 5 acres. See Sub-Chapter III, Section 10.25,Q,1,d.

In addition, the Commission may reduce the minimum lot size, minimum shore frontage, minimum setbacks, and maximum lot coverage for lots developed solely with a remote rental cabin or remote campsite. See Sub-Chapter III, Section 10.26,G,19.

f. Protection Subdistricts

The Concept Plan does not rezone any areas currently zoned in protection subdistricts, except approximately 74 acres that are currently zoned P-GP that will be rezoned to D-FRL-RS, as noted on Maps 4-10 and Maps 27-31.

The only changes to the permitted uses the protection subdistricts are limited to the following in P-WL subdistricts in an effort to improve public access to recreational activities in the Plan area:

- i. One public hand carry launch within a P-WL1 subdistrict on Mud Lake, approximately in the location identified on Map 35, is allowed with a permit. See Sub-Chapter II, Section 10.23,N,3,c,7.
- ii. Remote campsites and remote rental cabins within a P-WL2 or P-WL3 subdistrict are allowed with a permit. See Sub-Chapter II, Sections 10.23,N,3,c,20 and 10.23,N,3,c,21.

2. Resource Protection

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

- a. **Conservation Easement:** As part of the Concept Plan, approximately 14,600 acres will be placed in permanent conservation in accordance with the terms of the Conservation Easement between Petitioners and a qualified easement holder, substantially in the form attached at Tab 3(A) of the Concept Plan. The lands covered by the Conservation Easement include land within four different townships (T15 R5: 3,000 acres; T16 R4 (Madawaska Lake TWP): 263 acres; T16 R5: 4,909 acres; and Cross Lake TWP: 6,430 acres) (referred to as the Easement Area). The purpose of the Conservation Easement is to provide a significant public benefit by protecting, in perpetuity, the conservation values of the protected property and by allowing, but not requiring, the protected property's continued operation as a commercial working forest.

Monitoring and enforcement of the terms, conditions, and provisions of the Conservation Easement will be conducted by the easement holder. Petitioners will pay for a monitoring and enforcement fund to support these activities, in accordance with the Conservation Easement. The Conservation Easement will be executed within 1 year following the effective date. The Concept Plan provides that either protection subdistricts or M-FRL-GN will apply to the lands subject to the Easement Area and will, in combination with the terms and conditions of the Conservation Easement, regulate land uses in such area. The purposes, descriptions, and allowed land uses within the protection subdistricts and M-FRL-GN are set forth in Sub-Chapter

II of the Chapter 10 Addendum. See Tab 2(C).

In addition, after the effective date of the Concept Plan and prior to final execution of the Conservation Easement, the Petitioners will manage the Easement Area in a manner that is consistent with the conservation values in the Conservation Easement.

- b. Water Quality Protection:** The Plan area includes approximately 425 existing camp lots that are licensed or leased on an annual basis. These camp lots are located on or near Long Lake, the Mud Lake/Cross Lake thoroughfare, Cross Lake, and Square Lake. See Maps 14 through 17 for the specific locations. The majority of these lots were approved and developed prior to Petitioners' ownership and, in many instances, prior to the establishment of the Commission. They are primarily established residential uses, but also include other permitted uses such as home occupations and small commercial activities.

Many of these camp lots are undersized by current standards and are served by subsurface waste water disposal systems that may eventually fail. As a means of protecting water quality in the Fish River Chain of Lakes, the Concept Plan establishes requirements for replacing subsurface waste water disposal systems on camp lots in the Plan area. For the majority of these lots, if a replacement system cannot be sited on the camp lot without a variance, the Concept Plan will provide for the addition of a back lot, which will provide additional area away from the water that may be used to site the replacement system. If adequate soils cannot be identified on the back lot, in most cases, Petitioners will make available access for most of these lots to back lands that are within 500 feet of the normal high water mark of the nearest lake and within 2,500 feet of the nearest boundary of the camp lot. This will greatly increase the probability that replacement systems can be sited more than 250 feet from the waterbody and on adequate soils, thereby providing a clear, long-term public benefit to water quality. See Sub-Chapter IV, Section 10.31.

- c. Deer Wintering Areas (DWA) Requirement:** The Concept Plan requires active monitoring and updating changes in deer use to ensure the long-term management of DWAs through voluntary cooperative agreements substantially in accordance with the voluntary cooperative agreement included at Tab 3(B), as may be amended on one or more occasions. See Map 19 and 20 for the location of DWAs subject to the agreement with the Maine Department of Inland Fisheries and Wildlife.

3. Development of Mud Lake Access Point

Petitioners will design, permit, construct, and maintain a hand carry launch on a portion of the shorefront on the west end of Mud Lake in approximately the location identified on Map 35 to provide public access to Mud Lake, along with associated parking. Petitioners will apply for applicable permits for the project within 24 months of the effective date and commence construction within 12 months of approval of all such permits. See Map 35 for a concept sketch for the hand carry access point.

4. Additional Concept Plan Elements

The Concept Plan also includes the following additional elements:

- a. Sustainable Forestry Requirements:** Forestry activities within the Plan area will be conducted as follows.
- i. All forest management activities are subject to sustainable forest management practices that are based on ecologically sound, economically appropriate, and socially responsible outcomes (known as Outcome Based Forestry, or OBF). These practices include watercourse and wetland buffer requirements that meet or exceed current Commission and Maine Department of Environmental Protection regulations, aesthetic timber harvesting practices to minimize the visual impact of harvest operations, maintenance of biological diversity to maintain healthy populations of flora and fauna, and promotion of overall forest health. See Sub-Chapter IV, Section 10.30.
 - ii. Forest management activities in the Plan area will only be conducted in accordance with a long-term Forest Management Plan that will guide establishment of sustainable harvest levels and habitat and biodiversity objectives and constraints. Overall management activities will be subject to independent third-party verification by a recognized forestry certification program (such as American Tree Farm System, Forest Stewardship Council, or Sustainable Forestry Initiative).
- b. Public Access for Recreation:** The Plan area will be made available for public access, as follows:
- i. **Traditional Recreational Activities:** Other than in development areas and on camp lots, public access for traditional recreational activities, such as boating, fishing, hiking, hunting and similar activities, will be allowed; provided, however that Petitioners reserve the right to make and enforce reasonable rules to protect public safety, protect the conservation values (where applicable), ensure compliance with all applicable laws, and safely accommodate forestry operations, including, without limitation, rules regarding night use, camping (such as determining appropriate locations for campsites), loud activities, open fires, use of equipment, and areas of access. Petitioners also reserve the right to close certain roads to public access on one or more occasions.
 - ii. **ATV/Snowmobile Access:** Other than in development areas and on camp lots, the managed use of ATVs and snowmobiles by the public will be allowed on dedicated trails that have been marked for these uses. See Map 32 for the location of ATV and snowmobile trails in and around the Project area. ATV owners must register with local clubs and follow recreational use guidelines based on Petitioners' motorized recreational use policy. Snowmobiles must have current state of Maine registration; no club affiliation is required. The availability of trails for ATV and snowmobile use may be evaluated on an annual basis and will be subject to modification based on ongoing development, harvesting and other forest management activities. Petitioners reserve the right to make and enforce reasonable rules to protect public safety, protect the conservation values (where applicable), ensure compliance with all applicable laws, and safely accommodate forestry operations, including without, limitation, rules regarding night use, loud activities, use of equipment, and areas and seasonality of access. Petitioners also reserve the right to close certain trails to public access on one or more occasions.

- iii. **Lake Access:** The Concept Plan also provides the following to promote public access to the lakes:
 - a. **Long Lake.** The beach at Van Buren Cove will be a public access point. Access will be from Van Buren via Lake Road.
 - b. **Mud Lake.** The hand carry launch discussed above in Section E(3) of the Concept Plan will be a public access point once constructed. Access will be from Route 162. See Map 35.
 - c. **Cross Lake.** The Cross Lake boat launch, picnic area, parking lot, and beach will become a public access point within 14 months of the effective date. Access will be from Route 161 via Disy Road and Landing Road.
- c. **Water Access Sites:** Requirements for water access sites in the Plan area generally mirror the standards required in Chapter 10 with the following changes. Figures 1 – 4 (on pages 30–33) provide illustrations of these requirements under typical situations.
 - i. The minimum lot size for lots with a water access site is 20,000 square feet, except for public trailered ramps, for which the minimum lot size is 40,000 square feet. See Sub-Chapter III, Section 10.26,A,4.
 - ii. The minimum shoreline frontage for lots with a water access site is 100 feet for a hand carry launch, 200 feet for a trailered ramp, and 100 feet per dock for a docking structure. See Sub-Chapter III, Sections 10.26,B,1 and 10.26,B,2. Shoreline frontage may be reduced to 75 feet at sites with either a hand carry launch or a docking structure if the applicant demonstrates that there will be no undue adverse impacts to surrounding uses and otherwise meets applicable setback and buffering requirements. See Sub-Chapter III, Section 10.26,B,6.
 - iii. The minimum road frontage for lots with a water access site is 100 feet for a hand carry launch, 200 feet for a trailered ramp, and 100 feet for a docking structure. See Sub-Chapter III, Section 10.26,C,1.
 - iv. The minimum setback for lots with a water access site is 20 feet from the side and rear property lines, or, where below the nearest shoreline of a flowing water or body of standing water, from an imaginary line extending out over the water from and on the same course as the side property lines of the lot. See Sub-Chapter III, Section 10.26,D,2,f.
 - v. A vegetated or landscaped buffer at least 75 feet wide and sufficient to maintain an effective visual screen and protect water quality must be maintained or established to the greatest extent practicable between any parking area at a water access site and the water body served by the water access site. See Sub-Chapter III, Section 10.27,L,2,k.
 - vi. A vegetated or landscaped buffer at least 20 feet wide and/or an architectural screen sufficient to maintain an effective visual screen must be maintained or established to the greatest extent practicable between any parking area at a water access site and the side property lines. See Sub-Chapter III, Section 10.27,L,2,l.
 - vii. Docking structures shall be no longer than necessary, not to exceed 150 feet, unless the applicant demonstrates that 150 feet is impracticable, in which case the Commission

may allow the dock to be up to 200 feet in length. See Sub-Chapter III, Section 10.27, L, 3, b.

- d. Remote Campsites and Remote Rental Cabins:** Upon approval of the Concept Plan, Petitioners will accept inquiries from third-parties who are interested in developing, managing, and maintaining one or more of the designated sites for remote campsites and remote rental cabins in the Plan area. This could be a public or private entity that might, in some cases, require a reservation and/or charge a fee for use. Interested operators will need to have the financial and technical capacity to develop, manage, and maintain such facilities. Petitioners will grant the operator(s) sufficient property rights at that time, such as through sale, lease, or an easement, and the operator(s) will be responsible for development, management, and maintenance of such facilities, including obtaining and complying with all necessary permits.

Remote campsites and remote rental cabins will be allowed in locations approximately as shown on Map 33. The exact location of such facilities will be determined as part of the permitting process.

- i. McLean Brook. A remote campsite or remote rental cabin will be allowed on McLean Brook.
- ii. Mud Lake Campsite. A remote campsite will be allowed on the southern shore of Mud Lake.
- iii. Mud Lake/Cross Lake thoroughfare. A remote campsite or remote rental cabin will be allowed on the Mud Lake/Cross Lake thoroughfare.
- iv. Dickey Pond. A remote campsite or remote rental cabin will be allowed on Dickey Pond.
- v. Dinah Point. A remote campsite will be allowed on Cross Lake at Dinah Point.
- vi. Carry Pond. A remote campsite or remote rental cabin will be allowed on Carry Pond.
- vii. Cross Lake/Square Lake thoroughfare. A remote campsite will be allowed on the Cross Lake/Square Lake thoroughfare.
- viii. Salmon Point. A remote campsite will be allowed on Square Lake at Salmon Point.
- ix. Barstow Brook. A remote campsite will be allowed on Square Lake near Barstow Brook.
- x. The Carry. A remote campsite will be allowed on Square Lake near The Carry.
- xi. Limestone Point Picnic Area/Campsite. A picnic area and/or remote campsite will be allowed on Square Lake at Limestone Point.
- xii. Square Lake/Eagle Lake thoroughfare South. A remote campsite will be allowed on the south side of the Square Lake/Eagle Lake thoroughfare.
- xiii. Square Lake/Eagle Lake thoroughfare North. A remote campsite will be allowed on the north side of the Square Lake/Eagle Lake thoroughfare.

- xiv. Little California Pond. A remote campsite or remote rental cabin will be allowed on Little California Pond.
- e. **Scenic Impacts:** Within 1 year of the effective date of the Concept Plan, Petitioners will seek applicable permits to remove any of the structures at the Yexas Camps that Petitioners reasonably determine cannot practicably be restored or preserved, if any.

F. DEVELOPMENT REVIEW PROCESS AFTER CONCEPT PLAN APPROVAL

Permit applications for land uses and structures proposed within the Plan area, including subdivisions and other projects, may be submitted to the Commission and/or other applicable permitting authorities subsequent to the effective date. Any such applications to the Commission will be reviewed and acted on pursuant to the Commission's statutory and regulatory standards, including the provisions in the Concept Plan and any applicable LUPC Amendable Provisions. Applications to other permitting authorities will be subject to the applicable statutory and regulatory standards of such authorities. For example, projects subject to the Site Location of Development Act, 38 M.R.S. § 481 *et seq.*, will be reviewed by the Maine Department of Environmental Protection pursuant to P.L. 2011, chapter 682.

G. TIMING OF IMPLEMENTATION OF CONCEPT PLAN ELEMENTS

Implementation of the Concept Plan will occur pursuant to the following schedule:

CONCEPT PLAN ELEMENT	SCHEDULE
Record Concept Plan in Northern Aroostook County Registry of Deeds	Within 30 days of effective date
Execute and record Conservation Easement	Within 1 year of effective date
Apply for applicable permits to remove structures at Yexas Camps that cannot be restored or preserved, if any	Within 1 year of effective date
Amend lease for Cross Lake boat ramp to ensure public access	Within 14 months of effective date
Apply for applicable permits to construct hand carry launch on Mud Lake	Within 2 years of effective date
Start construction of hand carry launch on Mud Lake, which will be made available for public access	Within 1 year of receipt of all applicable permits
Conduct survey to (i) identify metes and bounds descriptions of all existing camp lots, (ii) locate the edge of the existing road surfaces and a defined right of way, (iii) describe the back lot for each camp lot, if applicable, and (iv) locate all common elements that would be owned and maintained by the road association.	Prior to or concurrent with sale of camp lots
Conveyance of the back lot, if applicable, for each camp lot.	Prior to or concurrent with sale of camp lots
Grant of access easements for vehicular access to the camp lot over any roads owned by Petitioners.	Prior to or concurrent with sale of camp lots
Creation of road association to manage and maintain roads and common open space and perform other functions as necessary.	Prior to or concurrent with sale of camp lots

H. STATISTICAL SUMMARY

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

**TABLE 1
STATISTICAL OVERVIEW OF PLAN AREA**

OVERVIEW	
Total Plan area	51,015± acres (79.7 square miles)
Total Shoreline Owned by Petitioners	34.5± miles (Long, Mud, Cross, Square, thoroughfares)
Shoreline Currently Occupied	9.4± miles
Number of Existing Camp Lots in Plan Area	425±

PROPOSED CONSERVATION ELEMENTS	
Area in Conservation Easement	14,600± acres (22.8± square miles) 28.8% of Plan area
Conservation Easement by Township	
Cross Lake TWP	6,430± acres
T15 R5	3,000± acres
T16 R4	263± acres
T16 R5	4,909± acres
Area with Restrictive Zoning (M-FRL-GN)	34,100± acres (53.3± square miles)
Protected Shorelines (lakes and thoroughfares)	25.2 miles of undeveloped shoreline in Plan area 16.9± miles of shoreline in Conservation Easement 67% of all undeveloped shoreline owned by Petitioners in Plan area

**TABLE 2
RATIO OF CONSERVED SHORELINE TO SHORELINE IN NEW DEVELOPMENT AREAS**

RATIO OF CONSERVATION EASEMENT SHORELINE TO SHORELINE IN NEW DEVELOPMENT AREAS	
Long Lake	
<i>No shoreline conserved / 0.1± miles of potential development on shoreline</i>	
Mud Lake	No new development area proposed
<i>1.7± miles of shoreline conserved / 0.0 miles of potential development on shoreline</i>	
Cross Lake	Ratio: 2.5:1
<i>2.0± miles of shoreline conserved / 0.8± miles of potential development on shoreline</i>	
Square Lake	Ratio: 6.2:1
<i>10.6± miles of shoreline conserved / 1.7± miles of potential development on shoreline</i>	
SUMMARY: Lakes and thoroughfares	
<i>Lakes: 14.3± miles of shoreline conserved / 2.6± miles of potential development on shoreline</i>	
<i>Thoroughfares: 2.6± miles conserved / No development</i>	
TOTAL: 16.9± miles of shoreline conserved / 2.6± miles of potential development on shoreline	
Ratio: 6.5:1	

**TABLE 3
OWNERSHIP BREAKDOWN BY TOWNSHIP**

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

TOWNSHIP	ACRES TO REZONE (APPROX.)	WATERBODIES	ROADS
T17 R4 WELS	9,737	Mud Lake, Long Lake, Long/Mud Lake thoroughfare, McLean Brook, West Fork McLean Brook, North Fork McLean Brook, Armstrong Brook	Main Street/Sinclair Road/Route 162, Herbert Drive, Irving Road, Sullivan Road, Treatment Plant Road, Thoroughfare Road, Shore Road
T17 R3 WELS	5,325	Long Lake (Van Buren Cove), Violette Stream, Mud Brook	Town Line Road, Lake Road, Sullivan Road, Irving Road, W Van Buren Cove Road, East Road
T16 R5 WELS	7,040	Square Lake, Cross Lake, Cross Lake Fens, Square/Eagle Lake thoroughfare, California Pond Brook, Barstow Brook, Butler Brook, Black Brook, Halfway Brook	Square Lake Road, Gorfinkle Road, Black Brook Road, Landing Road, Disy Road, Mifs Lane, Gagnon Road
T16 R4 WELS	4,642	Carry Pond, Black Brook, Carry Brook	Black Brook Road, Route 161, To Lake Shore Road, Sullivan Road
T15 R5 WELS	2,994	Square Lake, Goddard Brook, Little Goddard Brook	Square Lake Road, Blackstone Road
TOTAL	51,015		

**TABLE 4
DEVELOPMENT SUMMARY**

PROPOSED DEVELOPMENT SUMMARY	
Area of Proposed New Development Areas	1,912± acres (3.0± square miles)
Percentage of Plan Area in New Development Areas	3.8%
Area for Proposed Residential Development Areas	1,363± acres (2.1± square miles)
Area for Proposed Comm/Econ Development Areas	549± acres (0.9± square miles)
Shoreline in New Development Areas	2.6± miles
Total Number of New Residential Units Allowed	330
Development Area Cap on Long Lake	75
Development Area Cap on Cross Lake	125
Development Area Cap on Square Lake	130

**TABLE 5
RESIDENTIAL DEVELOPMENT AREAS**

RESIDENTIAL DEVELOPMENT ZONES				
Development Area	Location	Size in acres (Approx.)	Development Area Sub-Cap	Development Area Cap
Long Lake A	T17 R3	129	50	Long Lake: 75
Long Lake B	T17 R3	56	15	
Long Lake C	T17 R4	120	25	
Cross Lake A	Cross Lake	110	30	Cross Lake: 125
Cross Lake B	Cross Lake	91	30	
Cross Lake C	Cross Lake	57	30	
Cross Lake D	T16 R5	187	35	
Cross Lake E	T16 R5	163	60	
Square Lake E	T16 R5	278	85	Square Lake: 130
Square Lake Yexas	T16 R5	51	67*	
Square Lake W	T16 R5	121	30	
TOTAL		1,363		330

* Square Lake Yexas: 50 units max in Recreational Lodging, 17 lots total for only Residential

**TABLE 6
COMMUNITY/ECONOMIC DEVELOPMENT ZONES**

COMMUNITY/ECONOMIC DEVELOPMENT ZONES				
Development Zone	Location	Size in acres (Approx.)	Lot Cap	Max Lot Coverage
CD-1	Cross Lake	281	30	50% of total area
CD-2	T17 R4	167	30	50% of total area
CD-3a	Cross Lake	11	4	
CD-3b	Cross Lake	6	4	
CD-3c	Cross Lake	11	4	
CD-4	Cross Lake	73	30	50% of total area
TOTAL		549		

STATISTICAL SUMMARY BY WATER BODY

1. Long Lake

Lake area: 6,000± acres
Total shoreline: 33.1± miles
Total developed shoreline: 27.5± miles
Total occupied lots: 775± (including Petitioners' lots)

Shoreline owned by Petitioners: 4.0± miles
Shoreline occupied by Petitioners' camp lots: 3.0± miles
Number of Petitioners' camp lots: 150
Proposed permanent conservation easement: none
Potential residential development: Infill: 0.1± mile

2. Long Lake / Mud Lake thoroughfare

Length: 0.5± mile
Shoreline owned by Petitioners: none
Shoreline occupied by Petitioners' camp lots: none
Number of Petitioners' camp lots: none
Proposed permanent conservation easement: N/A
Potential residential development: N/A

3. Mud Lake

Lake area: 972± acres
Total shoreline: 6.0± miles
Total developed shoreline: 1.0± mile
Total occupied lots: 24± lots (all non-Petitioner owned)

Shoreline owned by Petitioners: 3.6± miles
Shoreline occupied by Petitioners' camp lots: none
Number of Petitioners' camp lots: none
Proposed permanent conservation easement: 1.7± miles of shoreline
Potential residential development: none

4. Mud Lake / Cross Lake thoroughfare

Length: 1.9± miles
Shoreline owned by Petitioners (both sides): 3.4± miles
Shoreline occupied by Petitioners' camp lots: 0.5± mile
Number of Petitioners' camp lots: 19
Proposed permanent conservation easement: 2.0± miles of shoreline
Potential residential development: none

5. Cross Lake

Lake area: 2,515± acres
Total shoreline: 13.1± miles
Developed shoreline: 6.2± miles
Total occupied lots: 305± lots (including Petitioners lots)

Shoreline owned by Petitioners: 9.0± miles
Shoreline occupied by Petitioners' camp lots: 4.8± miles
Number of Petitioners' camp lots (including those on stream at north end): 237
Proposed permanent conservation easement: 2.0± miles of shoreline
Potential residential development at Cross Lake: 0.8± mile

6. Cross Lake/Square Lake thoroughfare

Length: 0.8± mile
Shoreline owned by Petitioners (east side only): 0.6± mile
Shoreline occupied by Petitioners' camp lots: none
Number of Petitioners' camp lots: none
Developed shoreline (non-Petitioner land): 0.2± mile
Proposed permanent conservation easement: 0.6± mile of shoreline
Potential residential development: none

7. Square Lake

Lake area: 8,150± acres
Total shoreline: 19.4± miles
Total developed shoreline (includes Petitioners' lots, non-Petitioner lots, and Square Lake Yexas):
3.7± miles
Total occupied lots: 60± (including Petitioners' lots)

Shoreline owned by Petitioners: 13.9± miles
Shoreline occupied by Petitioners' camp lots: 1.0± mile (west side of Square Lake)
Number of Petitioners' camp lots: 19
Proposed permanent conservation easement: 10.6± miles of shoreline
Potential residential development at Square Lake: 1.7± miles.

8. Carry Pond

Pond area: 66± acres
Total shoreline: 1.6± miles
Shoreline owned by Petitioners: 1.6± miles
Number of Petitioners' camp lots: none
Potential development: remote campsite or remote rental cabin

9. Dickey Pond

Pond area: 16± acres

Total shoreline: 1.3± miles

Shoreline owned by Petitioners: 1.3± miles

Number of Petitioners' camp lots: none

Potential development: remote campsite or remote rental cabin

10. Little California Pond

Pond area: 7± acres

Total shoreline: 0.6± mile

Shoreline owned by Petitioners: 0.6± mile

Number of Petitioners' camp lots: none

Potential development: remote campsite or remote rental cabin

I. CONCEPT PLAN MAPS

See Volume 3.

FIGURE 1
WATER ACCESS SITES: HAND CARRY

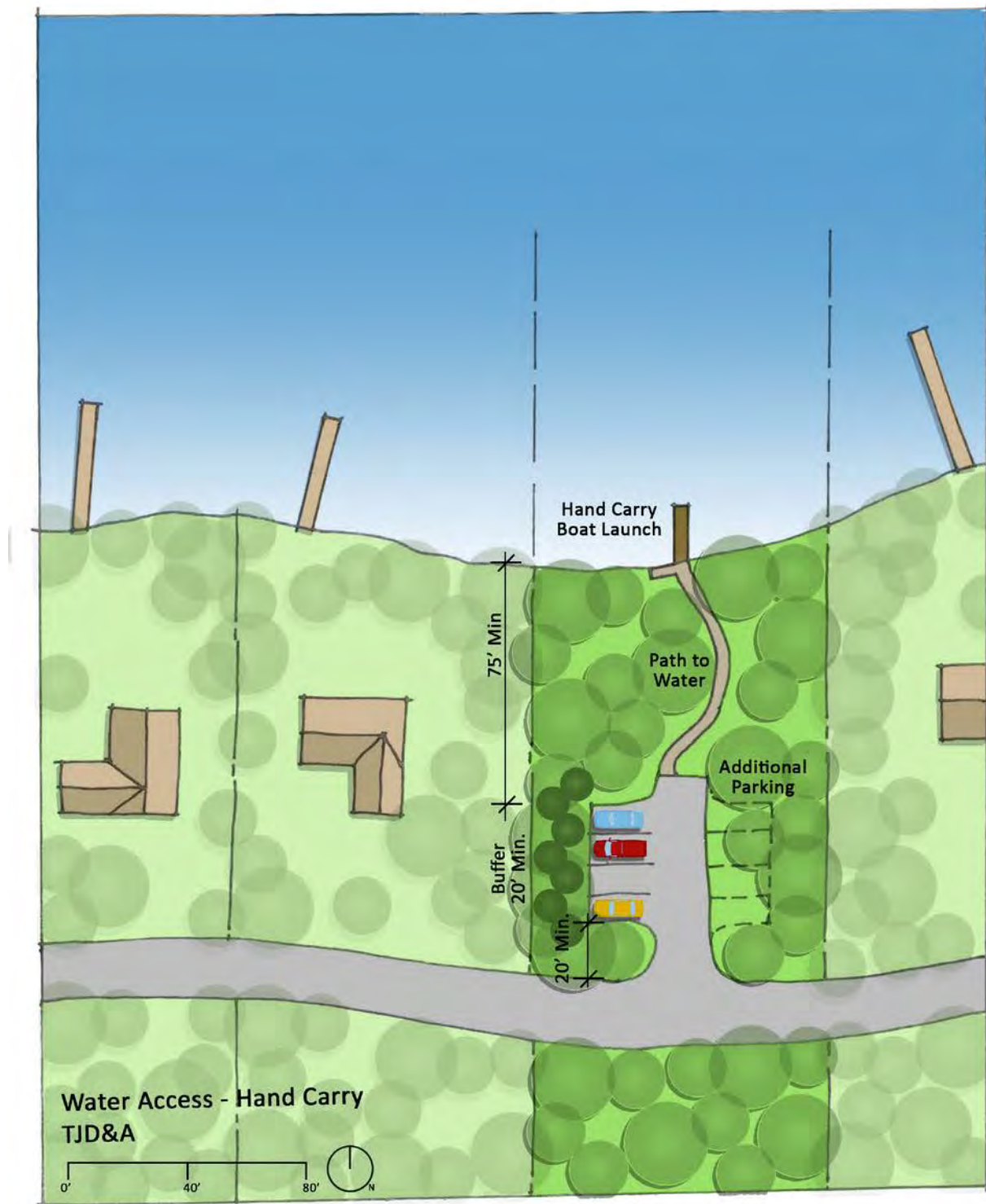


FIGURE 2
WATER ACCESS SITES: DOCKS FOR LESS THAN 20 BOATS

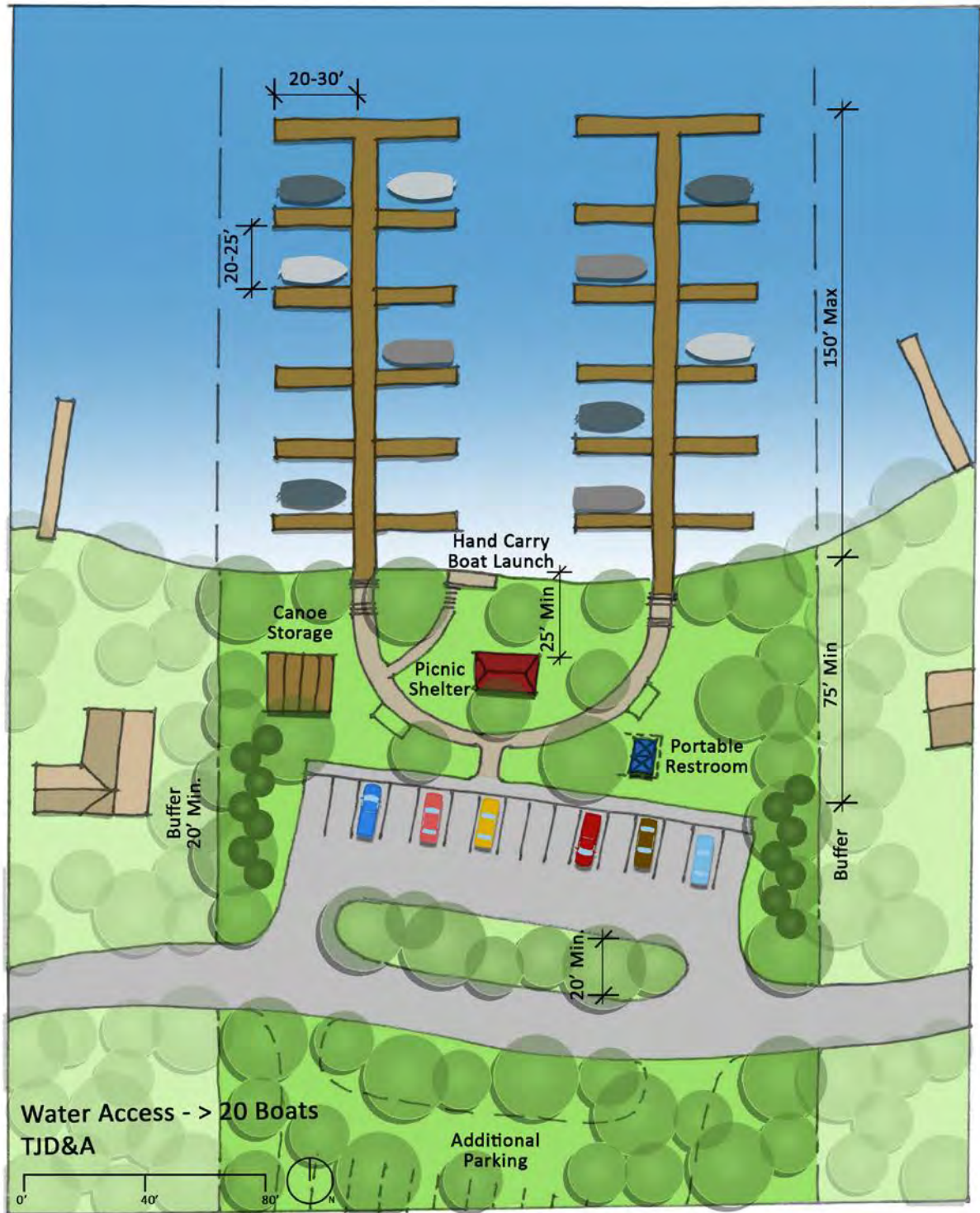


FIGURE 3
WATER ACCESS SITES: DOCKS FOR MORE THAN 20 BOATS

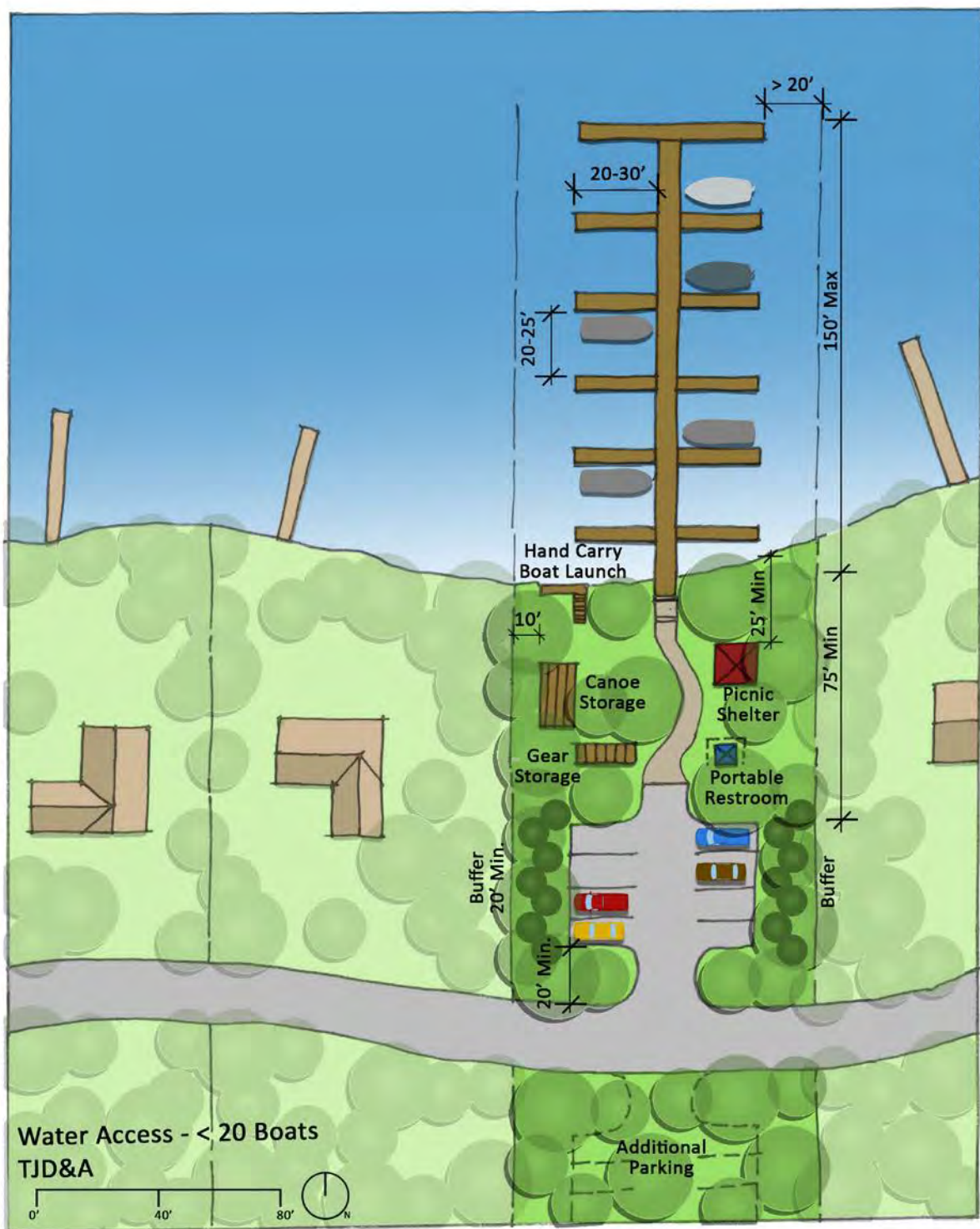
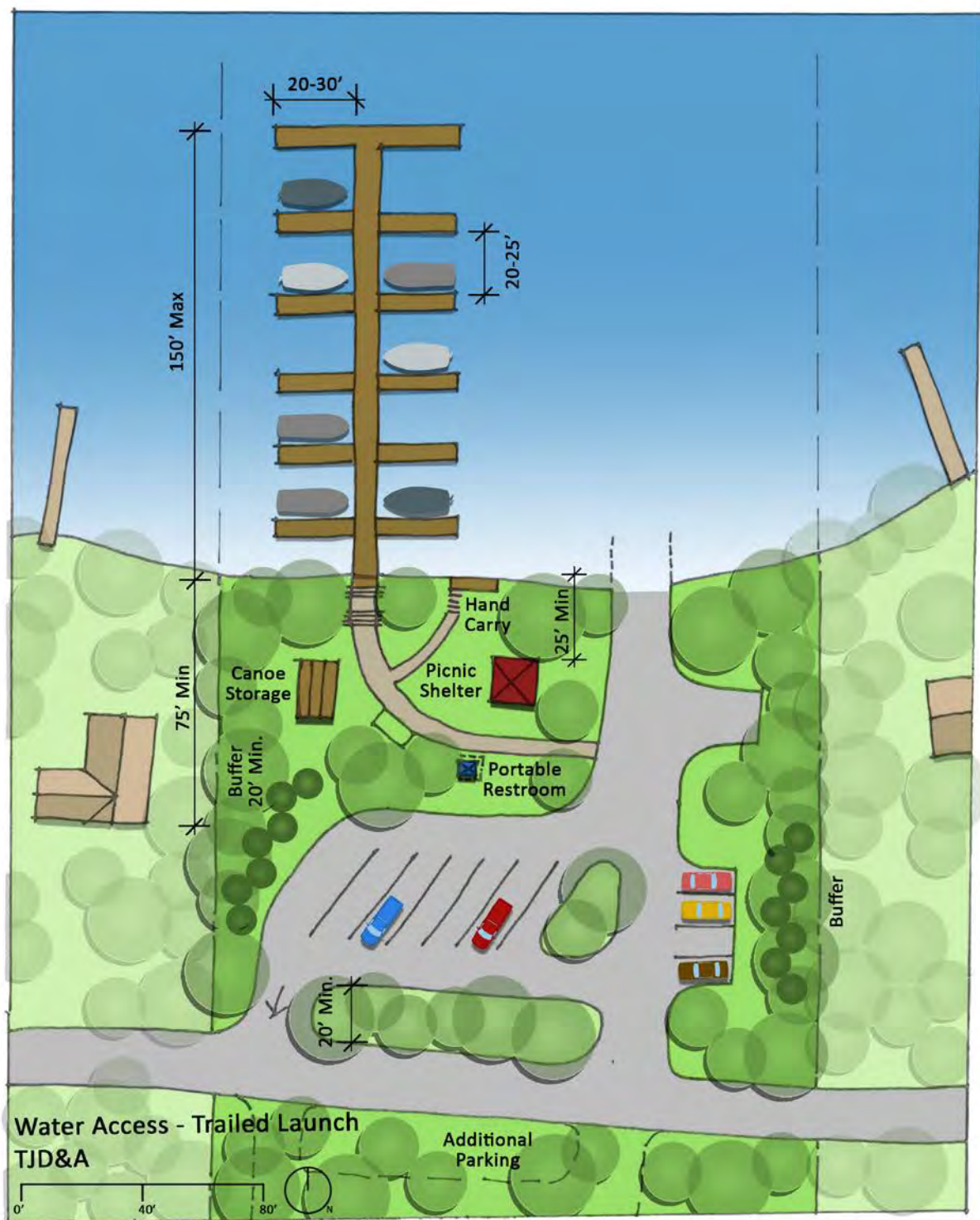


FIGURE 4
WATER ACCESS SITES: TRAILED LAUNCH



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

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

As an initial matter, statutory changes that would otherwise apply to the Plan area will be fully applicable notwithstanding the existence of the Concept Plan.

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

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

B. Explanatory Table

The following table lists the provisions contained in this Addendum (“Addendum Provision” in the left-

hand column) and explains the effect of each Addendum Provision on the existing Chapter 10 provision (“Impact to Existing Chapter 10 Provision” in the right-hand column).¹

Addendum Provision

Impact to Existing Chapter 10 Provision

Sub-Chapter I: General Provisions	
10.01 (Purpose)	LUPC Amendable Provision
10.02 (Definitions)	Addendum amends 10.02 (Definitions) in the following way: <ul style="list-style-type: none"> • Adds definitions of key terms
10.03 (Major District Classifications) through 10.07 (Exemptions)	LUPC Amendable Provisions
10.08 (Criteria for Adoption or Amendment of Land Use District Boundaries)	Addendum amends 10.08 (Criteria for Adoption or Amendment of Land Use District Boundaries) in the following way <ul style="list-style-type: none"> • Adds provisions on rezoning
10.09 (Criteria for Amendment of Land Use Standards) through 10.17 (Expiration of Permit)	LUPC Amendable Provisions
Sub-Chapter II: Land Use Subdistricts	
10.21,A (Commercial Industrial Development Zone – D-FRL-CI)	Addendum amends 10.21,A,1 (Purpose) and replaces 10.21,A,2 (Description, D-CI Subdistrict) of Chapter 10; and supplements, but does not replace, 10.21,A,3 (Land Uses, D-CI Subdistrict) in the following way: <ul style="list-style-type: none"> • Adds timber harvesting as a use allowed without a permit or with a permit, depending upon certain conditions • Deletes hand carry launches, trailered ramps, and water access ways as a use allowed with a permit • Deletes recreational lodging as a use allowed with a permit • Allows development of limited commercial uses as a special exception
10.21,B (Extended Settlement Development Subdistrict – D-ES)	LUPC Amendable Provision
10.21,C (General Development Zone – D -FRL-GN)	Addendum amends 10.21,C,1 (Purpose) and replaces 10.21,C,2 (Description, D-GN Subdistrict) of Chapter 10; and supplements, but does not

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

	<p>replace, 10.21,C,3 in the following way:</p> <ul style="list-style-type: none"> • Deletes hand carry launches and trailered ramps as uses allowed without a permit • Adds timber harvesting as use allowed without a permit or with a permit, depending upon circumstances. • Deletes hand carry launches, home occupations, recreational lodging facilities, residential, and trailered ramps as uses allowed with a permit • Deletes recreational lodging facilities, docking structures, hand carry launches, marinas, trailered ramps, and water access ways as uses allowed as a special exception • Adds multi-family dwellings for affordable housing as a use allowed as a special exception
<p>10.21,D (Community Center Development Subdistrict (D-GN2)) through 10.21,I (Rural Business Development Subdistrict (D-RB))</p>	<p>LUPC Amendable Provisions</p>
<p>10.21,J (Recreation Facility Development Zone – D-FRL-RF)</p>	<p>Addendum amends 10.21,J,1 (Purpose) and replaces 10.21,J,2 (Description, D-RF Subdistrict) of Chapter 10; and supplements, but does not replace, 10.21,J,3 in the following way:</p> <ul style="list-style-type: none"> • Deletes trailered ramps as a use allowed without a permit • Adds timber harvesting as a use allowed without a permit or with a permit, depending upon the circumstances • Modifies hand carry launches and recreational lodging facilities as uses allowed with a permit • Deletes trailered ramps as a use allowed with a permit • Adds recreational lodging facilities that include trailered ramps as a use allowed with a permit • Adds residential uses and residential subdivisions as uses allowed as a special exception • Deletes trailered ramps as a use allowed as a special exception

10.21,K (Residential Development Zone – D -FRL-RS)	<p>Addendum amends 10.21,K,1 (Purpose) and replaces 10.21,K,2 (Description, D-RS Subdistrict) of Chapter 10; and supplements, but does not replace, 10.21,K,3, in the following way:</p> <ul style="list-style-type: none"> • Deletes trailered ramps as a use allowed without a permit • Adds timber harvesting as a use allowed with or without a permit, depending upon the circumstances • Modifies hand carry launches as a use allowed with a permit • Deletes trailered ramps as a use allowed with a permit • Modifies trailered ramps as a use allowed as a special exception
10.21,L (Community Residential Development Subdistrict (D-RS2)) through 10.21,M (Residential Recreation Development Subdistrict (D-RS3))	LUPC Amendable Provisions
10.22,A (General Management Zone – M-FRL-GN)	<p>Addendum amends 10.22,A,1 (Purpose) and replaces 10.22.A,2 (Description, M-GN Subdistrict) of Chapter 10; and supplements, but does not replace, 10.22,A,3 in the following way:</p> <ul style="list-style-type: none"> • Adds docking structures as a use allowed without a permit • Deletes home occupation as a use allowed both without and with a permit or as a special exception • Deletes trailered ramps as a use allowed without a permit subject to standards • Adds remote campsites, remote rental cabins, remote camps, and docking structures as uses allowed without a permit subject to standards • Deletes residential campsites as a use allowed with a permit • Deletes recreational lodging facilities as a use allowed with a permit • Deletes residential, solid waste disposal facilities affecting an area less than 2 acres, subdivisions, and trailered ramps as uses allowed with a permit • Deletes recreational lodging facilities as a use allowed as a special exception
10.22,B (Highly Productive Management Subdistrict (M-HP)) through 10.22,C (Natural Character Management Subdistrict (M-NC))	LUPC Amendable Provisions

10.23 (Protection Subdistricts)	Addendum supplements 10.23 (Protection Subdistricts) of Chapter 10 in the following way: <ul style="list-style-type: none"> Adds language regarding protection subdistricts
10.23,A (Accessible Lake Protection Subdistrict (P-AL)) through 10.23,M (Unusual Area Protection Subdistrict (P-UA))	LUPC Amendable Provisions, with initial clarification in 10.23
10.23,N (Wetland Protection Subdistricts)	Addendum amends 10.23,N (Wetland Protection Subdistricts) in the following way: <ul style="list-style-type: none"> Allows one hand carry launch in a specified location as a use allowed with a permit Adds remote campsites and remote rental cabins in specified subdistricts as uses allowed with a permit
Sub-Chapter III: Land Use Standards	
10.24 (General Criteria for Approval of Permits)	LUPC Amendable Provisions
10.25 (Development Standards)	
10.25,A (Review Standards For Structures Adjacent to Lakes) through 10.25,E (Scenic Character, Natural and Historic Features)	LUPC Amendable Provisions
10.25,F (Noise and Lighting)	Addendum supplements 10.25,F (Noise and Lighting) in the following way: <ul style="list-style-type: none"> Clarifies that sounds emanating from snowmobiles, ATVs, vehicles, event-related activities, forestry and forestry-related activities are exempt from the requirements of 10.25,F,1,A Add standards for exterior lighting to 10.25,F,2,b Amends 10.25,F,2,e,5 to change the date by which lighting that was lawfully in place can be considered exempt
10.25,G (Soil Suitability) through 10.25,K (Surface Water Quality)	LUPC Amendable Provisions
10.25,L (Phosphorus Control)	Addendum freezes the standards of 10.25,L
10.25,M (Erosion and Sedimentation Control)	Addendum freezes the standards of 10.25,M
10.25,N (Groundwater Quality) through 10.25,P (Protected Natural Resources)	LUPC Amendable Provisions
10.25,Q (Subdivision and Lot Creation)	Addendum amends 10.25,Q (Subdivision and Lot Creation) in the following way: <ul style="list-style-type: none"> No new residential dwelling unit may be constructed except within a development area

	<ul style="list-style-type: none"> • Provides that up to eight remote rental cabins, remote campsites, and public water access sites can be developed without subdivision review, and limits lot size • Provides that neither sale of camp lots nor divisions that enlarge them requires subdivision review • Provides subdivisions should be developed with community centers
10.25,R (Cluster Development)	Addendum amends 10.25,R (Cluster Development) in the following way: <ul style="list-style-type: none"> • Authorizes the Commission to reduce dimensional standards
10.25,S (Open Space) through 10.25,U (Affordable Housing)	LUPC Amendable Provisions
10.26 (Dimensional Requirements)	
10.26,A (Minimum Lot Size)	Addendum replaces 10.26,A,1 (Residential Uses and Residential Campsites) and supplements 10.26,A,4 in the following way: <ul style="list-style-type: none"> • Provides a minimum lot size for single-family dwelling units, residential campsites, and remote rental cabins of 20,000 square feet and other residential units of 40,000 square feet • Adds minimum lot size for water access sites • Adds limitations to development area and number of lots in community and economic development areas
10.26,B (Minimum Shoreline Frontage)	Addendum amends 10.26,B (Minimum Shoreline Frontage) in the following way: <ul style="list-style-type: none"> • Adds minimum shoreland frontage standards for lots containing hand carry launches, trailered ramps, and docking structures
10.26,C (Minimum Road Frontage)	Addendum amends 10.26,C (Minimum Road Frontage) in the following way: <ul style="list-style-type: none"> • Adds minimum road frontage standards for lots containing hand carry launches, trailered ramps, and docking structures • Provides there is no road frontage requirement for remote rental cabins that do not front on a road

10.26,D (Minimum Setbacks)	<p>Addendum amends 10.26,D (Minimum Setbacks) in the following way:</p> <ul style="list-style-type: none"> • Adds minimum setbacks from roads in D-FRL-RS and D-FRL-GN zones • Adds minimum setbacks for trailered ramps, docking structures, and hand carry launches • Adds minimum setbacks for interior subdivision roads in commercial and economic development areas • Amends setbacks for campsites and remote rental cabins
10.26,E (Maximum Lot Coverage)	<p>Addendum amends 10.26,E (Maximum Lot Coverage) in the following way:</p> <ul style="list-style-type: none"> • Adds lot coverage standards for lots in the CD-1 development area
10.26,F (Maximum Structure Height)	<p>Addendum amends 10.26,F (Maximum Structure Height) in the following way:</p> <ul style="list-style-type: none"> • Amends the maximum structure height for most uses • Adds a maximum structure height for commercial, industrial, and non-residential uses in the CD-1, CD-2, and CD-3 development areas
10.26,G (Exceptions to Dimensional Requirements)	<p>Addendum amends 10.26,G (Exceptions to Dimensional Requirements) in the following way:</p> <ul style="list-style-type: none"> • Authorizes reduction of minimum lot size, shore frontage, setbacks, and lot coverage for lots developed with remote rental cabins or remote campsites • Authorizes reduction of road setback and frontage requirements for certain commercial uses in the CD-1, CD-2, and CD-3 development areas
10.27 (Activity Specific Standards)	
10.27,A (Agricultural Management Activities)	LUPC Amendable Provision
10.27,B (Vegetation Clearing)	<p>Addendum amends 10.27,B (Vegetation Clearing) in the following way:</p> <ul style="list-style-type: none"> • Amends the buffer width required in the D-FRL-RS and D-FRL-GN zones
10.27,C (Mineral Exploration and Extraction)	Addendum freezes the standards of 10.27,C
10.27,D (Roads and Water Crossings) through 10.27,K (Water Impoundments)	LUPC Amendable Provisions

10.27,L (Trailer Ramps, Hand Carry Launches, Water-Access Ways)	Addendum replaces 10.27,L (Trailer Ramps, Hand Carry Launches, Water-Access Ways) with a new section – Water Access Sites
10.27,M (Service Drops) through 10.27,P (Accessory Structures)	LUPC Amendable Provisions
10.27,Q (Recreational Lodging Facilities)	Addendum amends 10.27,Q (Recreational Lodging Facilities) in the following way: <ul style="list-style-type: none"> • Adds language regarding how recreational lodging facilities are categorized • Deletes Category E recreational lodging facilities
10.27,R (Rural Businesses)	LUPC Amendable Provision

Sub-Chapter IV: Supplemental Review Processes and Requirements	
10.28 (Limitations on Numbers of Units Within New Residential Development Areas)	New addendum provision – no comparable Chapter 10 provision
10.29 (Owners and Road Associations)	New addendum provision – no comparable Chapter 10 provision
10.30 (Sustainable Forestry Management Practices)	New addendum provision – no comparable Chapter 10 provision
10.31 (Replacement of Subsurface Waste Water Disposal Systems For Camp Lots)	New addendum provision – no comparable Chapter 10 provision
10.32 (Commercial & Industrial Development Area Buffers)	New addendum provision – no comparable Chapter 10 provision

Appendices	
Appendix A (Sample Determinations to Identify Water Quality Limiting Lakes)	LUPC Amendable Provision
Appendix B (Guidelines for Vegetative Stabilization)	LUPC Amendable Provision
Appendix C (Alphabetical List of Lakes Showing Wildlands Lake Assessment Findings)	LUPC Amendable Provision
Appendix D (Lakes and Rivers on Which the Use of Personal Watercraft Is Prohibited)	LUPC Amendable Provision
Appendix E (FEMA Maps for the LUPC Jurisdiction)	LUPC Amendable Provision
Appendix F (Expedited Permitting Area for Wind Energy Development)	LUPC Amendable Provision
Appendix G (Designated Areas of Cultural or Special Significance (DACSS))	LUPC Amendable Provision

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

SUB-CHAPTER I: GENERAL PROVISIONS

10.01 PURPOSE

Addendum neither replaces nor supplements 10.01, Purpose.

10.02 DEFINITIONS

The following definitions apply to the following terms as they appear in this chapter, the other chapters of the Commission's rules, and the Commission's statute (12 M.R.S.A. §206-A):

1. Accessory Use or Accessory Structure:

"A use or structure subordinate to a permitted or conditional use or structure and customarily incidental to the permitted or conditional use of the structure." 12 M.R.S.A. §682.

2. Adjacent Grade:

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

3. Affordable Housing:

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

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

4. Affordable Housing Covenant:

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

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

5. Agricultural Management Activities:

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

6. Alteration:

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

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

7. Aquatic Vegetation:

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

8. Area of Special Flood Hazard:

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

8.A. Back Lands:

Land in the Plan area, where available, for lessees, licensees, or owners of camp lots for siting, installing, and maintaining a replacement subsurface waste water disposal system in accordance with and subject to Section 10.31. For any individual camp lot, the back lands, if available, shall be within 500 feet of the normal high water mark of the nearest lake and within 2,500 feet of the nearest boundary of the camp lot. The approximate location of the back lands are shown on Maps 40-47 in Volume 3 of the Concept Plan.

8.B. Back Lot:

Land in the Plan area to be added to each camp lot, where available, prior to or upon the first sale of the camp lot after the Effective Date. The approximate location of the back lot for each camp lot, if applicable, is shown on Maps 40-47 in Volume 3 of the Concept Plan.

9. Base Flood:

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

10. Basement:

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

11. Bed and Breakfast:

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

12. Boathouse:

A structure that extends over or beyond the normal high water mark into which boats are directly maneuvered without leaving the water body. Boathouses are distinct from boat storage buildings, which require the boat to be removed from the water for entry.

13. Boat Ramp:

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

14. Body of Standing Water:

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

15. Breakaway Wall:

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

16. Building:

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

17. Bulk:

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

18. Bulk Sampling of Mineral Deposits:

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

19. Bunkhouse:

An accessory structure consisting of detached sleeping quarters having no plumbing, for the temporary accommodations of guests of the property owner or facility while the owner or facility operator is an occupant of the principal dwelling or at the facility. A bunkhouse that is accessory

to a dwelling can be up to 750 square feet or 50% of the footprint of the principal dwelling unit, whichever is larger.

19.A. Camp Lot:

A lot in the Plan area that is or was leased or licensed that exists as of the effective date. The approximate location of the camp lots are shown on Maps 14-17 in Volume 3 of the Concept Plan.

20. Campground:

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

21. Campsite:

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

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

22. Campsite, Residential: See Residential Campsite.

23. Capacity Expansions of Utility Facilities:

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

24. Checkpoint Building:

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

25. Children’s Day Care Facility:

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

- 26. Cluster Development:**
A compact form of development that results in buildings being located in a group such that a significant amount of open space is preserved.
- 27. Coastal Nesting Island:**
An island used for nesting by sea birds during their breeding period.
- 28. Coastal Sand Dune System:**
Reserved.
- 29. Coastal Wetlands:**
Tidal and subtidal lands, including any of the following: all areas below any identifiable debris line left by tidal action; all areas with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous lowland which is subject to tidal action during the highest astronomical tide for the current National Tidal Datum Epoch as published by the National Oceanic and Atmospheric Administration (NOAA). Coastal wetlands may include portions of coastal sand dunes.
- 30. Combined Floor Area:**
The total floor area of all principal and accessory structures on a lot.
- 31. Combined Septic System:**
A disposal system designed to dispose of gray and black waste water on or under the surface of the earth that includes but is not limited to: septic tanks; disposal fields; or any other fixture, mechanism, or apparatus used for this purpose.
- 32. Commercial Fishing Activities:**
Activities directly related to commercial fishing and those commercial activities commonly associated with or supportive of commercial fishing, such as the manufacture or sale of ice, bait and nets and the sale, manufacture, installation or repair of boats, engines and other equipment commonly used on boats.
- 33. Commercial Mineral Extraction:**
Mineral extraction other than Mineral Extraction for Road Purposes.
- 34. Commercial Sporting Camp:**
A “building or group of buildings devoted primarily to the offering of lodging facilities for a fee to persons primarily in pursuit of primitive recreation or snowmobiling.” 12 M.R.S.A. §682(14). In addition, for the purposes of the application of the Commission’s rules, the term “commercial sporting camp” shall be construed according to the following: A facility which functions primarily as a destination for the above activities rather than as a transient development unit or as a base of operations for activities in another location, such as whitewater rafting. A sporting camp is usually located in a remote location and typically consists of, but does not have to include, all of the following: a number of cabins for the housing of guests, including but not limited to housekeeping cabins; a main lodge for serving of meals and socializing for the guests; outbuildings for housing of the owners, guides, and other workers; workshop, woodsheds, laundry, equipment storage, and other utility buildings as needed. Outpost cabins are not a part of commercial sporting camp facilities. Guests of outpost cabins may use the services of the commercial sporting camp whether or not the commercial sporting camp is permitted for expanded access (Section

10.27,Q,1). A resident, on-site attendant must be available on a full-time basis to meet the needs of guests.

35. Commercial Trailered Ramp, Hand-Carry Launch, or Dock:

A trailered ramp, hand-carry launch, or dock, including an associated parking area and access road, that is privately owned and operated, and open to all members of the public, with or without a fee, but not meeting the definition of a public trailered ramp, hand-carry launch, or dock.

36. Commercial Use:

The use of lands, buildings or structures the intent or result of which is the production of income from the buying or selling of goods and/or services. Commercial use does not include a home occupation or the rental of a single dwelling unit on a single lot or incidental sales of goods or services as may be allowed by permit or standard within a recreational lodging facility or forest management activities where such activities are otherwise exempt from review.

37. Commission:

The Maine Land Use Planning Commission.

38. Community Living Facility:

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

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

39. Community Public Water System:

Reserved.

40. Community Public Water System Primary Protection Areas:

Reserved.

41. Compatible Use:

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

42. Compensation:

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

42.A. Concept Plan:

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

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

42.B. Concept Plan Area:

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

43. Conversion of Use:

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

44. Creation:

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

45. Critically Imperiled Natural Community (S1):

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

46. Cross-Sectional Area:

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

47. Deer Wintering Areas:

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

48. 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.

48.A. Development Area:

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

49. Development Unit:

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

49.A. Development Zone:

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

50. Dining Amenities:

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

51. Direct Watershed:

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

52. Disturbed Area:

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

53. Docking Structure:

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

54. Driveways

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

55. Dwelling Unit:

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

56.A. Effective Date:

The date upon which the Concept Plan becomes effective by virtue of the Commission's approval of Zoning Petition ZP { enter ZP number }, which is { enter applicable date }.

56. Elevated Building:

A building, without a basement,

- a. built, in the case of a building in FEMA zones A1-30, AE, or A, to have the top of the elevated floor, or in the case of a building in Zone VE, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and

- b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

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

57. Emergent Marsh Vegetation:

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

58. Enhancement:

An activity increasing the net value of a wetland.

59. Excursion Service:

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

60. Expansion of a Structure:

The increase in the floor area of a structure, including attached decks and porches, or the increase in the height of a structure.

61. Family:

One or more persons occupying a premises as a single housekeeping unit.

62. FEMA:

Federal Emergency Management Agency.

63. Fishery Management Practice:

Activities engaged in for the exclusive purpose of management of freshwater and anadromous fish populations by manipulation of their environment for the benefit of one or more species. Such practices may include but not be limited to the construction of traps and weirs, barrier dams, stream improvement devices, fishways, and pond or stream reclamation, provided that any such activities are specifically controlled and designed for the purpose of managing such species and are conducted or authorized by appropriate state or federal fishery management agencies in compliance with the water quality standards contained in 38 M.R.S.A.§465.

64. Flood or Flooding:

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) the overflow of inland or tidal waters.
 - (2) the unusual and rapid accumulation or runoff of surface waters from any source.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural

body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Section 10.02,58,a,(1) of this definition.

65. Flood Boundary and Floodway Map (FBFM):

An official map of a township, plantation or town, issued by the Federal Insurance Administrator, where the boundaries of the base flood and floodway have been designated.

66. Flood Elevation Study:

An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

67. Flood Hazard Boundary Map (FHBM):

An official map of a township, plantation or town, issued by the Federal Insurance Administrator, where the boundaries of the base flood have been designated.

68. Flood Insurance Rate Map (FIRM):

An official map of a township, plantation or town, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

69. Flood Insurance Study (FIS): See Flood Elevation Study.

70. Floodplain or Flood Prone Area:

Any land area susceptible to being inundated by water from any source (see Flood or Flooding).

71. Floodplain Wetland:

Wetlands that are inundated with flood water during a 100-year event based on site specific information including, but not limited to, flooding history, landform, and presence of hydric, alluvial soils, and that under normal circumstances support a prevalence of wetland vegetation typically adapted for life in saturated soils.

72. Floodproofing:

Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.

73. Floodway: See Regulatory Floodway.

74. Floodway Encroachment Lines:

The lines marking the limits of floodways on federal, state, and local floodplain maps.

75. Floor Area:

The sum of the horizontal areas of the floor(s) of a structure, excluding basements, measured by their exterior dimensions. Floor area shall include, but not be limited to, all stories and lofts, decks, garages, porches and greenhouses.

76. Flowing Water:

A channel that has defined banks created by the action of surface water and has two or more of the following characteristics:

- a. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topographic map or, if that is not available, a 15-minute series topographic map.
- b. It contains or is known to contain flowing water continuously for a period of at least 6 months of the year in most years.
- c. The channel bed is primarily composed of mineral material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.
- d. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present, within the stream bed.
- e. The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

Such waters are commonly referred to as rivers, streams, and brooks. Flowing water does not mean a ditch or other drainage way constructed, or constructed and maintained, solely for the purpose of draining storm water or a grassy swale.

77. Footprint:

The measure of the area in square feet within the exterior limits of the perimeter of a structure. This includes any overhangs, or attached porches or decks whether or not enclosed.

78. Forest:

A plant community predominantly of trees and other woody vegetation growing more or less closely together.

79. Forest Management Activities:

Forest management activities include timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar or associated activities, but not the construction, creation, or maintenance of land management roads, nor the land application of septage, sludge and other residuals and related storage and composting activities.

80. Forest Product:

Any raw material yielded by a forest.

81. Forested Wetland:

Freshwater wetlands dominated by woody vegetation that is 6 meters tall, or taller.

82. Freshwater Wetland:

Freshwater swamps, marshes, bogs and similar areas that are inundated or saturated by surface or groundwater at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils and not below the normal high water mark of a body of standing water, coastal wetland, or flowing water.

83. Functionally Dependent Use:

For purposes of regulating development in flood prone areas, a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

84. Gatehouse: See Checkpoint Building.**85. Gravel Extraction:**

Any extraction of a deposit of sand, fill or gravel.

86. Gravel Pit:

A mining operation undertaken primarily to extract and remove sand, fill or gravel.

87. Hand-Carry Launch:

A shoreland alteration, including, but not limited to, a landing area (that portion of the launch at or below the normal high water mark), a launch area (that portion of the launch immediately adjacent to and above the normal high water mark) any associated parking area, access pathway and/or road, and other similar related facilities to allow an item, including but not limited to a boat, personal watercraft, or dock float, to be moved by hand, to or from the surface of a water body. Unless otherwise specified by permit condition, boat trailers or dollies designed to be moved by hand may be used at such facilities provided no special site design is required to accommodate such devices.

88. Height of Structure:

The vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

89. High Mountain Area:

All mountain areas included in Mountain Area Protection Subdistricts (P-MA), as described in Section 10.23,G and shown on the Commission's Land Use Guidance Maps.

90. Historic Structure:

Any structure that is:

- a. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) by an approved state program as determined by the Secretary of the Interior, or
 - (2) directly by the Secretary of the Interior in states without approved programs.

91. Home Adult Day Services Program:

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

92. Home Child Day Care Provider:

A person who receives consideration to provide child care in his or her residence on a regular

basis, for three to 12 children under 13 years old, who are not related to, or under the guardianship of the provider

93. Home Occupation:

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

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

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

94. Imperiled Natural Community (S2):

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

95. Impervious Area:

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

96. Incidental:

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

97. Land Management Road:

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

98. Land Use Subdistrict:

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

98.A. Land Use Zone:

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

99. Lean-To:

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

100. Level A Mineral Exploration Activities:

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

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

101. Level B Mineral Exploration Activities:

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

102. Level C Mineral Exploration Activities:

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

103. Level A Road Projects:

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

104. Level B Road Projects:

Minor relocations, and reconstructions, involving limited work outside of the existing right-of-way of public roads or private roads other than land management roads and of railroads; bridge reconstruction and minor relocations whether within or outside of existing right-of-way of such roads; "Minor relocations" as used herein may not exceed 300 feet in horizontal displacement of

centerline. "Reconstruction" as used herein may involve widening of existing rights-of-way not to exceed 50 feet on either side.

105. Level C Road Projects:

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

106. Locally Established Datum:

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

107. Lot Coverage:

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

108. Lowest Floor:

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

108.A. LUPC Amendable Provision:

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

109. Maintenance:

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

110. Major Flowing Water:

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

111. Management Class 1 Lake:

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

- a. Relatively undeveloped: As of November 17, 1988, having less than one development unit per shore mile within 250 feet of the normal high water mark, taken as an average over the entire lake shore. The shoreline is measured by following the shoreline of the lake, including all the shoreline irregularities, on the Commission's Land Use Guidance Map.
- b. Relatively inaccessible: As of November 17, 1988, having no road passable during summer months with a two-wheel drive vehicle within 1/4 mile of the normal high water mark of the lake.

- c. High resource value(s): Found to have one or more outstanding resource values according to the Commission's Wildlands Lake Assessment as shown in Appendix C of these regulations.

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

112. Management Class 2 Lake:

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

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

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

113. Management Class 3 Lake:

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

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

114. Management Class 4 Lake:

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

- a. Two or more "outstanding" resource values as identified in the Maine Wildlands Lake Assessment;
- b. Relatively accessible: As of November 17, 1988, accessible to within 1/4 mile of the normal high water mark of the lake by 2-wheel drive motor vehicle during summer months;
- c. Relatively developed: As of November 17, 1988, having an average of more than one development unit per mile of shore within 250 feet of the normal high water mark of the

lake. The shoreline is measured by following the shoreline of the lake, including all the shoreline irregularities, on the Commission's Land Use Guidance Map; and

- d. Not meeting the criteria for Management Class 3 Lakes.

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

115. Management Class 5 Lake:

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

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

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

116. Management Class 6 Lake:

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

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

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

117. Management Class 7 Lake:

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

118. Manufactured Home:

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

119. Manufactured Home Park or Subdivision:

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

120. Maple Sugar Processing Operations:

The facilities and related structures and equipment for use in the processing of raw maple sap

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

121. Mean Lower Low Water Level:

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

122. Mean Sea Level:

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

123. Metallic Mineral Mining Activity:

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

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

124. Mineral Deposit:

Any deposit of peat, sand, gravel, rock, topsoil, limestone, slate, granite, coal, gems, metallic or non-metallic ores or other minerals.

125. Mineral Extraction:

Any extraction of a mineral deposit, other than peat extraction, metallic mineral mining activities or Level A, B, or C, exploration activities.

126. Mineral Extraction for Road Purposes:

Mineral extraction where at least 75% by volume of the minerals extracted over any three year period are used for the purposes of construction or maintenance of land management or other roads.

127. Mineral Processing Equipment:

Equipment used to process minerals following extraction including, but not limited to, rock crushers and batch plants. The term does not include equipment used to remove, sort or transport minerals, such as front end loaders, screens or trucks.

128. Mineral Soil:

Soil material in which inorganic (mineral) constituents predominate.

129. Minor Flowing Water:

A flowing water upstream from the point where such water drains less than 50 square miles.

130. Mitigation:

Actions taken to off-set potential adverse environmental impact. Such actions include the following:

- a. Avoiding an impact altogether by not taking a certain action or parts of an action;
- b. Minimizing an impact by limiting the magnitude or duration of an activity, or by controlling the timing of an activity;
- c. Rectifying an impact by repairing, rehabilitating, or restoring the affected environment;
- d. Reducing or eliminating an impact over time through preservation and maintenance operations during the life of the project; and
- e. Compensating for an impact by replacing affected resources or environments.

131. Mitigation Banking:

Wetland restoration, enhancement, preservation or creation for the purpose of providing compensation credits in advance of future authorized impacts to similar resources.

132. Mooring:

A structure for securing a vessel or aircraft that consists of a line and buoy that is fixed to the bottom of a water body, or attached to a weight that rests on the bottom of a water body.

133. Motorized Recreational Gold Prospecting:

"Motorized recreational gold prospecting" means the operation of small-scale, motorized equipment for the removal, separation, refinement, and redeposition of sediments and other substrates occurring below the normal high water mark of a stream, for the noncommercial, recreational discovery and collecting of gold specimens. "Motorized recreational gold prospecting" includes, but is not limited to, the operation of a motorized suction dredge, sluice, pump, rocker box, or winch, individually or together.

134. Multi-Family Dwelling:

A building containing three or more dwelling units.

135. National Geodetic Vertical Datum (NGVD):

The national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also has been called "1929 Mean Sea Level (MSL)".

136. Nonconforming Lot:

A preexisting lot which, upon the effective date of adoption or amendment of these rules, does not meet the area, frontage or other dimensional requirements for a legally existing or proposed use.

137. Nonconforming Structure:

"A structure, lawfully existing at the time of adoption of district regulations or subsequent amendment made thereto, that does not conform to the district regulations." 12 M.R.S.A. §682 More specifically, a nonconforming structure is legally existing, but does not meet one of the following dimensional requirements: setback, lot coverage, or height requirements.

138. Nonconforming Use:

"A use of air, land, water or natural resources or a parcel of land, lawfully existing at the time of adoption of district regulations or subsequent amendments made thereto, that does not conform to the district regulations." 12 M.R.S.A. §682. More specifically, a nonconforming use is a legally

existing use of buildings, structures, premises, lands, or parts thereof which would not be allowed to be established under current regulations in the subdistrict in which it is situated.

139. Non-Tidal Water Bodies:

All water bodies or portions thereof, which are not subject to ebb and flow as the result of tidal action.

140. Normal High Water Mark of Coastal Wetlands:

That line on the shore of coastal wetlands reached by the shoreward limit of the highest astronomical tide for the current National Tidal Datum Epoch as published by the National Oceanic and Atmospheric Administration (NOAA). This is often referred to as the upland edge of the coastal wetland.

141. Normal High Water Mark of Non-Tidal Water Bodies:

That line on the shores and banks of non-tidal water bodies that is apparent from visible markings, changes in the character of soils due to prolonged action of the water or from changes in vegetation and that distinguishes between predominantly aquatic and predominantly terrestrial land. In places where the shore or bank is of such character that the normal high water mark cannot be easily determined (as in the case of rock slides, ledges, rapidly eroding or slumping banks) the normal high water mark shall be estimated from places where it can be determined by the above method.

142. Normal Maintenance and Repair:

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

143. North American Vertical Datum (NAVD):

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

144. On Premise Sign:

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

145. Open Space:

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

146. 100-year Flood: See Base Flood.

146.A. Outcome based forestry:

A science-based, voluntary process to achieve agreed-upon economic, environmental and social outcomes in the State's forests, as an alternative to prescriptive regulation demonstrating measurable progress towards achieving statewide sustainability goals and allowing landowners to use creativity and flexibility to achieve objectives, while providing for the conservation of public trust resources and the public values of forests.

147. Outpost Cabin:

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

148. Parking Area:

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

149. Peatland:

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

150. Permanent Docking Structure:

A docking structure in place for longer than seven months in any calendar year or which is so large or otherwise designed as to make it impracticable to be removed on an annual basis without alteration of the shoreline, and associated on-shore structures used to secure a permanent dock or mooring.

151. Permanent Foundation:

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

152. Persistence:

The overall ability of a wetland to be self-sustaining, continue to exist, and serve intended functions over an indefinite period of time, although its vegetation, soils, hydrologic characteristics and precise boundaries may change.

153. Person:

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

154. Personal Watercraft:

"Any motorized watercraft that is 14 feet or less in hull length as manufactured, has as its primary source of propulsion an inboard motor powering a jet pump and is capable of carrying one or more persons in a sitting, standing or kneeling position. 'Personal watercraft' includes, but is not

limited to, a jet ski, wet bike, surf jet and miniature speedboat. 'Personal watercraft' also includes motorized watercraft whose operation is controlled by a water skier. 'Personal watercraft' does not include a motorized watercraft that does not have a horsepower rating greater than 15 horsepower and does not generate an unreasonable amount of noise." 12 M.R.S.A. §13001, sub-§23.

155. Pesticide:

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

155.A.Petitioner:

Any one of Aroostook Timberlands LP, Allagash Timberlands LLC, and Maine Woodlands Realty Company, including any or all of their successors and assigns.

156. Piped Water:

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

157. Portable Mineral Processing Equipment:

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

158. Practicable:

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

159. Preservation:

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

160. Primitive Recreation:

Those types of recreational activities associated with non-motorized travel, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing.

161. Primitive Septic System:

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

162. Principal Building:

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

163. Principal Use:

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

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

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

165. Projecting Sign:

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

166. Property Line:

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

167. Protected Natural Resource:

Coastal sand dune systems, coastal wetlands, significant wildlife habitat, high mountain areas, freshwater wetlands, community public water system primary protection areas, bodies of standing water, and flowing water.

168. Public Road or Roadway:

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

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

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

169.A. Public Water Access Site:

A water access site that is owned, leased, or operated by a public entity and made available with or without a fee.

170. Reclamation:

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

171. Reconstruction:

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

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

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

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

173. Recreational Lodging Facilities:

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

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

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

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

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

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

174. Recreational Vehicle:

A vehicle which is:

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

175. Regulatory Floodway:

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

176. Remote Camp:

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

177. Remote Campsites:

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

- a. are designed to be accessible and generally are only accessible by water, trail or on foot;
- b. are comprised of not more than four individual camping areas designed for separate camping parties, and are designed for a total of not more than 12 overnight campers;
- c. have permanent structures limited to privies, fireplaces or fire rings, picnic tables, and picnic table shelters not larger than 80 square feet in area consisting of a roof without walls; and
- d. require no other construction or grading and only minimal clearing of trees.

178. Remote Rental Cabin:

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

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

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

179. Renovation:

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

180. Rental Unit:

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

181. Residential:

Pertaining to a dwelling unit.

182. Residential Campsite:

A camping location containing tents; or a legally registered tent trailer, pickup camper, recreational vehicle, or trailer; or similar device used for private non-commercial camping. “Residential campsite” includes a camping location that may have access to a pressurized water system or permanent structures. Each such additional permanent structure shall not have more than 150 square feet in floor area, shall not have a permanent foundation and, except for lean-tos and tent platforms, shall not be used for human habitation. A single lot may contain only one residential campsite, whether or not a dwelling is present, designed to contain not more than one (1) camping site for transient occupancy by 12 or fewer people.

183. Residential Directional Sign:

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

184. Residual:

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

185. Restoration:

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

186. Roadway:

A public or private road including any land management road.

187. Roof Sign:

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

188. Rural Business:

A building, group of buildings, or site, or any part thereof, used, maintained, or advertised as a commercial, institutional, or light industrial business. Rural business facilities may be operated as a for-profit, non-profit, or public entity. Rural business facilities are either 1) compatible with, and complementary to, natural resource-based land uses such as agriculture, forestry, small-scale natural resource processing and manufacturing, and outdoor recreation, or 2) of a scale and intensity appropriate to rural areas that are lightly developed but proximate to services and transportation infrastructure. For the purposes of Land Use Planning Commission rules, rural businesses are divided into three categories:

Category 1: Natural resource based businesses that are small scale processing, storage, sale, and distribution of wood and agricultural product; or are related to or in support of agriculture, forestry, natural resource extraction, or commercial outdoor recreation. Examples include but are not limited to saw mills, value added food production, equipment maintenance and repair facilities, guide services, recreational equipment rental and storage, and motorized and non-motorized recreational centers. Category 1 businesses are specifically designated by Section 10.27,R,1,a.

Category 2: Moderate-scale business facilities for retail businesses, restaurants, food preparation businesses, professional offices, and similar types of businesses. Examples include, but are not limited to, restaurants, art studios, nursing homes, and boarding kennels. Category 2 businesses are specifically designated by Section 10.27,R,1,b.

Category 3: Larger scale commercial facilities for manufacturing and assembly plants, contracting and construction businesses, automobile service and repair, and similar types of businesses. The term includes, but is not limited to, saw mills, value added food production, equipment maintenance and repair facilities, recreational equipment rental and storage, motorized and non-motorized recreational centers, assembly plants, and automobile service and repair. Category 3 may also include Category 1 and Category 2 type businesses, as long as it meets all other criteria for Category 3. Category 3 businesses are specifically designated by Section 10.27,R,1,c.

189. Septage:

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

190. Service Drop:

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

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

- (2) the total length of the extension within any 5 year period, requiring the installation of new utility poles or placed underground, is less than 2,000 feet.

191. 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.

192. Shoreland Alteration:

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

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

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

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

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

193. Shoreline:

The normal high water mark of a coastal wetland, a body of standing water, or flowing water.

194. Sign:

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

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

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

195. Significant Wildlife Habitat:

The following areas to the extent that they have been identified by the Department of Inland Fisheries and Wildlife: habitat, as determined by the Department of Inland Fisheries and Wildlife, for species appearing on the official state or federal lists of endangered or threatened animal species; deer wintering areas and travel corridors as determined by the Department of Inland Fisheries and Wildlife; high and moderate value water fowl and wading bird habitats, including nesting and feeding areas as determined by the Department of Inland Fisheries and Wildlife; critical spawning and nursery areas for Atlantic sea run salmon as determined by the Atlantic Sea Run Salmon Commission; shorebird nesting, feeding and staging areas and seabird nesting islands as determined by the Department of Inland Fisheries and Wildlife; and significant vernal pools as defined and identified in specific locations by the Department of Inland Fisheries and Wildlife.

196. Sludge:

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

197. Soil Survey:

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

198. Spaghetti-lot:

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

199. Special Flood Hazard Area: See Area of Special Flood Hazard.**200. Sporting camp: See Commercial Sporting Camp.****201. Structure:**

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

202. Subdivision:

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

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

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

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

203. Substantial Damage:

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

204. Substantial Improvement:

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

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

205. Subsurface Waste Water Disposal System:

“Subsurface waste water disposal system means:

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

206. Subsurface Waste Water Disposal Rules:

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

207. Temporary Docking Structure:

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

208. Timber Harvesting:

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

209. Traffic Control Sign or Device:

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

210. Trail:

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

211. Trailered Ramp:

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

212. Transient Occupancy:

"Occupancy that does not exceed 120 days in a calendar year" 12 M.R.S.A. §682(18). With respect to campsites, residential campsites, and campgrounds 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.

213. Unorganized and Deorganized Areas:

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

214. Utility Facilities:

Structures normally associated with public utilities, including without limitation: radar, radio, television, or other communication facilities; electric power transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; municipal sewage lines; gas, oil, water, slurry or other similar pipe lines or above ground storage tanks.

215. Wall Sign:

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

215.A. Water Access Site:

A lot or common area primarily used for the accommodation of a docking structure, hand carry launch, and/or trailered ramp that provides common water access to multiple users. The term includes mooring structures, permanent on-shore structures to secure docks and moorings, marinas, picnic-shelters and related facilities, facilities for temporary storage of canoes, kayaks, and other small boats, bulletin boards, pathways, restroom facilities, playground structures, storage sheds, and similar small-scale accessory structures. Water access site does not include a temporary private docking structure that serves an individual residential use.

216. Water Bar:

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

217. Water-Access Ways:

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

218. Water Crossing:

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

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

220. Water-Dependent Uses:

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

221. Water Impoundment:

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

222. Wetland Functions:

The roles wetlands serve which are of value to society or the environment including, but not limited to, flood water storage, flood water conveyance, ground water recharge and discharge,

erosion control, wave attenuation, water quality protection, scenic and aesthetic use, food chain support, fisheries, wetland plant habitat, aquatic habitat and wildlife habitat.

223. Wetland Value:

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

224. Wildlife:

All vertebrate species, except fish.

225. Wildlife Management District (WMD):

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

226. Wildlife Management Practices:

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

227. Winter Haul Road:

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

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

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

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

10.03 MAJOR DISTRICT CLASSIFICATIONS

Addendum neither replaces nor supplements 10.03, Major District Classifications.

10.04 OFFICIAL LAND USE GUIDANCE MAPS

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

10.05 INTERPRETATION OF DISTRICT BOUNDARIES

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

10.06 INTERPRETATION OF LAND USE STANDARDS

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

10.07 EXEMPTIONS

Addendum neither replaces nor supplements 10.07, Exemptions.

10.08 CRITERIA FOR ADOPTION OR AMENDMENT OF LAND USE DISTRICT BOUNDARIES

A. GENERAL CRITERIA

“A land use district boundary may not be adopted or amended unless there is substantial evidence that:

1. The proposed land use district is consistent with the standards for district boundaries in effect at the time, the comprehensive land use plan and the purpose, intent and provisions of this chapter; and
 2. The proposed land use district has no undue adverse impact on existing uses or resources or a new district designation is more appropriate for the protection and management of existing uses and resources within the affected area.” 12 M.R.S.A. §685-A(8-A)
 3. Upon filing of a notice with the Commission by the landowner(s), an individual development area will be automatically rezoned to M-FRL-GN if such development area has not been approved for development of any new development units since the effective date.
-

B. AREAS ADJACENT TO LAKES

The review standards listed in Section 10.25,A must be considered in applying the above criteria to proposed changes in subdistrict boundaries adjacent to lakes.

C. PROSPECTIVELY ZONED AREAS

1. Additional Approval Criteria:

In addition to meeting the requirements of Section 10.08,A,1 and 2 above, for areas that have been prospectively zoned by the Commission, a petition for amendment to a development district boundary shall not be approved unless the petitioner demonstrates that:

- a. the requested change is needed due to circumstances that did not exist or were not anticipated during the prospective zoning process;
- b. the new development subdistrict is either contiguous to existing development subdistricts or within areas that are suitable as new growth centers; and

- c. the change will better achieve the goals and policies of the Comprehensive Land Use Plan, including any associated prospective zoning plans.
2. List of plantations and townships that have been prospectively zoned by the Commission:

- Adamstown Township, Oxford County
- Dallas Plantation, Franklin County
- Lincoln Plantation, Oxford County
- Magalloway Plantation, Oxford County
- Rangeley Plantation, Franklin County
- Richardsontown Township, Oxford County
- Sandy River Plantation, Franklin County
- Township C, Oxford County
- Township D, Franklin County
- Township E, Franklin County

10.09 CRITERIA FOR AMENDMENT OF LAND USE STANDARDS

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

10.10 VARIANCES

Addendum neither replaces nor supplements 10.10, Variances.

10.11 NONCONFORMING USES AND STRUCTURES

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

10.12 SEVERABILITY

Addendum neither replaces nor supplements 10.12, Severability.

10.13 EFFECTIVE DATE

Addendum neither replaces nor supplements 10.13, Effective Date.

10.14 PENALTIES FOR VIOLATIONS

Addendum neither replaces nor supplements 10.14, Penalties for Violations.

10.15 APPEALS

Addendum neither replaces nor supplements 10.15, Appeals.

10.16 NOTIFICATION FORMAT

Addendum neither replaces nor supplements 10.16, Notification Format.

10.17 EXPIRATION OF PERMIT

Addendum neither replaces nor supplements 10.17, Expiration of Permit.

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

SUB-CHAPTER II: LAND USE ZONES

10.21 DEVELOPMENT ZONES ~~SUBDISTRICTS~~

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

A. COMMERCIAL INDUSTRIAL DEVELOPMENT ~~SUBDISTRICT~~ ZONE (D-FRL-CI)

1. Purpose

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

2. Description

The following development areas, as delineated on the maps contained in Section 1.H of the Concept Plan, are located in the D-FRL-CI Zone:

- a. CD-1 development area; and
- b. CD-4 development area.

Except as authorized by Section 10.08,A,3, no additional areas within the Plan area shall be designated as D-FRL-CI Zone, or added to or removed from the D-FRL-CI Zone identified herein, except for the purpose of establishing more accurate zone boundaries for the D-FRL-CI Zone defined herein. Any boundary modification request shall be submitted for the Commission's consideration along with supporting documentation that must include, at minimum, boundary surveys, updated Concept Plan maps, updated spatial data of any proposed boundary modifications, and documentation that the total acreage of land within the D-FRL-CI Zone will not materially change. Commission acceptance of any such minor boundary modifications shall not constitute an amendment pursuant to Section I.D of the Concept Plan.

The ~~D-CI subdistrict~~ shall include:

- a. ~~Areas having existing commercial, industrial or other buildings, structures or uses, that are incompatible with residential uses, including the following:~~
 - (1) ~~Areas of 2 or more acres devoted to intensive, commercial and/or industrial buildings, structures or uses; except that saw mills and chipping mills and structures devoted to composting of septage, sludge or other residuals affecting an area of 5 acres or less in size shall not be included in this subdistrict unless such areas are~~

- ~~part of a larger pattern of development which otherwise meets the criteria for D-CI zoning;~~
- ~~(2) Areas of 2 or more acres devoted to the commercial extraction of minerals including, but not limited to, borrow pits for sand, fill or gravel, peat extraction and the mining of metals and rock;~~
 - ~~(3) Areas of 2 or more acres devoted to refuse disposal including, but not limited to, dumps and sanitary land fill operations;~~
 - ~~(4) Areas used for aircraft landing and takeoff and the storage and maintenance of aircraft;~~
 - ~~(5) Areas of 2 or more acres used for the storage of junk, oil products, or industrial or commercial materials or inventory;~~
 - ~~(6) Areas of 2 or more acres devoted to buildings, structures or uses similar to those listed in Section 10.21,A,2,a,(1) through (5) that are incompatible with residential uses; and~~
 - ~~(7) Areas where one or more existing principal buildings exist within a 500 foot radius and where the gross floor area of all such principal building(s) is more than 8,000 square feet provided the uses thereof are incompatible with residential uses.~~

~~The designated D-CI subdistrict boundary shall include all those areas described in Section 10.21,A,2,a,(1) through (7) above, as well as adjoining areas directly related to, and necessary for, the conduct of those activities.~~

- ~~b. Areas which the Commission determines meet the criteria for redistricting to this subdistrict, pursuant to Section 10.08 hereof, are proposed for development which is consistent with the purposes of this subdistrict, and are suitable for the development activities proposed when measured against the standards of 12 M.R.S.A. §685-B(4) and the Commission's Rules and Regulations relating thereto. Where such an area is not adjacent to a D-CI subdistrict and redistricted for the purpose of allowing for commercial mineral extraction, once such operations are complete the D-CI subdistrict designation shall automatically revert to the prior subdistrict designation.~~

3. Land Uses

a. Uses Allowed Without a Permit

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

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

b. Uses Allowed Without a Permit Subject to Standards

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

- (1) Accessory structures: New and expanded structures accessory to any legally existing principal structures and uses, provided that the total square footage of the footprint of all new or expanded accessory structures built on a lot within a two (2) year period is not more than 750 square feet and all other requirements and standards of Section 10.27,P are met;
- (2) Agricultural management activities;
- (3) Constructed ponds: Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters, provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Filling and grading;
- (5) Hand-carry launches: Commercial and private hand-carry launches;
- (6) Mineral exploration activities: Level A mineral exploration activities, excluding associated access ways;
- (7) Road projects: Level A road projects;
- (8) Service drops;
- (9) Signs;
- (10) Utility services: Buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water; ~~and~~
- (11) Water crossings of minor flowing waters; and
- (12) Timber harvesting, in compliance with the requirements of Section 10.30, if completed in any given development area within the D-FRL-CI Zone prior to submission of an application for a subdivision or other development approval in that development area.

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within ~~D-CI subdistricts~~ D-FRL-CI Zone upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III and, where within 500 feet of Management Class 2 lakes or within 250 feet of Management Class 4 and Management Class 5 lakes, subject to the applicable requirements of Section 10.21,A,3,f, g and h below:

- (1) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (2) Commercial and industrial: Any commercial and industrial uses, except as provided in Section 10.21,A,3,i;
- (3) Constructed ponds: Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;

- (4) Draining or altering the water table or water level for other than mineral extraction;
- (5) Driveways;
- (6) Filling and grading, which is not in conformance with the standards of Section 10.27,F;
- (7) ~~Hand-carry launches addressed in Section 10.21,A,3,b which are not in conformance with the standards of Section 10.27,L;~~
- (8) Land application of septage, sludge and other residuals, and related storage and composting activities and structures;
- (9) Land management roads;
- (10) Mineral exploration activities: Access ways for Level A mineral exploration activities, Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C, and Level B mineral exploration activities;
- (11) Mineral extraction including the use of mineral processing equipment and associated structural development;
- (12) Peat extraction, including the use of any related processing equipment;
- (13) ~~Recreational lodging facilities:~~
 - (a) ~~Level C;~~
 - (b) ~~Level C – Expanded Access;~~
 - (c) ~~Level D;~~
 - (d) ~~Level D – Expanded Access; and~~
 - (e) ~~Level E;~~
- (14) Road projects: Level B and C road projects, except for water crossings as provided for in Section 10.21,A,3,b;
- (15) Shoreland alterations, excluding water crossings of minor flowing waters, trailered ramps and hand-carry launches;
- (16) Signs which are not in conformance with the standards of Section 10.27,J;
- (17) Solid waste disposal;
- (18) Subdivisions: Commercial and industrial subdivisions for uses permitted in this subdistrict;
- (19) Timber harvesting, in compliance with the requirements of Section 10.30, if begun in any given development area within the D-FRL-CI Zone after submission of an application for a subdivision or other development approval in that development area;
- (20) ~~Trailered ramps: Commercial and private trailered ramps;~~
- (21) Utility facilities, excluding service drops, and wire and pipe line extensions which do not meet the definition of service drops;
- (22) ~~Water access ways;~~
- (23) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
- (24) Water impoundments;
- (25) Wind projects: Community-based offshore wind energy projects, as defined in Title 12 M.R.S.A., Section 682, Subsection 19; offshore wind power projects, as defined in Title 38 M.R.S.A., Section 480-B, Subsection 6A, and wind energy development in accordance with Title 35-A, M.R.S.A., Chapter 34-A in areas identified in Appendix F herein;
- (26) Other structures, uses or services that are essential to the uses listed in Section 10.21,A,3,a through c; and

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

d. Prohibited Uses

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

e. Water Quality Limiting Lakes

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

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

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

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

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

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

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

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

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

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

i. Special Exceptions

In the CD-1 development area, the following uses and accessory structures may be allowed within 100 feet of Route 162 as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. § 685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses within the development area with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Stores,
- (2) Commercial recreational uses not including recreational lodging facilities, and
- (3) Entertainment or eating establishments having a gross floor area of not more than 2,500 feet.

B. EXTENDED SETTLEMENT DEVELOPMENT SUBDISTRICT (D-ES)

Addendum neither replaces nor supplements 10.21,B, Extended Settlement Development Subdistrict (D-ES).

C. GENERAL DEVELOPMENT ~~SUBDISTRICT~~ ZONE (D-FRL-GN)

1. Purpose

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

2. Description

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

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

Except as authorized by Section 10.08,A,3, no additional areas within the Plan area shall be designated as D-FRL-GN zones, or added to or removed from the D-FRL-GN Zones identified herein, except for the purpose of establishing more accurate zone boundaries for the D-FRL-GN Zones identified herein. Any boundary modification request shall be submitted for the Commission's consideration along with supporting documentation that must include, at minimum, boundary surveys, updated Concept Plan maps, updated spatial data of any proposed boundary modifications, and documentation that the total acreage of land within the D-FRL-GN Zone will not materially change. Commission acceptance of any such minor boundary modifications shall not constitute an amendment pursuant to Section I.D of the Concept Plan.

~~The D-GN subdistrict shall include:~~

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

- ~~(1) Areas where 4 or more principal buildings exist within a 500 foot radius provided that one or more of such buildings is other than a single family detached dwelling unit; and all such buildings are compatible with such residential units; or~~
- ~~(2) Recorded and legally existing subdivisions, other than for exclusively single family detached residential purposes, having 4 or more lots; or~~
- ~~(3) Areas of 2 acres or more devoted to intensive non-residential development, other than that land devoted to forest and agricultural management activities, provided that such uses are compatible with residential uses. Such areas shall include but not be limited to:~~

- (a) Existing intensive development used for recreational purposes;
 - (b) Existing recreational lodging facilities otherwise allowed in the subdistrict;
 - (c) Existing groups of stores and restaurants including related parking and landscaped areas; or
- (4) Areas where one or more existing principal buildings exist within a 500 foot radius and where the gross floor area of all such principal building(s) is more than 8,000 square feet, provided the uses thereof are compatible with residential uses.

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

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

3. Land Uses

a. Uses Allowed Without a Permit

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

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

b. Uses Allowed Without a Permit Subject to Standards

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

- (1) Accessory structures: New and expanded structures accessory to any legally existing principal structures and uses, provided that the total square footage of the footprint of all new or expanded accessory structures built on a lot within a two (2)

- year period is not more than 750 square feet and all other requirements and standards of Section 10.27,P are met;
- (2) Agricultural management activities;
 - (3) Constructed ponds: Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
 - (4) Driveways associated with residential uses;
 - (5) Filling and grading;
 - (6) ~~Hand carry launches: Commercial and public hand carry launches except on Management Class 1 and 2 lakes;~~
 - (7) Home occupations: Minor home occupations;
 - (8) Mineral exploration activities: Level A mineral exploration activities, excluding associated access ways;
 - (9) Road projects: Level A road projects;
 - (10) Service drops;
 - (11) Signs;
 - (12) ~~Trailer ramps: Public trailer ramps except on Management Class 1 and 2 lakes;~~
 - (13) Utility services: Buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water; ~~and~~
 - (14) Water crossings of minor flowing waters; and
 - (15) Timber harvesting, in compliance with the requirements of Section 10.30, if completed in any given development area within the D-FRL-GN Zone prior to submission of an application for a subdivision or other development approval in that development area.

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within ~~D-GN subdistricts~~ D-FRL-GN Zone upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III and, where within 500 feet of Management Class 2 lakes or within 250 feet of Management Class 4 and Management Class 5 lakes, subject to the applicable requirements of Section 10.21,C,3,g, h and i below:

- (1) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (2) Campsites;
- (3) Campsites, Residential;
- (4) Cemeteries, and family burying grounds in accordance with 13 M.R.S.A. §1142;
- (5) Commercial and industrial: Facilities having not more than 2,500 square feet of gross floor area including facilities offering food and beverages prepared on the premises, retail stores and services, and laundromats but excluding auto service stations or repair garages and uses which may create a nuisance or unsafe or unhealthy conditions or are otherwise incompatible with residential uses;
- (6) Constructed ponds: Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters,

- or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (7) Draining, dredging and alteration of the water table or water level for other than mineral extraction;
 - (8) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
 - (9) Filling and grading which is not in conformance with the standards of Section 10.27,F;
 - (10) ~~Hand carry launches: Private hand carry launches and hand carry launches addressed in Section 10.21,C,3,b which are not in conformance with the standards of Section 10.27,L;~~
 - (11) ~~Home occupations: Major home occupations;~~
 - (12) Land management roads;
 - (13) Mineral exploration activities: Access ways for Level A mineral exploration activities, Level A mineral exploration activities which are not in conformance with the standards for such activities in Section 10.27,C, and Level B mineral exploration activities;
 - (14) Public and institutional: Places of worship and other religious institutions; public, private and parochial schools, public and other institutional buildings such as, but not limited to, libraries, fire stations, post offices, and day nurseries;
 - (15) Recreation facilities: Public or private recreation facilities including, but not limited to, parks, playgrounds, and golf courses;
 - (16) ~~Recreational lodging facilities:~~
 - (a) ~~Level B;~~
 - (b) ~~Level C;~~
 - (c) ~~Level C – Expanded Access; and~~
 - (d) ~~Level D (inside geographic allowance area);~~
 - (17) ~~Residential: Single family dwellings, two family dwellings, and multi family dwellings;~~
 - (18) Road projects: Level B and C road projects, except for water crossings as provided for in Section 10.21,C,3,b;
 - (19) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
 - (20) Signs which are not in conformance with the standards of Section 10.27,J;
 - (21) Subdivisions: Residential subdivisions, and commercial and industrial subdivisions for uses permitted in this subdistrict;
 - (22) Timber harvesting, in compliance with the requirements of Section 10.30, if begun in any given development area within the D-FRL-GN Zone after submission of an application for a subdivision or other development approval in that development area;
 - (23) ~~Trailered ramps addressed in Section 10.21,C,3,b which are not in conformance with the standards of Section 10.27,L;~~
 - (24) Utility facilities compatible with residential uses, other than service drops, and wire and pipe line extensions which do not meet the definition of service drops;

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

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within ~~D-GN subdistricts~~ D-FRL-GN Zone as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses within the development ~~subdistrict~~ area with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

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

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

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

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

- (4) ~~Docking structures: New or expanded permanent docking structures;~~
- (5) ~~Hand-carry launches: Commercial and public hand-carry launches on Management Class 1 and 2 lakes;~~
- (6) ~~Marinas;~~
- (7) ~~Trailer ramps: Commercial and private trailer ramps and public trailer ramps on Management Class 1 and 2 lakes; and~~
- (8) ~~Water access ways.~~
- (9) In the CD-2 Development Area, Multi-family Dwellings for Affordable Housing

e. Prohibited Uses

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

f. Water Quality Limiting Lakes

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

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

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

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

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

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

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

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

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

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

D. COMMUNITY CENTER DEVELOPMENT SUBDISTRICT (D-GN2)

Addendum neither replaces nor supplements 10.21,D, Community Center Development Subdistrict (D-GN2).

E. RURAL SETTLEMENT DEVELOPMENT SUBDISTRICT (D-GN3)

Addendum neither replaces nor supplements 10.21,E, Rural Settlement Development Subdistrict (D-GN3).

F. MARITIME DEVELOPMENT SUBDISTRICT (D-MT)

Addendum neither replaces nor supplements 10.21,F, Maritime Development Subdistrict (D-MT).

G. PLANNED DEVELOPMENT SUBDISTRICT (D-PD)

Addendum neither replaces nor supplements 10.21,G, Planned Development Subdistrict (D-PD).

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

Addendum neither replaces nor supplements 10.21,H, Planned Recreation Facility Development Subdistrict (D-PR).

I. RURAL BUSINESS DEVELOPMENT SUBDISTRICT (D-RB)

Addendum neither replaces nor supplements 10.21,I, Rural Business Development Subdistrict (D-RB).

J. RECREATION FACILITY DEVELOPMENT SUBDISTRICT ZONE (D-FRL-RF)

1. Purpose

The purpose of the ~~D-RF subdistrict~~ D-FRL-RF Zone is to designate an area that can accommodate allow for development of moderate intensity recreation facilities and residential development without compromising the area's recreational setting. The D-FRL-RF Zone is designed to affirmatively promote recreational lodging for the first 10 years of the Concept Plan. The D-FRL-RF Zone provides a in locations that would not be suitable for other types of commercial development. Moderate intensity recreation facilities often rely on, and are compatible with, settings which is are distant from existing patterns of development, but are relatively accessible to visitors. Such development may be appropriate in locations that provide access to recreational opportunities that are not overly sensitive to increased public use but are not present in developed areas. The is designed to allow for the location of moderate intensity recreation facilities in areas that are distant from other development, but where the location of allowed development will such a facility would; not unreasonably interfere with existing uses such as forestry and agriculture activities, fish and wildlife habitat or other recreation opportunities; and will not substantially increase the demand for public services in areas that are distant from existing patterns of development. ~~Where a D-RF subdistrict petition is granted, subsequent development in that subdistrict shall not provide the basis for subsequent redistricting of the area to another development subdistrict, nor shall it serve to satisfy those requirements for redistricting surrounding areas to development subdistricts pursuant to Section 10.08.~~

2. Description

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

Except as authorized by Section 10.08,A,3, no additional areas within the Plan area shall be designated as D-FRL-RF Zone or added to or removed from the D-FRL-RF Zones identified herein except for the purpose of more accurate zone boundaries for the zones identified herein. Any boundary modification request shall be submitted for the Commission's consideration along with supporting documentation that must include, at minimum, boundary surveys, updated Concept Plan maps, updated spatial data of any proposed boundary modifications, and documentation that the total acreage of land within the D-FRL-RF Zone will not materially change. Commission acceptance of any such minor boundary modifications shall not constitute an amendment pursuant to Section I.D of the Concept Plan

The D-RF subdistrict shall include:

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

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

~~Areas within ¼ mile of Management Class 1 lakes or within ½ mile of Management Class 6 lakes shall not be included as within the D-RF Subdistrict.~~

3. Land Uses

a. Uses Allowed Without a Permit

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

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

b. Uses Allowed Without a Permit Subject to Standards

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

- (1) Accessory structures: New and expanded structures accessory to any legally existing principal structures and uses, provided that the total square footage of the footprint of all new or expanded accessory structures built on a lot within a two (2) year period is not more than 750 square feet and all other requirements and standards of Section 10.27,P are met;
- (2) Agricultural management activities;
- (3) Campsites;
- (4) Constructed ponds: Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (5) Filling and grading;
- (6) Hand-carry launches: Commercial and public hand-carry launches except on Management Class 1 and 2 lakes;
- (7) Mineral exploration activities: Level A mineral exploration activities, excluding associated access ways;
- (8) Road projects: Level A road projects;
- (9) Service drops;
- (10) Signs;
- (11) ~~Trailer ramps: Public trailer ramps except on Management Class 1 and 2 lakes;~~

- (12) Utility services: Buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water;
- (13) Water crossings of minor flowing waters; ~~and~~
- (14) Water-dependent structures for recreational lodging facilities in conformance with Section 10.27,Q,7; ~~and~~
- (15) Timber harvesting, in compliance with the requirements of Section 10.30, if completed prior to submission of an application for a subdivision or other development approval in the D-FRL-RF Zone.

c. Uses Requiring a Permit

The following uses, ~~and related accessory structures,~~ may be allowed within ~~D-RF subdistricts~~ D-FRL-RF Zone upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. § 685-B, subject to the applicable requirements set forth in Sub-Chapter III and, where within 500 feet of Management Class 2 lakes or within 250 feet of Management Class 4 and Management Class 5 lakes, subject to the applicable requirements of Section 10.21,J,3,g, h and i below:

- (1) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (2) Constructed ponds: Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,L,2,a;
- (3) Draining, dredging and alteration of the water table or water level for other than mineral extraction;
- (4) Driveways associated with non-residential uses;
- (5) Filling and grading which is not in conformance with the standards of Section 10.27,F;
- (6) Hand-carry launches: Private hand-carry launches ~~and hand-carry launches addressed in Section 10.21,J,3,b which are not in conformance with the standards of Section 10.27,L;~~
- (7) Land management roads;
- (8) Mineral exploration activities: Access ways for Level A mineral exploration activities, Level A mineral exploration activities which are not in conformance with the standards for such activities in Section 10.27,C;
- (9) Recreational lodging facilities that include a public or commercial trailered ramp in conformance with the standards of Section 10.27,L (except if a public or commercial trailered ramp has already been developed or permitted for development in Square Lake E):
 - (a) Level A;
 - (b) Level B;
 - (c) Level C;
 - (d) Level D; and
 - (e) ~~Level C facilities, and Level D facilities (inside the geographic allowance area), that are commercial sporting camps legally existing as of August 5, 2013 may provide fuel and dining to the public, subject to the fuel dispensing provisions~~

- ~~for public fuel sales, provided a permit is issued for such use within 3 years of August 5, 2013;~~
- (10) Road projects: Level B and C road projects, except for water crossings as provided for in Section 10.21,J,3,b;
 - (11) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
 - (12) Signs which are not in conformance with the standards of Section 10.27,J;
 - (13) Subdivisions: Commercial and industrial subdivisions for uses permitted in this subdistrict;
 - (14) Timber harvesting, in compliance with the requirements of Section 10.30, if begun after submission of an application for a subdivision or other development approval in the D-FRL-RF Zone;
 - (15) ~~Trailered ramps addressed in Section 10.21,J,3,b which are not in conformance with the standards of Section 10.27,L;~~
 - (16) Utility facilities compatible with recreational uses, other than service drops, and wire and pipe line extensions which do not meet the definition of service drops;
 - (17) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
 - (18) Water impoundments;
 - (19) Wind projects: Community-based offshore wind energy projects, as defined in Title 12 M.R.S.A., Section 682, Subsection 19; offshore wind power projects, as defined in Title 38 M.R.S.A., Section 480-B, Subsection 6A, and wind energy development in accordance with Title 35-A, M.R.S.A., Chapter 34-A in areas identified in Appendix F herein;
 - (20) Other structures, uses or services that are essential to the uses listed in Section 10.21,J,3,a through c; and
 - (21) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

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

- (1) Recreational lodging facilities that include a public or commercial trailered ramp in conformance with the standards of Section 10.27,c (except if a public or commercial

trailed ramp has already been developed or permitted for development in Square Lake E):

- (a) Level C – Expanded Access; and
- (b) Level D – Expanded Access.

The following uses may be allowed as special exceptions provided, however, that for ten years from the effective date, they must be developed as part of or subsequent to development of a recreational lodging facility in this land use zone:

- (2) Residential: Single and two-family dwellings; and
- (3) Subdivisions: Residential subdivisions.

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

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

e. Prohibited Uses

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

f. Water Quality Limiting Lakes

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

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

With respect to proposals for development units within 500 feet of the normal high water mark of Management Class 2 Lakes, the Commission will require an average density per landownership of no more than one development unit per shore mile as provided for in Section 10.23,A,3.

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

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

- (1) With respect to subdivisions and recreation facilities, recreation lodging facilities, and other non-residential structures, require the applicant to indicate future plans for other undeveloped shorelands on the lake that are owned by the applicant.

Such indication of future plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's landownership on the lake:

- (a) area and shoreline length;
- (b) potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and
- (c) development proposed or anticipated, if any.

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

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

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

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

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

K. RESIDENTIAL DEVELOPMENT ~~SUBDISTRICT~~ ZONE (D-FRL-RS)

1. Purpose

The purpose of the ~~D-RS subdistrict~~ D-FRL-RS Zone is to set aside certain areas for residential and other appropriate uses so as to provide for residential activities apart from areas of commercial development. The intention is to encourage the concentration of residential type development in and adjacent to existing residentially developed areas.

2. Description

The following development areas, as well as the camp lots and any other areas identified as D-FRL-RS on Maps 27-31 in Volume 3, as delineated on the maps contained in Section I.H of the Concept Plan, are located in the D-FRL-RS Zone:

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

Except as authorized by Section 10.08,A,3, no additional areas within the Plan area shall be designated as D-FRL-RS Zones, or added to or removed from the D-FRL-RS Zones identified herein, except for the purpose of establishing more accurate zone boundaries for the D-FRL-RS Zones identified herein. Any boundary modification request shall be submitted for the Commission's consideration along with supporting documentation that must include, at minimum, boundary surveys, updated Concept Plan maps, updated spatial data of any proposed boundary modifications, and documentation that the total acreage of land within the D-FRL-RS Zone will not materially change. Commission acceptance of any such minor boundary modifications shall not constitute an amendment pursuant to Section I.D of the Concept Plan.

The ~~D-RS subdistrict~~ shall include:

- a. ~~Areas with the following existing patterns of intensive residential development:~~
 - (1) ~~Areas where four or more single family dwelling units exist within a 500 foot radius; or~~
 - (2) ~~Recorded and legally existing single family residential subdivisions, including mobile home parks, having 4 or more lots; or~~
 - (3) ~~Areas surrounding those described in Section 10.21,K,2,a,(1) or (2) above which contain neighborhood or associated uses that primarily serve such residences. Such areas may include, without limitation, residential accessory buildings, neighborhood~~

~~parcs and public open spaces, schools, day nurseries, places of worship, cemeteries, but shall not include industrial uses.~~

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

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

3. Land Uses

a. Uses Allowed Without a Permit

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

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

b. Uses Allowed Without a Permit Subject to Standards

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

- (1) Accessory structures: New and expanded structures accessory to any legally existing principal structures and uses, provided that the total square footage of the footprint of all new or expanded accessory structures built on a lot within a two (2) year period is not more than 750 square feet and all other requirements and standards of Section 10.27,P are met;
- (2) Agricultural management activities;
- (3) Constructed ponds: Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters

- provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with residential uses;
 - (5) Filling and grading;
 - (6) Hand-carry launches: Public hand-carry launches except on Management Class 1 and 2 lakes;
 - (7) Home occupations: Minor home occupations;
 - (8) Mineral exploration activities: Level A mineral exploration activities, excluding associated access ways;
 - (9) Road projects: Level A road projects;
 - (10) Service drops;
 - (11) Signs;
 - (12) ~~Trailer ramps: Public trailer ramps except on Management Class 1 and 2 lakes;~~
 - (13) Utility services: Buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water; ~~and~~
 - (14) Water crossings of minor flowing waters; and
 - (15) Timber harvesting, in compliance with the requirements of Section 10.30, in any given development area within the D-FRL Zone if completed prior to submission of an application for a subdivision or other development approval in that development area.

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within ~~D-RS subdistricts~~ D-FRL-RS Zone upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III and, where within 500 feet of Management Class 2 lakes or within 250 feet of Management Class 4 and Management Class 5 lakes, subject to the applicable requirements of Section 10.21,K,3,g, h and i below:

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

- (9) Hand-carry launches: ~~Commercial and private H~~hand-carry launches addressed in ~~Section 10.21,K,3,b~~ which are not in conformance with the standards of Section 10.27,L;
- (10) Home occupations: Major home occupations;
- (11) Land management roads;
- (12) Mineral exploration activities: Access ways for Level A mineral exploration activities; Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C; and Level B mineral exploration activities;
- (13) Public and Institutional: Places of worship, public, private and parochial schools, day nurseries, and public parks and recreation areas;
- (14) Residential: Single and two-family dwellings;
- (15) Road projects: Level B and C road projects, except for water crossings as provided for in Section 10.21,K,3,b;
- (16) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
- (17) Signs which are not in conformance with the standards of Section 10.27,J;
- (18) Subdivisions: Residential subdivisions for uses permitted in this subdistrict;
- (19) Timber harvesting, in compliance with the requirements of Section 10.30, if completed in any given development area within the D-FRL Zone after submission of an application for a subdivision or other development approval in that development area;
- (20) ~~Trailered ramps: Trailered ramps addressed in Section 10.21,K,3,b which are not in conformance with the standards of Section 10.27,L;~~
- (21) Utility facilities compatible with residential uses other than service drops; and wire and pipe line extensions which do not meet the definition of service drops;
- (22) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
- (23) Water impoundments;
- (24) Wind projects: Community-based offshore wind energy projects, as defined in Title 12 M.R.S.A., Section 682, Subsection 19; offshore wind power projects, as defined in Title 38 M.R.S.A., Section 480-B, Subsection 6A, and wind energy development in accordance with Title 35-A, M.R.S.A., Chapter 34-A in areas identified in Appendix F herein;
- (25) Other structures, uses or services that are essential to the uses listed in Section 10.21,K,3,a through c; and
- (26) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within ~~D-RS subdistricts~~D-FRL-RS Zone as special exceptions upon issuance of a permit from the

Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those uses within the vicinity or area likely to be affected by the proposal with which it is or may be incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

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

e. Prohibited Uses

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

f. Water Quality Limiting Lakes

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

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

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

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

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

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

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

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

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

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

L. COMMUNITY RESIDENTIAL DEVELOPMENT SUBDISTRICT (D-RS2)

Addendum neither replaces nor supplements 10.21,L, Community Residential Development Subdistrict (D-RS2).

M. RESIDENTIAL RECREATION DEVELOPMENT SUBDISTRICT (D-RS3)

Addendum neither replaces nor supplements 10.21,M, Residential Recreation Development Subdistrict (D-RS3).

10.22 MANAGEMENT SUBDISTRICTS ZONES

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

A. GENERAL MANAGEMENT SUBDISTRICT ZONE (M-FRL-GN)

1. Purpose

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

2. Description

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

No additional areas within the Plan area shall be designated as M-FRL-GN Zones, or added to or removed from the M-FRL-GN Zone identified herein, except to make the M-FRL-GN Zone consistent with (a) any addition, subtraction or other geographic modifications in protection subdistrict boundaries pursuant to Section 2, Sub-Chapter II, 10.23, (b) for the purpose of establishing more accurate zone boundaries for any development zone pursuant to the provisions in Section 2, Sub-Chapter II of each such zone, or (c) as authorized in Section 10.08,A,3.

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

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

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

3. Land Uses

a. Uses Allowed Without a Permit

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

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, except for timber harvesting¹;
- (3) Land application of septage, sludge and other residuals, and related storage and composting activities in compliance with regulations promulgated by the Maine Department of Environmental Protection under 38 M.R.S.A. §13: Maine Hazardous Waste, Septage and Solid Waste Management Act;
- (4) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (6) Surveying and other resource analysis;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; ~~and~~
- (8) Wildlife and fishery management practices; and
- (9) Docking Structures: Temporary docking structures.

b. Uses Allowed Without a Permit Subject to Standards

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

- (1) Accessory structures: New or expanded structures accessory to any legally existing principal structures and uses, provided that the total square footage of the footprint of all new or expanded accessory structures built on a lot within a two (2) year period is not more than 750 square feet and all other requirements and standards of Section 10.27,P are met;
- (2) Agricultural management activities, including cranberry cultivation, the construction, alteration or maintenance of farm or livestock ponds which are not fed or drained by a flowing water, and the operation of machinery and the erection of buildings including buildings to store equipment and materials for maintaining roads and other structures used primarily for agricultural management activities;
- (3) ~~Campsites;~~
- (4) Checkpoint buildings;
- (5) Constructed ponds: Creation, alteration or maintenance of constructed ponds, other than those described in Section 10.22,A,3,b,(1) above, less than 1 acre in size which are not fed or drained by flowing waters, in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (6) Driveways associated with residential uses;
- (7) Filling and grading;

¹ Explanatory note: Timber harvesting is not prohibited in this subdistrict, but instead is regulated by the Maine Forest Service. (See P.L. 2011, ch. 599.) Refer to subsection "e. Uses Regulated by the Maine Forest Service."

- (8) Forest management activities, except for timber harvesting², involving the operation of machinery and the erection of buildings including buildings to store equipment and materials for maintaining roads and other structures used primarily for forest management activities;
- (9) ~~Hand-carry launches: Parking areas, roads, signs and similar facilities associated with private and commercial hand-carry launches;~~
- (10) ~~Home occupations: Minor home occupations;~~
- (11) Mineral exploration activities: Level A mineral exploration activities, including associated access ways;
- (12) Mineral extraction operations, less than 5 acres in size, except for gravel extraction less than 5 acres in size;
- (13) Road projects: Level A and B road projects;
- (14) Service drops;
- (15) Signs;
- (16) ~~Trailer ramps: Parking areas, roads, signs and similar facilities associated with public trailer ramps; and~~
- (17) Utility services: Buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water;
- (18) Remote campsites in compliance with Section 10.25,Q,1,d;
- (19) Remote rental cabins in compliance with Section 10.25,Q,1,d;
- (20) Remote camps; and
- (21) Docking structures: Permanent docking structures.

c. Uses Requiring a Permit

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

- (1) ~~Campsites, Residential;~~
- (2) Constructed ponds: Creation, alteration or maintenance of constructed ponds, other than those described in Section 10.22,A,3,b, above, which are 1 acre or more in size, or such ponds less than 1 acre which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (3) Draining, dredging, and alteration of the water table or water level for other than mineral extraction;
- (4) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (5) Family burying grounds of not more than ¼ acre, in accordance with 13 M.R.S.A. §1142;
- (6) Filling and grading which is not in conformance with the standards of Section 10.27,F;
- (7) ~~Home occupations: Major home occupations, except in the townships or plantations listed in Section 10.22,A,3,d;~~

² Explanatory note: Timber harvesting is not prohibited in this subdistrict, but instead is regulated by the Maine Forest Service. (See P.L. 2011, ch. 599.) Refer to subsection "e. Uses Regulated by the Maine Forest Service."

- (8) Maple sugar processing operations;
- (9) Mineral exploration activities: Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C; and Level B mineral exploration activities;
- (10) Mineral extraction operations, except for gravel extraction less than 5 acres in size,
 - (a) affecting an area less than 5 acres in size and which are not in conformance with the standards of Section 10.27,C;
 - (b) affecting an area between 5 and 30 acres provided the unreclaimed area is less than 15 acres; and
 - (c) structures essential to the extraction activity having a total gross floor area of no more than 2,000 square feet;
- (11) Peat extraction affecting an area less than 30 acres in size;
- (12) Portable mineral processing equipment;
- (13) ~~Recreational lodging facilities:~~
 - (a) ~~Level A;~~
 - (b) ~~Level B;~~
 - (c) ~~Level C;~~
 - (d) ~~Level D (inside the geographic allowance area); and~~
 - (e) ~~Level C facilities, and Level D facilities (inside the geographic allowance area), that are commercial sporting camps legally existing as of August 5, 2013 may provide fuel and dining to the public, subject to the fuel dispensing provisions for public fuel sales, provided a permit is issued for such use within 3 years of August 5, 2013;~~
- (14) ~~Residential: Single and two-family dwellings;~~
- (15) Road projects: Level C road projects;
- (16) Sawmills and chipping mills on sites of less than 5 acres;
- (17) Signs which are not in conformance with the standards of Section 10.27,J;
- (18) ~~Solid waste disposal facilities affecting an area less than 2 acres in size;~~
- (19) Structures: Non-commercial structures utilized for educational, scientific, or nature observation purposes; structures devoted to composting of sludge, septage or other residuals affecting an area less than 5 acres in size; and structures devoted to the storage of sand or salt;
- (20) ~~Subdivisions: Level 2 subdivisions;~~
- (21) ~~Trailer ramps: Parking areas, roads, signs and similar facilities associated with commercial and private trailer ramps and such facilities addressed in Section 10.22,A,3,b which are not in conformance with the standards of Section 10.27,L;~~
- (22) Truck and equipment storage;
- (23) Utility facilities, excluding service drops; and wire and pipe line extensions which do not meet the definition of service drops;
- (24) Water impoundments;
- (25) Wind projects: Community-based offshore wind energy projects, as defined in Title 12 M.R.S.A., Section 682, Subsection 19; offshore wind power projects, as defined in Title 38 M.R.S.A., Section 480-B, Subsection 6A, and wind energy development in accordance with Title 35-A, M.R.S.A., Chapter 34-A in areas identified in Appendix F herein;
- (26) Other structures, uses, or services that are essential to the uses listed in Section 10.22,A,3,a through c; and

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

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within the ~~M-GN~~ subdistricts M-FRL-GN Zone as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that there is no alternative site in a development subdistrict which is both suitable to the proposed use and reasonably available to the applicant:

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

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

- (2) Maple Sugar Processing Subdivisions: Subdivisions containing lots created by lease for the purpose of establishing and operating commercial maple sugar processing operations provided that:
- The maximum number of leased lots shall be no more than one (1) per every 300 acres of the lot or parcel being subdivided³;
 - The maximum size of each leased lot shall be no more than 4 acres;
 - Any two leased lots in a maple sugar subdivision may be located less than 1,000 feet from each other; these lots will be considered a set of lots for the purpose of determining leased lot separation;
 - Each set of leased lots must be separated from any other leased lot or set of leased lots in the subdivision by a minimum of 1,000 feet, measured horizontally from the closest point between lots or sets of leased lots; and

³ Calculated by dividing the total acreage of the lot or parcel being subdivided by 300 and rounding down to the nearest whole number.

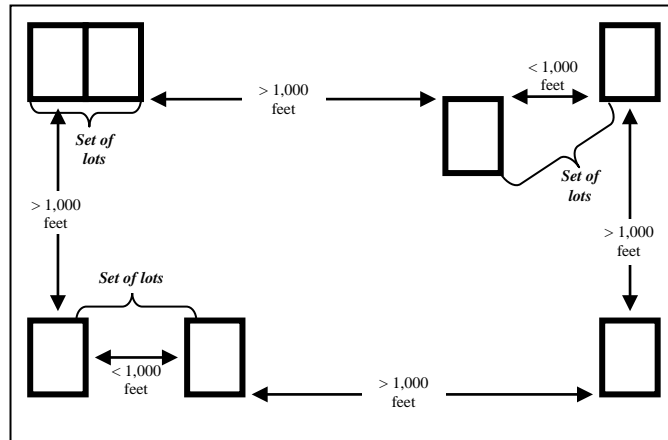


Figure 10.22,A-1. Leased lots in maple sugar subdivisions.

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

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

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

e. Uses Regulated by the Maine Forest Service

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

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

f. Prohibited Uses

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

B. HIGHLY PRODUCTIVE MANAGEMENT SUBDISTRICT (M-HP)

Addendum neither replaces nor supplements 10.22,B, Highly Productive Management Subdistrict (M-HP).

C. NATURAL CHARACTER MANAGEMENT SUBDISTRICT (M-NC)

Addendum neither replaces nor supplements 10.22,C, Natural Character Management Subdistrict.

10.23 PROTECTION SUBDISTRICTS

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

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

A. ACCESSIBLE LAKE PROTECTION SUBDISTRICT (P-AL)

Addendum neither replaces nor supplements 10.23,A, Accessible Lake Protection Subdistrict (P-AL).

B. AQUIFER PROTECTION SUBDISTRICT (P-AR)

Addendum neither replaces nor supplements 10.23,B, Aquifer Protection Subdistrict (P-AR).

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

Addendum neither replaces nor supplements 10.23,C, Flood Prone Area Protection Subdistrict (P-FP).

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

Addendum neither replaces nor supplements 10.23,D, Fish and Wildlife Protection Subdistrict (P-FW).

E. GREAT POND PROTECTION SUBDISTRICT (P-GP)

Addendum neither replaces nor supplements 10.23,E, Great Pond Protection Subdistrict (P-GP).

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

Addendum neither replaces nor supplements 10.23,F, Semi-Remote Lake Protection Subdistrict (P-GP2).

G. MOUNTAIN AREA PROTECTION SUBDISTRICT (P-MA)

Addendum neither replaces nor supplements 10.23,G, Mountain Area Protection Subdistrict (P-MA).

H. RESOURCE PLAN PROTECTION SUBDISTRICT (P-RP)

Addendum neither replaces nor supplements 10.23,H, Resource Plan Protection Subdistrict (P-RP).

I. RECREATION PROTECTION SUBDISTRICT (P-RR)

Addendum neither replaces nor supplements 10.23,I, Recreation Protection Subdistrict (P-RR).

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

Addendum neither replaces nor supplements 10.23,J, Special River Transition Protection Subdistrict (P-RT).

K. SOILS AND GEOLOGY PROTECTION SUBDISTRICTS (P-SG)

Addendum neither replaces nor supplements 10.23,K, Soils and Geology Protection Subdistrict (P-SG).

L. SHORELAND PROTECTION SUBDISTRICT (P-SL)

Addendum neither replaces nor supplements 10.23,L, Shoreland Protection Subdistrict (P-SL).

M. UNUSUAL AREA PROTECTION SUBDISTRICT (P-UA)

Addendum neither replaces nor supplements 10.23,M, Unusual Area Protection Subdistrict (P-UA).

N. WETLAND PROTECTION SUBDISTRICT (P-WL)

1. Purpose

The purpose of the P-WL subdistrict is to conserve coastal and freshwater wetlands in essentially their natural state because of the indispensable biologic, hydrologic and environmental functions which they perform.

Preserving wetlands will promote the public health and safety of persons and protect property against the hazards of flooding and drought by holding back water during floods and retaining water during dry periods. Wetlands also maintain water quality for drinking, store nutrients from upland run-off in plant tissue, serve as settling basins for silt and sediment from upland erosion, stabilize water supply by maintaining the groundwater table and groundwater recharge and discharge areas, and provide plant, fish and wildlife habitat. Wetlands function as integral and irreplaceable parts of a larger natural system, influencing our climate, economy, environment, and natural heritage.

Insofar as this protection subdistrict also includes the area enclosed by the normal high water mark of surface water bodies within the Commission's jurisdiction, the purpose of this subdistrict shall also be to help insure compatible surface water uses on those water bodies where there is the potential for conflict with other uses and values of such water bodies.

2. Description

a. Water bodies and areas meeting the definition of coastal or freshwater wetlands shall be included in P-WL subdistricts as described below:

(1) **P-WL1:** Wetlands of special significance:

- (a) Areas enclosed by the normal high water mark of flowing waters and bodies of standing water, except for constructed ponds less than 10 acres in size which are not fed or drained by flowing waters;
- (b) Coastal wetlands, together with areas below the normal high water mark extending seaward to the limits of the State's jurisdiction; or
- (c) Freshwater wetlands, as follows:
 - (i) Within 250' of the normal high water mark of a coastal wetland or any body of standing water greater than 10 acres;
 - (ii) Containing at least 20,000 square feet in total of the following: aquatic vegetation, emergent marsh vegetation, or open water, unless the wetlands are the result of constructed ponds less than 10 acres in size which are not fed or drained by flowing waters;
 - (iii) That are inundated with floodwater during a 100 year flood event;
 - (iv) Containing significant wildlife habitat;
 - (v) Consisting of, or containing, peatlands, except that the Commission may determine that a previously mined peatland, or portion thereof, is not a wetland of special significance;

- (vi) Within 25 feet of the normal high water mark of a flowing water; or
 - (vii) Containing a natural community that is critically imperiled (S1) or imperiled (S2).
- (2) **P-WL2:**
- (a) Scrub shrub and other nonforested freshwater wetlands, excluding those covered under P-WL1; and
 - (b) Constructed ponds less than 10 acres in size which are not fed or drained by flowing waters.
- (3) **P-WL3:** Forested freshwater wetlands, excluding those covered under P-WL1 and P-WL2.
- b. Areas meriting protection as P-WL1, P-WL2, or P-WL3 subdistricts will be identified by the Commission after consideration of relevant data including, without limitation, identification of freshwater and coastal wetlands 15,000 square feet or larger by the National Wetlands Inventory and, when on-site delineation is required, identification of freshwater and coastal wetlands of any size by methods described in the "Corps of Engineers Wetlands Delineation Manual" (1987).
- c. P-WL subdistricts described in Section 10.23,N,2,a above and identified on the Commission Land Use Guidance Maps may contain inclusions of upland areas or other wetland types smaller than 15,000 square feet that do not conform to the description of P-WL subdistricts in Section 10.23,N,2,a. Such inclusions will be regulated in accordance with the mapped P-WL subdistrict in which they are located.

3. Land Uses

a. Uses Allowed Without a Permit

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

- (1) Boating, with the exception of the use of personal watercraft on bodies of standing water listed in Appendix D of these rules;
- (2) Docking structures: Temporary docking structures, and moorings for non-commercial use;
- (3) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (4) Fish weirs and traps;
- (5) Forest management activities, except for timber harvesting⁴;
- (6) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (7) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (8) Sea or ski plane use;

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

- (9) Surveying and other resource analysis; and
- (10) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

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

- (1) Agricultural management activities, excluding cranberry cultivation;
- (2) Constructed ponds: Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size within P-WL2 or P-WL3 subdistricts which are not fed or drained by flowing waters, provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (3) Draining, dredging or otherwise altering less than 4,300 square feet of a P-WL2 or P-WL3 subdistrict;
- (4) Driveways associated with residential uses within P-WL2 and P-WL3 subdistricts;
- (5) Filling and grading or otherwise altering less than 4,300 square feet of a P-WL2 or P-WL3 subdistrict;
- (6) Hand-carry launches: Commercial, private and public hand-carry launches within a P-WL2 or P-WL3 subdistrict or below the normal high water mark of flowing waters or bodies of standing water;
- (7) Mineral exploration activities: Mineral exploration to discover or verify the existence of mineral deposits, including the removal of specimens or trace quantities, provided such exploration is accomplished by methods of hand sampling, including panning, hand test boring and digging and other non-mechanized methods which create minimal disturbance and take reasonable measures to restore the disturbed area to its original condition;
- (8) Motorized recreational gold prospecting within the normal high water mark of flowing waters;
- (9) Road projects: Level A road projects;
- (10) Service drops for telephone or electrical service, including associated vegetative clearing, provided:
 - (a) the line extension does not cross or run beneath a coastal wetland, or flowing water;
 - (b) the placement of wires or installation of utility poles is located entirely upon the premises of the customer requesting service, upon an established utility line easement, upon a roadway right-of-way or, in the case of telephone service, on existing utility poles; and
 - (c) the total length of the extension is less than 2,000 feet;
- (11) Signs;
- (12) Trailered ramps: Public trailered ramps within a P-WL2 or P-WL3 subdistrict or extending below the normal high water mark of flowing waters or bodies of standing water;
- (13) Trails, provided that any associated vegetation clearing or filling and grading are in conformance with the standards of 10.27,B,1,b and c,2, and 4 and 10.27,F, and provided the trails are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and

- (14) Water crossings of minor flowing waters, except water crossings of minor flowing waters on/for land management roads.

c. Uses Requiring a Permit

Except as provided for in Section 10.23,N,3,b,(3) and (5), the following uses, and related accessory structures, may be allowed within P-WL subdistricts upon issuance of a permit from the Commission according to 12 M.R.S.A. §685-B and subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Constructed ponds: Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters
 - (a) of less than 4,300 square feet in size within a P-WL2 or P-WL3 subdistrict which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
 - (b) 4,300 square feet in size or greater within a P-WL2 or P-WL3 subdistrict; and
 - (c) within a P-WL1 subdistrict;
- (2) Cranberry cultivation;
- (3) Docking structures: Temporary docking structures and moorings associated with commercial marinas and recreational lodging facilities, and moorings established for rent or lease on a commercial basis in areas not regulated by a harbor master;
- (4) Dredging, other than for riprap associated with water crossings and except as provided for in Section 10.23,N,3,b;
- (5) Driveways associated with non-residential uses within P-WL2 and P-WL3 subdistricts; driveways associated with residential uses within P-WL2 and P-WL3 subdistricts which are not in conformance with the standards of Section 10.27,H; driveways within P-WL1 subdistricts;
- (6) Filling and grading except as provided for in Section 10.23,N,3,b;
- (7) Hand-carry launches addressed in Section 10.23,N,3,b which are not in conformance with the standards of Section 10.27,L, and one public hand carry launch within a P-WL1 subdistrict on Mud Lake, approximately in the location identified on Map 35 in Volume 3;
- (8) Motorized recreational gold prospecting which is not in conformance with the standards of section 10.27, G;
- (9) Peat extraction affecting an area less than 30 acres in size;
- (10) Road projects: Level B road projects, other than crossings of minor flowing waters as provided for in Section 10.23,N,3,b;
- (11) Shoreland alterations, including reconstruction of permanent docking structures; but excluding marinas, new or expanded permanent docking structures, water access ways, trailered ramps, hand-carry launches, water crossings of minor flowing waters, and motorized recreational gold prospecting;
- (12) Signs which are not in conformance with the standards of Section 10.27,J;
- (13) Trailered ramps: Trailered ramps addressed in Section 10.23,N,3,b which are not in conformance with the standards of Section 10.27,L;
- (14) Trails which are not in conformance with the standards of Section 10.27,B,1,b and c,2, and 4 and 10.27,F;
- (15) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D, except water crossings of minor flowing waters on/for

land management roads; and water crossings of coastal wetlands, bodies of standing water, and of major flowing waters, except water crossings of coastal wetlands, bodies of standing water, and of major flowing waters on/for land management roads;

- (16) Water impoundments;
- (17) Wind projects: Community-based offshore wind energy projects, as defined in Title 12 M.R.S.A., Section 682, Subsection 19; offshore wind power projects, as defined in Title 38 M.R.S.A., Section 480-B, Subsection 6A, and wind energy development in accordance with Title 35-A, M.R.S.A., Chapter 34-A in areas identified in Appendix F herein;
- (18) Other structures, uses or services that are essential to the uses listed in Section 10.23,N,3,a through c; ~~and~~
- (19) Other structures, uses or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect, and are of similar type, scale and intensity as other allowed uses;
- (20) Remote campsites within a P-WL2 or P-WL3 subdistrict in compliance with Section 10.25,Q,1,d; and
- (21) Remote rental cabins within a P-WL2 or P-WL3 subdistrict in compliance with Section 10.25,Q,1,d.

d. Special Exceptions

Except as provided for in Section 10.23,N,3,b,(3) and (5), the following uses, and related accessory structures, may be allowed within P-WL subdistricts as special exceptions upon issuance of a permit from the Commission according to 12 M.R.S.A. §685-A(10) and subject to the applicable requirements set forth in Sub-Chapter III provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses or resources within the subdistrict with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Docking structures: New or expanded permanent docking structures;
- (2) Draining or altering of the water table or water level for other than mineral extraction;
- (3) Hand-carry launches, except as provided for in Sections 10.23,N,3,b and c;
- (4) Lobster sheds and fish sheds, as provided for in Section 10.25,T,2,p,(6);
- (5) Marinas;
- (6) Mineral exploration activities: Level A mineral exploration activities, except as provided for in Section 10.23,N,3,b,(8), and Level B mineral exploration activities;
- (7) Road projects: Level C road projects;
- (8) Trailered ramps: Trailered ramps except as provided in Section 10.23,N,3,b and c;
- (9) Utility facilities, including service drops except as provided for in Section 10.23,N,3,b; and
- (10) Water-access ways.

e. Uses Regulated by the Maine Forest Service

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

- (1) Land management roads;
- (2) Timber harvesting; and
- (3) Water crossings of minor flowing waters, major flowing waters, bodies of standing water and coastal wetlands on/for land management roads.

f. Prohibited Uses

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

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

SUB-CHAPTER III: LAND USE STANDARDS

10.24 GENERAL CRITERIA FOR APPROVAL OF PERMIT APPLICATIONS

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

10.25 DEVELOPMENT STANDARDS

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

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

A. REVIEW STANDARDS FOR STRUCTURES ADJACENT TO LAKES

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

B. REVIEW STANDARDS FOR SUBDISTRICTS IN PROSPECTIVELY ZONED AREAS

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

C. TECHNICAL AND FINANCIAL CAPACITY

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

D. VEHICULAR CIRCULATION, ACCESS AND PARKING

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

E. SCENIC CHARACTER, NATURAL AND HISTORIC FEATURES

Addendum neither replaces nor supplements 10.25,E, Scenic Character, Natural and Historic Features.

F. NOISE AND LIGHTING

1. Noise.

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

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

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

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

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

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

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

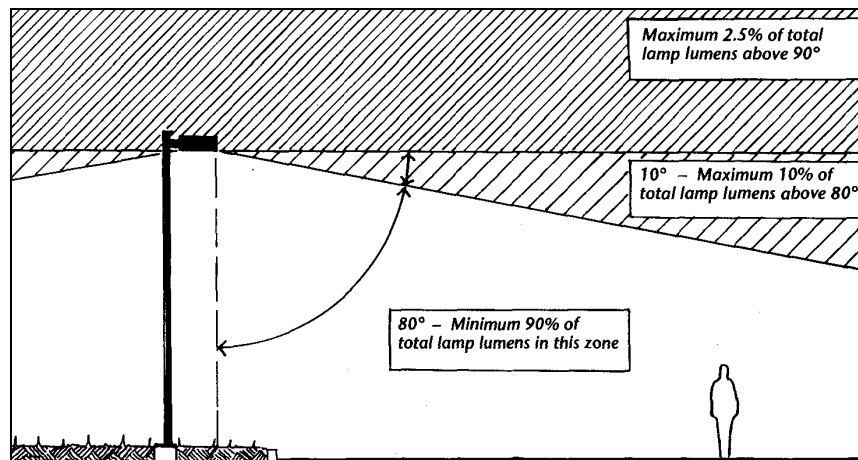


Figure 10.25,F-1. Cut-off fixture as defined by IESNA.

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

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

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

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

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

G. SOIL SUITABILITY

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

H. SOLID WASTE DISPOSAL

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

I. SUBSURFACE WASTE WATER DISPOSAL

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

J. WATER SUPPLY

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

K. SURFACE WATER QUALITY

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

L. PHOSPHORUS CONTROL

1. **The standards set forth below must be met for:**
 - a. Subdivisions located within the direct watershed of a body of standing water 10 acres or greater in size; and
 - b. Commercial, industrial or other non-residential development that creates a disturbed area of one acre or more within the direct watershed of a body of standing water 10 acres or greater in size.
2. **General Standards.**
 - a. Provision shall be made to limit the export of phosphorus from the site following completion of the development or subdivision so that the project will not exceed the allowable per-acre phosphorus allocation for the water body, determined by the Commission according to 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, and hereafter cited as the Phosphorus Design Manual.
 - b. **Impact Analysis.** The phosphorus impact analysis and control plan for a proposed subdivision or development on a water body shall be prepared using the procedures set forth in the Phosphorus Design 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.
 - c. **Erosion Control.** All filling, grading, excavation or other similar activities that result in unstabilized soil conditions must meet the standards of Section 10.25,M.
 - d. **Alternative Standard Option.** In lieu of meeting the general standard in Section 10.25,L,2,a, and conducting a phosphorus impact analysis according to Section 10.25,L,2,b, an applicant with a project that includes less than three acres of impervious area and less than five acres of developed area in a watershed of a body of standing water that is not severely blooming (as identified in 06-096 CMR 502, Appendix A), may choose to limit the export of phosphorus from the site by meeting the alternative buffer standard in Section 10.25,L,3. For the purposes of Section 10.25,L,2,d, developed area means all disturbed area, including, in the case of a subdivision, all proposed building envelopes, but excluding area that within one calendar year of being disturbed is returned to a condition with the same drainage pattern that existed prior to the disturbance and is revegetated, provided the revegetated area is not mowed more than once per year.
3. **Alternative Buffer Standard.**
 - a. To meet the alternative standard, a project must include treatment measures that will provide for effective treatment of phosphorus in stormwater. This must be achieved by using vegetated buffers to control runoff from no less than 95 percent of the impervious

area and no less than 80 percent of the developed area that is impervious, landscaped or otherwise disturbed, except as provided in Section 10.25,L,3,d below.

- 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, 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.
- (1) Buffers adjacent to residential, largely pervious or small impervious areas;
 - (2) Buffers with stone bermed level lip spreaders;
 - (3) Buffers adjacent to the downhill side of a road;
 - (4) Ditch turn-out buffers; and
 - (5) Buffers down gradient of a single family residential lot.
- c. Deed Restrictions and Covenants.** Areas designated as vegetated buffers, not otherwise protected as open space in accordance with Section 10.25,S, must be clearly identified on the subdivision plat and plans, and protected from alteration by deed restrictions and covenants.
- d. Exception for Linear Portions of a Project.** For a linear portion(s) of a project, runoff control may be reduced to no less than 75 percent of the impervious area and no less than 50 percent of the developed area that is impervious, landscaped or otherwise disturbed.

4. Design and Maintenance Standards.

- a.** Phosphorus control measures and their maintenance shall meet the design criteria contained in the “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.
- b. Structural Measures.** High maintenance structural measures, such as wet ponds and runoff infiltration systems, shall not be used as part of any proposed phosphorus control plan unless:
- (1) Other measures, such as increasing the width of vegetated buffers, greater limits on clearing, reducing road lengths, and clustering of lots to achieve less disturbed area are clearly demonstrated to be insufficient to allow the proposed development to meet the standards of this section; and

- (2) The Commission finds that the applicant has the technical and financial capabilities to properly design, construct, and provide for the long-term inspection and maintenance of the facility in accordance with the procedures in the Technical Design Manual.

M. EROSION AND SEDIMENTATION CONTROL

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

1. General Standards.

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

2. Design Standards.

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

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

3. Erosion and Sedimentation Control Plan.

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

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

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

4. Inspection.

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

N. GROUNDWATER QUALITY

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

O. AIR QUALITY

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

P. PROTECTED NATURAL RESOURCES

Addendum neither replaces nor supplements 10.25,P, Protected Natural Resources.

Q. SUBDIVISION AND LOT CREATION

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

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

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

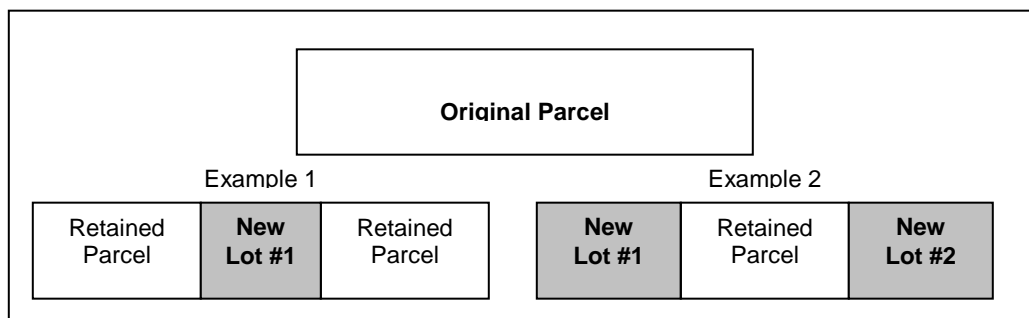


Figure 10.25,Q-1. Two examples where two new lot lines were drawn, each resulting in the creation of three parcels.

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

shall not be counted as the creation of a lot. For the renewal of leases or licenses in other than Commission approved subdivisions, a lease that is renewed within two (2) years of its expiration shall not be counted as the creation of a lot. Renewal of leases or licenses in other circumstances shall be counted as the creation of a lot.

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

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

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

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

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

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

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

- (a) The lot or parcel is held by the governmental entity for the conservation and protection of natural resources, public outdoor recreation or other bona fide public purposes and is not further sold or divided for a period of 20 years following the date of transfer; and
 - (b) At the time of transfer the transferee provides written notice to the commission of transfer of the lot or parcel, including certification that the lot or parcel qualifies for exemption under this subsection. 12 M.R.S.A. §682-B(2)
- (7) Large Lots Managed for Forest or Agricultural Management Activities or Conservation. A lot transferred or retained following transfer containing at least 5,000 acres is not counted as a lot for the purposes of this subsection, provided the lot is managed solely for the purposes of forest or agricultural management activities or conservation and the lot is not further divided for a period of at least 5 years. Nothing in this paragraph, however, shall be construed to prohibit public outdoor recreation on the lot.
- (8) Unauthorized Subdivision Lots in Existence For at Least 20 Years. A lot or parcel that when sold or leased created a subdivision requiring a permit under this chapter is not considered a subdivision lot and is exempt from the permit requirement if the permit has not been obtained and the subdivision has been in existence for 20 or more years. A lot or parcel is considered a subdivision lot and is not exempt under this subsection if:
- (a) Approval of the subdivision under 12 M.R.S.A §685-B was denied by the Commission and record of the Commission’s decision was recorded in the appropriate registry of deeds;
 - (b) A building permit for the lot or parcel was denied by the Commission under 12 M.R.S.A. §685-B and record of the Commission’s decision was recorded in the appropriate registry of deeds;
 - (c) The Commission has filed a notice of violation of 12 M.R.S.A. §685-B with respect to the subdivision in the appropriate registry of deeds; or
 - (d) The lot or parcel has been the subject of an enforcement action or order and record of that action or order was recorded in the appropriate registry of deeds. 12 M.R.S.A §682-B(5).
- (9) Existing Camp Lots. An existing camp lot, as identified on Maps 14-17 in Volume 3, is not counted as a lot for the purposes of subdivision when it is sold, licensed, or leased. In addition, the division of any other parcel of land shall not be counted for purposes of subdivision if the result of the division is to enlarge an existing camp lot, including but not limited to the addition of a back lot, making it conforming or less nonconforming with applicable Commission requirements.

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

- a. Is a division within any 5-year period of an existing parcel of land within a single contiguous ownership into (a) 5 or fewer lots or 5 or fewer dwelling units or (b) 6 to 15 lots or 6 to 15 dwelling units that meet the requirements of cluster development, Section 10.25,R;
- b. Occupies an aggregate land area of (a) 20 acres or less or (b) 30 acres or less within a subdivision that meets the requirements of cluster development, Section 10.25,R. For purposes of this section, “aggregate land area” includes lots or parcels to be offered and all roads and other infrastructure associated with the subdivision, but excludes open space;
- c. Is located within 1,000 feet of a public roadway;
- d. Is located no more than one mile by road from existing compatible development;
- e. Is located wholly on land within an M-FRL-GN Zone ~~subdistrict~~ or within a development subdistrict where level 2 subdivisions are allowed, except that up to 10 percent of the aggregate land area may be designated or identified as a flowing water or wetland at the time of the filing of a subdivision application; and
- f. Is located wholly in a township, plantation or town within the jurisdiction of the Commission listed in Table 10.25,Q-1, below.

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

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

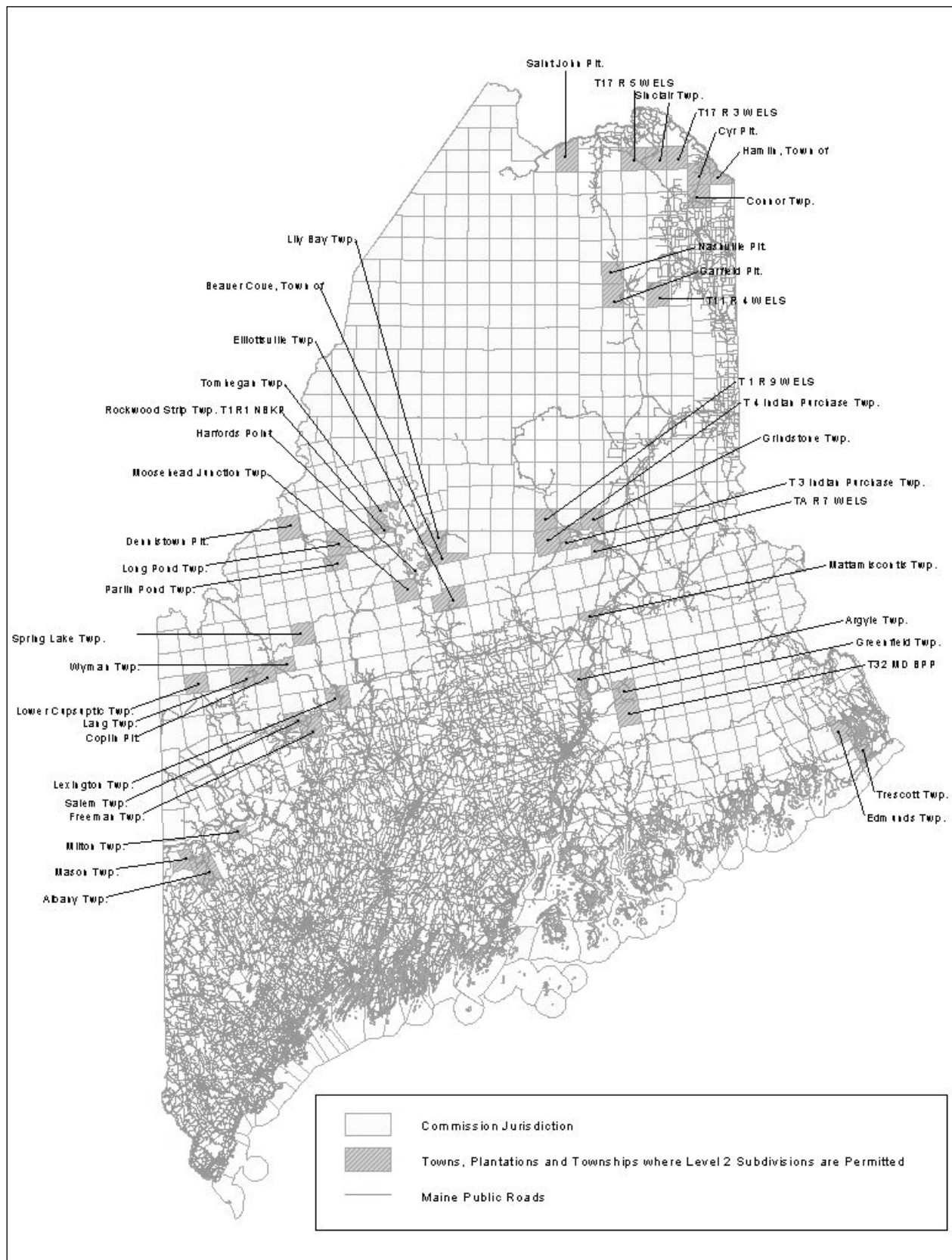


Figure 10.25,Q-2. Towns, plantations and townships where Level 2 subdivisions are permitted.

3. Layout and Design for all Subdivisions.

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

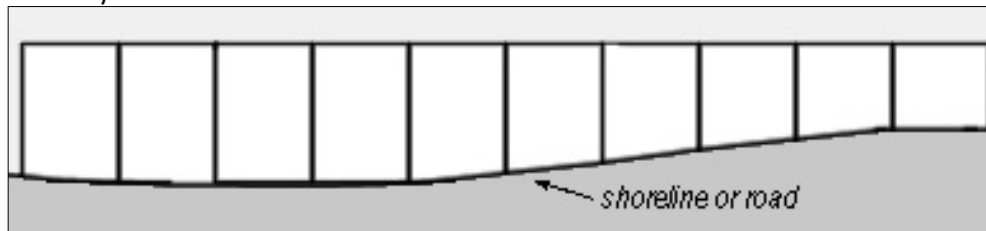


Figure 10.25,Q-3. Linear placement of lots along roadways or shorelines.

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

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

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

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

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

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

- d. Building envelopes shall be marked and identified on the subdivision plat for each proposed lot in accordance with the following requirements:
 - (1) Building envelopes shall identify all areas within each subdivision lot where structural development may occur;
 - (2) Building envelopes shall be arranged to conform with the minimum water body, road and property line setback and maximum lot coverage requirements, as provided in Section 10.26; and
 - (3) Where practicable, building envelopes shall be arranged so as to avoid the placement of structures and driveways along ridge lines, on agricultural land, wetlands, slopes greater than 20 percent, or any other important topographic and natural features.
- e. Subdivisions proposed with mixed residential, commercial, or civic uses shall also meet the following requirements:
 - (1) Commercial uses must fit the size, scale and intensity of the surrounding residential uses; and
 - (2) A combination of residential, commercial, or civic uses on a single lot is allowed only if the most restrictive dimensional requirements, as provided in Section 10.26, are met and provided that the commercial or civic uses are otherwise compatible with residential uses.
- f. All subdivision and lot boundary corners and angle points shall be marked by suitable, permanent monumentation as required by the Maine Board of Registered Land Surveyors.
- g. Shorefront subdivisions with proposed permanent docks, trailered ramps, hand-carry launches or water-access ways shall comply with the requirements of Section 10.27,L,2.

4. Spaghetti-lots.

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

5. Subdivision Redistricting Considerations.

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

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

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

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

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

7. Recording of Large Lot Land Divisions.

- a.** When 3 to 10 lots each containing at least 40 acres are created within a 5-year period and are located more than 1,320 feet from the normal high water mark of any great pond or river and more than 250 feet from the upland edge of a coastal or freshwater wetland as those terms are defined in 38 M.R.S.A. §436-A, a plan showing the division of the original parcel must be filed by the person creating the 3rd lot with the Commission within 60 days of the creation of that lot. The plan must state that the lots may be used only for forest management, agricultural management or conservation of natural resources. A "Guide to Certification of Plans for Large Lot Land Divisions" is available from the Commission that details submission requirements.
- b.** The Commission shall determine whether the plan qualifies under 12 M.R.S.A §682-B, ordinarily within 15 days of receipt of plan.

A copy of the certified plan must be filed, within 30 days of certification by the Commission, with the State Tax Assessor and the appropriate registry of deeds in the county in which the land is located. A register of deeds may not record any plan depicting these lots unless the Commission's certification that the division qualifies under 12 M.R.S.A §685-B is evidenced on the plan. 12 M.R.S.A. §685-B(6-A)

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

R. CLUSTER DEVELOPMENT

1. Applicability.

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

2. Cluster Development Standards.

- a. Cluster subdivisions shall provide for a reasonable balance between development and conservation. Specifically, cluster subdivisions shall ~~reserve~~utilize no more than 50 percent of net developable land for development and, within shorefront subdivisions, shall ~~reserve~~utilize no more than 50 percent of net developable shorefront for development.
 - (1) For the purposes of this section, “net developable land” is the area of a parcel which, as determined by the Commission, is suitable for development. The area shall be calculated by subtracting the following from the total acreage of the parcel:
 - (a) Portions of the parcel subject to rights-of-way and easements for vehicular traffic; and
 - (b) Unbuildable land which includes, without limitation, land that has a low or very low soil potential rating, in accordance with Section 10.25,G, or contains sensitive areas such as slopes exceeding ~~20~~25 percent, water bodies or wetlands.
 - (2) For the purposes of this section, “net developable shorefront” is land that:
 - (a) Meets the minimum water body setback requirements of Section 10.26,D;
 - (b) Does not have a low or very low soil potential rating, in accordance with Section 10.25,G; and
 - (c) Contains land area at least 40,000 contiguous square feet in size that is not comprised of sensitive areas such as slopes exceeding ~~20~~25 percent, water bodies or wetlands.

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

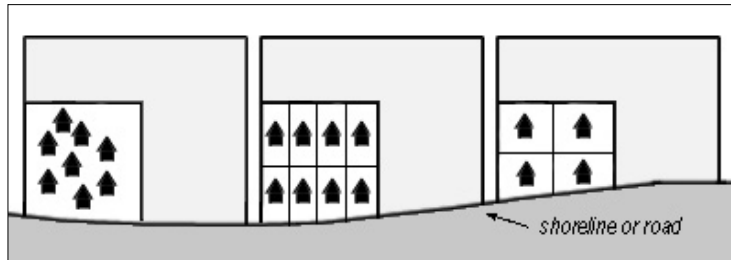


Figure 10.25,R-1. From left to right, (1) clustering on a commonly-owned parcel, (2) clustering on individual parcels with reduced lot size and frontage, and (3) clustering on individual parcels without reduced lot size or frontage.

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

S. OPEN SPACE

Addendum neither replaces nor supplements 10.25,S, Open Space.

T. ACTIVITIES IN FLOOD PRONE AREAS

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

U. AFFORDABLE HOUSING

Addendum neither replaces nor supplements 10.25,U, Affordable Housing.

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

SUB-CHAPTER III: LAND USE STANDARDS

10.26 DIMENSIONAL REQUIREMENTS

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

A. MINIMUM LOT SIZE

1. Residential Uses and Residential Campsites.

The minimum lot size for residential uses is 40,000 square feet per dwelling unit or residential campsite except where each dwelling unit is to use a common or community sewer and not on-site subsurface waste water disposal, the minimum lot size shall be 20,000 square feet per dwelling unit. The minimum lot size for residential campsites, and single-family dwelling units, and remote rental cabins is 20,000 square feet. The minimum lot size for all other residential dwelling units is 40,000 square feet.

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

The minimum lot size for commercial, industrial, and other non-residential uses involving one or more buildings is 40,000 square feet, except as provided in Sections 10.26,A,3 and 10.26,A,4.

3. Campsites.

There shall be no minimum lot size requirement for lots developed only with a campsite.

4. Water Access Sites.

The minimum lot size for a water access site is 20,000 square feet, except for public trailered ramps, which shall have a minimum lot size of 40,000 square feet.

5. Community and Economic Development Areas.

In addition to the minimum lot size requirements, the following limitations also apply to lots in Community and Economic development areas:

- a. CD-1 Development Area: No more than 50% of the development area shall be developed and there shall be no more than 30 lots.
- b. CD-2 Development Area: No more than 50% of the development area shall be developed and there shall be no more than 30 lots.
- c. CD-3 Development Area:
 - i. For CD-3a Development Area, there shall be no more than 4 lots;
 - ii. For CD-3b Development Area, there shall be no more than 4 lots; and

- iii. For CD-3c Development Area, there shall be no more than 4 lots.
- d. CD-4 Development Area: No more than 50% of the development area shall be developed and in no case shall there be more than 30 lots.

B. MINIMUM SHORELINE FRONTAGE

1. For lots fronting on a flowing water draining more than 2 square miles but less than 50 square miles, a body of standing water less than 10 acres in size, or a coastal wetland, the minimum shoreline frontage shall be:
 - a. 150 feet per dwelling unit for residential uses;
 - b. 200 feet for commercial, industrial, and other non-residential uses involving one or more buildings; ~~and~~
 - c. 150 feet for a lot that only contains a residential campsite-;
 - d. 100 feet for a lot that contains a hand carry launch;
 - e. 200 feet for a lot that contains a trailered ramp; and
 - f. 100 feet per dock for a site that contains a docking structure.
2. For lots fronting on a flowing water draining 50 square miles or more or a body of standing water 10 acres or greater in size, the minimum shoreline frontage shall be:
 - a. ~~200~~150 feet per dwelling unit for residential uses;
 - b. 300 feet for commercial, industrial, and other non-residential uses involving one or more buildings; ~~and~~
 - c. 200 feet for a lot that only contains a residential campsite-;
 - d. 100 feet for a lot that contains a hand carry launch;
 - e. 200 feet for a lot that contains a trailered ramp; and
 - f. 100 feet per dock for a site that contains a docking structure.
3. In the case of a lot which borders more than one water body, the shoreline frontage requirement must be met on each water body bordered by the lot.
4. Frontage shall be measured in a straight line between the points of intersection of side lot lines with the normal high water mark of the shoreline.
5. The minimum width of any portion of any lot within 100 feet, horizontal distance, of the normal high water mark of a water body shall be equal to or greater than the applicable minimum shoreline frontage requirement.
6. ~~The shoreline frontage may be waived to no less than 200 feet for public boat launches where~~ The Commission may reduce the shoreline frontage to no less than 75 feet at sites with either a hand carry launch or a docking structure if the applicant demonstrates there will be no undue adverse impact to surrounding uses.

7. There shall be no minimum shore frontage requirement for lots developed only with a campsite.

C. MINIMUM ROAD FRONTAGE

1. Except as provided for in Section 10.26,C,6 below, the minimum road frontage shall be:
 - a. 100 feet per dwelling unit for residential uses;
 - b. 200 feet for commercial, industrial, and other non-residential uses involving one or more buildings; ~~and~~
 - c. 100 feet for a lot that only contains a residential campsite;
 - d. 100 feet for a lot that contains a hand carry launch;
 - e. 200 feet for a lot that contains a trailered ramp; and
 - f. 100 feet per dock for a site that contains a docking structure.
 2. These requirements apply to any privately or publicly owned road that is used for public access, including roads used by the public for which a toll is paid.
 3. Where the lot is located at the end of a road or on a circular turnaround with an outside diameter of less than 25 feet, the road frontage requirements shall not apply.
 4. Frontage shall be measured along the traveled portion of the road between the points of intersection of side lot lines with the traveled portion of the road.
 5. In the case of a lot which borders more than one road, the road frontage requirement must be met on at least one road bordered by the lot.
- 6. Flexible Road Frontage Requirements In Prospectively Zoned Areas.**
- a. Except on state or state-aid highways, road frontage requirements for commercial and residential development in the D-GN, D-GN2, D-GN3, D-RS, and D-RS2 may be reduced below those listed above in order to allow the proposed development to conform with the prevailing frontage in its immediate vicinity. The prevailing frontage is the average frontage of those lots within 500 feet on either side of the subject parcel.
 - b. Reductions in road frontage shall be approved only when they will not cause an increased risk of accidents or impact the posted speed of the road.
7. There shall be no minimum road frontage requirement for lots developed only with a campsite or for lots developed with a remote rental cabin that do not front on a road.

D. MINIMUM SETBACKS

1. The minimum setbacks for structures, other than those described in Sections 10.26,D,2 and 10.26,D,4 and except as provided in Section 10.26,G are:
 - a. 75 feet from the nearest shoreline of a flowing water draining less than 50 square miles, a body of standing water less than 10 acres in size, or a coastal wetland, and from the upland edge of wetlands designated as P-WL1 subdistricts;
 - b. 100 feet from the nearest shoreline of a flowing water draining 50 square miles or more and of a body of standing water 10 acres or greater in size;
 - c. 50 feet from the traveled portion of all roadways except as provided for in Section 10.26,D,1,d and e or Section 10.26,D,5 below;
 - d. 30 feet from the travelled portion of all roadways within the D-FRL-RS and D-FRL-GN zones;~~75 feet from the traveled portion of the following roadways: Routes 1, 2, 2A, 4, 9, 27, 163, 201, 161 from Caribou to Fort Kent, 157 in TA R7 (Penobscot County), and 6 in Orneville Township (Piscataquis County), except as provided for in Section 10.26,D,5;~~
 - e. 20 feet from the traveled portion of all roadways on coastal islands; and
 - f. 15 feet from side and rear property lines.

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

2. The minimum setbacks for multi-family dwellings and commercial, industrial, and other non-residential principal and accessory structures, other than those described in Section 10.26,D,1 and 3 and except as provided in Sections 10.26,G and 10.27,Q are:
 - a. 100 feet from the nearest shoreline of a flowing water draining less than 50 square miles, a body of standing water less than 10 acres in size, or a wetland, ~~and from the upland edge of wetlands designated as P-WL1 subdistricts, and in the CD-2 development area, from the travelled portion of Route 162;~~
 - b. 150 feet from the nearest shoreline of a flowing water draining 50 square miles or more and a body of standing water 10 acres or greater in size;
 - c. 75 feet from the traveled portion of the nearest roadway except as provided for in Sections 10.26,D,2,a, 10.26,D,2,d, 10.26,D,2,g, and 10.26,G below;
 - d. 20 feet from the traveled portion of all roadways on coastal islands; ~~and~~
 - e. 25 feet from the side and rear property lines and from the travelled portion of all interior subdivision roadways in the CD-1, CD-2, CD-3, and CD-4 development areas;
 - f. 20 feet for trailered ramps, docking structures, and hand carry launches, from the side and rear property lines or, below the nearest shoreline of a flowing water or body of standing

water, from an imaginary line measured in a straight line from the points of intersection of the side property lines with the shoreline; and

- g.** 25 feet from the travelled portion of Route 161 in the CD-2 and CD-3 development areas.

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

- 3.** These requirements apply to any privately or publicly owned road that is used for public access, including roads used by the public for which a toll is paid.

4. Campsites and Remote Rental Cabins.

- a.** Campsites shall be set back such that the area designed for camping, including cleared or graded areas, fire rings, tables, and related construction, is at least 75 feet from shorelines, 25 feet from property lines, 30 feet from roads in D-FRL-RS and D-FRL-GN zones, and 50 feet from roads in all other development zones, and 25 feet from property lines. Any structure located at or as part of a campsite shall also be set back 75 feet from the upland edge of wetlands designated as P-WL1 subdistricts. Notwithstanding the above, the area designed for camping must be set back at least 10 feet from roads internal to a campground, and campsite parking areas may be located adjacent to such roads, except that the Commission may require a greater setback where necessary due to site conditions in order to protect public safety.
- b.** Remote campsites and remote rental cabins shall be set back at least 50 feet from roads, 25 feet from property lines, and 25 feet from shorelines, except that the Commission may require a greater setback from shorelines for remote campsites where necessary due to site conditions in order to avoid accelerated soil erosion or sedimentation of surface waters.

5. Flexible Building Setbacks in Prospectively Zoned Areas.

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

E. MAXIMUM LOT COVERAGE

1. Except as provided in Sections 10.26,E,3, 10.26,E,4, and 10.26,E,5 below, the maximum lot coverage shall be 30% for all uses involving one or more buildings.
2. "Coverage" shall be calculated by determining the percentage of lot area covered by all structures including driveways, sidewalks, parking lots and other impervious surfaces.
3. **Flexible Lot Coverage Requirements in Prospectively Zoned Areas Outside of the Shoreland Areas.**
 - a. For commercial and institutional development outside the shoreland area in the D-GN, D-GN2, D-GN3, D-RS, and D-RS2 subdistricts that is proposed on lots of 2 acres or less, lot coverage may be increased to 50%. This waiver shall be granted in order to accommodate in-fill development or compact development patterns that promote pedestrian access and social interaction, provided there is no adverse impact on water bodies from surface water runoff.
4. For lots in a ~~D-CI subdistrict~~ D-FRL-CI Zone that are not within 250 feet of a major flowing water or a body of standing water 10 acres or greater in size, the maximum lot coverage shall be 50% for all uses involving one or more buildings.
5. For lots in a D-MT subdistrict, the maximum lot coverage shall be 50% for all uses, except residential uses, involving one or more buildings. For residential uses in the D-MT the lot coverage standard in Section 10.26,E,1 shall apply.
6. In addition to the maximum lot coverage standard, structures in the CD-1 ~~D~~ development Area shall have a footprint on any lot no greater than 4,000 square feet for any portion of the structure located within 250 feet of the traveled portion of Route 162.

F. MAXIMUM STRUCTURE HEIGHT

1. Except as provided for in Section 10.26,F,2, ~~and 4,~~ and 5 below, the maximum structure height shall be:
 - a. ~~75~~35 feet for residential uses, campsites, and residential campsites; and
 - b. ~~100~~60 feet for commercial, industrial, and other non-residential uses involving one or more structures, except as provided in Section 10.26,F,5.
2. Except as provided for in Section 10.26,F,5 below, ~~S~~structures within 500 feet of the normal high water mark of a body of standing water 10 acres or greater or coastal wetland shall be no higher than ~~30~~35 feet. The Commission may apply this provision at greater distances from the normal high water mark of bodies of standing water having significant or outstanding scenic values where there is the likelihood that such structures would have an adverse impact on scenic values. Bodies of standing water having such scenic values are shown in Appendix C.
3. Features of structures which contain no floor area such as chimneys, towers, ventilators and spires and freestanding towers and turbines may exceed these maximum heights with the Commission's approval.

4. Structure Height in Prospectively Zoned Areas.

- a. In areas beyond 500 feet of the normal high water mark of a body of standing water 10 acres or greater, structure height in the D-GN, D-GN2, D-GN3, D-RS, D-RS2, D-RS3, D-CI, and D-ES in prospectively zoned areas shall be limited to 35 feet. Structures used for agricultural management, structures with no floor area, or features of buildings which contain no floor area such as chimneys, towers, ventilators, and spires may exceed these maximum heights with the Commission's approval.
 - b. Structures within 500 feet of the normal high water mark of a body of standing water 10 acres or greater in size shall conform to the provisions of Section 10.26,F,2 above.
5. In the CD-1, CD-2, and CD-3 development areas, the maximum structure height for commercial, industrial, and non-residential uses shall be 35 feet for any portion of a structure within 250 feet of the travelled portion of Routes 161 or 162.

G. EXCEPTIONS TO DIMENSIONAL REQUIREMENTS

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

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

17. The Commission may apply the dimensional requirements and standards for recreational lodging facilities in accordance with Section 10.27,Q.
18. For lots improved with public recreational facilities other than water access sites the minimum lot size is 20,000 square feet, the minimum shoreline frontage is 100 feet, and the minimum road frontage is 100 feet, provided:
 - a. the abutting land is subject, in perpetuity, to legally binding provisions that prohibit incompatible land uses in locations that would be adversely affected by the public recreational facility, and
 - b. the public recreational facility is otherwise sufficiently sized to fulfill the use for which it is designed.

~~For lots improved with a public trailered ramp or public hand-carry launch that do not satisfy the above provisions, but where the ramp or launch will not have an undue adverse impact on existing uses in the project area, the minimum shoreline frontage is 200 feet. Except as provided here, the dimensional requirements contained in Section 10.26,A through F apply to lots improved with public recreational facilities. For purposes of this section, public recreational facilities are trailered ramps and hand-carry launches; trailheads; and associated facilities; that are owned, leased, or operated by a public entity and made available with or without a fee.~~

19. The Commission may reduce the minimum lot size, minimum shore frontage, minimum setbacks, and maximum lot coverage for lots developed solely with a remote rental cabin or remote campsite.
20. The Commission may reduce the minimum road setback requirement for stores, commercial recreational uses and entertainment or eating establishments having a gross floor area of 2,500 square feet or less within the CD-1 development area, provided that the number of curb cuts on Route 162 is minimized; parking is located in the rear of the building; and a road setback is reduced to no less than 50 feet from the traveled portion of Route 162.
21. The Commission may reduce the minimum road frontage requirement for commercial and industrial uses within the CD-2 development area to be consistent with the prevailing road frontage on neighboring lots, but only upon a finding that the existing character of the area will be maintained and that any reduction will not have an adverse impact on public safety. The prevailing road frontage is the average road frontage of developed lots within 1,000 feet of the subject parcel.
22. The Commission may reduce the minimum setback requirement for commercial and industrial uses within the CD-2 and CD-3 development areas to be consistent with the prevailing setback on adjacent lots, but only upon a finding that the existing character of the area will be maintained and that any reduction will not have an adverse impact on public safety. The prevailing setback is the average setback of those principal and accessory structures on an abutting lot and within 500 feet of the subject parcel.

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

SUB-CHAPTER III: LAND USE STANDARDS

10.27 ACTIVITY-SPECIFIC STANDARDS

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

A. AGRICULTURAL MANAGEMENT ACTIVITIES

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

B. VEGETATION CLEARING

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

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

1. A vegetative buffer strip shall be retained within:
 - a. 50 feet of the right-of-way or similar boundary of any public roadway, except as provided for in Section 10.27,B,1,b,
 - b. 30 feet of the right-of-way or similar boundary of any public roadway in D-FRL-RS or D-FRL-GN zones,
 - c. 75 feet of the normal high water mark of any body of standing water less than 10 acres in size, or any coastal wetland or flowing water draining less than 50 square miles, and
 - d. 100 feet of the normal high water mark of a body of standing water 10 acres or greater in size or flowing water draining 50 square miles or more.
2. Within this buffer strip, vegetation shall be maintained as follows:
 - a. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath is permitted, provided it does not exceed six (6) feet in width as measured between tree trunks, and, has at least one bend in its path to divert channelized runoff.
 - b. Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other natural vegetation is maintained.

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

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

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

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

The following shall govern in applying this rating system:

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

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

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

- 3.** At distances greater than one hundred (100) feet, horizontal distance, from the normal high water mark of a body of standing water greater than 10 acres, no more than 40% of the total basal area of trees four inches or more in diameter, measured at 4½ feet above ground level, may be removed in any ten (10) year period. In no instance shall cleared openings exceed, in the aggregate, 10,000 square feet, including land previously cleared. These provisions apply to areas within 250 feet of all bodies of standing water greater than ten (10) acres, and to the full depth of the P-AL zone. This requirement does not apply to the development of uses allowed by permit.
- 4.** Cleared openings legally in existence as of June 7, 1990 may be maintained, but shall not be enlarged except as permitted by these regulations.
- 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 removal of vegetation in conjunction with a shoreline stabilization project; or (iv) as part of a mitigation plan for clearing associated with a recreational lodging facility, the revegetation must comply with the following requirements.

 - a.** The property owner must submit a revegetation plan, prepared with and signed by a qualified professional (examples include: arborist, forester, landscape architect, U.S.D.A. Natural Resources Conservation Service), that describes revegetation activities and maintenance. The plan must include a scaled site plan depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.
 - b.** Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed. When part of a mitigation plan, revegetation must occur along the same segment of shoreline, road, or other resource affected by proposed uses or development, and at a density and configuration comparable to other naturally occurring forests on the site or in the vicinity.
 - c.** Revegetation activities must meet the following requirements for trees and saplings:

 - (1) All trees and saplings removed must be replaced with native noninvasive species;
 - (2) Replacement vegetation must at a minimum consist of saplings;
 - (3) If more than three trees or saplings are planted, then at least three different species shall be used;
 - (4) No one species shall make up 50% or more of the number of trees and saplings planted;
 - (5) If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed,

- then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
- (6) A survival rate of at least 80% of planted trees or saplings is required for a minimum five years period from the time of planting. Replanting of trees or saplings that did not survive does not trigger a new five year period.
- d.** Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three feet in height:
- (1) All woody vegetation and vegetation under three feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three feet in height as applicable;
 - (2) Woody vegetation and vegetation under three feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (3) If more than three woody vegetation plants are to be planted, then at least three different species shall be planted;
 - (4) No one species shall make up 50% or more of the number of planted woody vegetation plants; and
 - (5) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for a minimum of five years from the time of planting. Replanting of trees or saplings that did not survive does not trigger a new five year period.
- e.** Revegetation activities must meet the following requirements for ground vegetation and ground cover:
- (1) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (2) Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
 - (3) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within Section 10.27,B for a minimum of five years from the time of planting.
- f.** The applicant may propose, and the Commission may approve or require, variations from the standards in Section 10.27,B,5,c through e if necessary to achieve effective buffering. The Commission may exempt an individual, whether an applicant or violator, from the requirement that the revegetation plan be prepared by a qualified professional in accordance with Section 10.27,B,5,a, when the proposed revegetation is routine and would not affect a particularly sensitive resource.

C. MINERAL EXPLORATION AND EXTRACTION

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

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

1. Mineral Exploration. The following requirements shall apply to mineral exploration activities:

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

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

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

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

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

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

- d. Access way approaches to flowing waters shall be located and designed so as to divert water runoff from the way in order to prevent such runoff from directly entering the stream.
 - e. In addition to the foregoing minimum requirements, when conducting mineral exploration activities and creating and maintaining associated access ways, provision shall be made to effectively stabilize all area of disturbed soil so as to reasonably avoid soil erosion and sedimentation of surface waters. These measures shall include seeding and mulching if necessary to insure effective stabilization.
- 2. Mineral Extraction.** The following requirements shall apply to mineral extraction activities in all subdistricts:
- a. A vegetative buffer strip shall be retained between the ground area disturbed by the extraction activity and:
 - (1) 75 feet of the normal high water mark of any body of standing water less than 10 acres in size, any flowing water draining less than 50 square miles, coastal wetland, or wetland identified as a P-WL1 subdistrict; and
 - (2) 100 feet of the normal high water mark of any body of standing water 10 acres or greater in size or flowing water draining 50 square miles or more.
 - b. No portion of any ground area disturbed by the extraction activity shall be closer than 250 feet from any public roadway, or 250 feet from any property line in the absence of the prior written agreement of the owner of such property.
 - c. Within 250 feet of any water body the extraction area shall be protected from soil erosion by ditches, sedimentation basins, dikes, dams, or such other control devices which are effective in preventing sediments from being eroded or deposited into such water body.

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

D. ROADS AND WATER CROSSINGS

Addendum neither replaces nor supplements 10.27,D, Roads and Water Crossings.

E. TIMBER HARVESTING

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

F. FILLING AND GRADING

Addendum neither replaces nor supplements 10.27,F, Filling and Grading.

G. MOTORIZED RECREATIONAL GOLD PROSPECTING

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

H. DRIVEWAYS ASSOCIATED WITH RESIDENTIAL STRUCTURES AND USES

Addendum neither replaces nor supplements 10.27,H, Driveways Associated with Residential Structures and Uses.

I. PESTICIDE APPLICATION

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

J. SIGNS

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

K. WATER IMPOUNDMENTS

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

L. WATER ACCESS SITES

1. Limitations on Number of Water Access Sites

- a. The number of new water access sites within the Plan area developed after the effective date to serve the development areas shall be limited as follows:

<u>Development Area</u>	<u>Number of New Water Access Sites to Serve Development Area</u>
<u>Long Lake A</u>	<u>2</u>
<u>Long Lake B</u>	<u>1</u>
<u>Cross Lake A</u>	<u>1</u>
<u>Cross Lake B</u>	<u>1</u>
<u>Cross Lake C</u>	<u>1</u>
<u>Cross Lake D</u>	<u>1</u>
<u>Cross Lake E</u>	<u>2</u>
<u>Square Lake E & Square Lake Yexas</u>	<u>Each allowed 2, provided the other has only 1. Under no circumstances, will more than 1 trailered ramp be allowed between them.</u>
<u>Square Lake W</u>	<u>1 (no trailered ramp allowed)</u>

- b. The number of new water access sites within the Plan area developed after the effective date to serve other locations shall be limited as follows:

<u>Location in Plan Area</u>	<u>Number of New Water Access Sites to Serve Location</u>
<u>Mud Lake</u>	<u>1 (public hand carry launch only)</u>
<u>Carry Pond</u>	<u>1 (hand carry launch and picnic shelter only)</u>
<u>Dickey Pond</u>	<u>1 (hand carry launch and picnic shelter only)</u>
<u>Little California Pond</u>	<u>1 (hand carry launch and picnic shelter only)</u>

2. Standards for Water Access Sites

Unless otherwise indicated, all water access sites must meet the following requirements. In addition, 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.

- a. **Minimize Shoreline Disturbance.** Water access sites must be sited and designed to minimize, to the greatest extent practicable, the amount of shoreline used and to limit clearing along the shoreline.
- b. **Maintenance.** Every application for a permit, or permit by special exception, for a water access site must contain a description of the procedures the applicant will follow to

- maintain the facility on an ongoing basis to minimize erosion, sedimentation, and transport of phosphorus into the water body.
- c. **Erosion.** Eroded soil or fill material from disturbed areas must be prevented from entering a water body. Properly installed erosion control measures, such as staked hay bales and silt fence, must be in place before construction of the water access site begins. These erosion control measures must remain in place, functioning as intended, until the project area is permanently stabilized. Erosion and sedimentation control measures must comply with “Maine Erosion and Sediment Control BMPs,” Maine Department of Environmental Protection, as may be amended from time to time.
 - d. **Runoff Diversion.** Parking areas, access roads, and pathways must divert runoff away from the water body to an area where it will infiltrate into the ground or pass through a sedimentation basin before reaching the water body or otherwise receive appropriate treatment.
 - e. **Geoweb.** Geoweb cellular confinement systems must not be used below or within two vertical feet above the normal high water mark of the water body.
 - f. **Concrete.** Uncured concrete must not be placed directly into the water. Concrete must be pre-cast and cured at least three weeks before placing it in the water or, where necessary, must be placed in forms and must cure at least one week before the forms are removed.
 - g. **Washing.** No washing of tools, forms, or equipment used to construct the water access site may occur in or adjacent to the water body or wetland.
 - h. **Lumber.** The use of untreated lumber is preferred. Pressure-treated wood approved by the U.S. Environmental Protection Agency for dock construction may be used. Chromated copper arsenate (CCA) treated wood must not be used. Creosote or pentachlorophenol (PCP) treated wood must not be used.
 - i. **Machinery in Water.** Machinery may enter the water traveling or operating only on newly placed material or temporary mats and only when necessary to excavate or place material below the water level.
 - j. **Debris.** Any debris generated during the work must be prevented from washing into the wetland or water body. If such debris does wash into the water, it must be removed from the wetland or water body. Disposal of debris must be in conformance with the Solid Waste Law, 38 M.R.S. § 1301 et seq.
 - k. **Parking Area Buffer.** Minimum shoreline buffer for parking areas serving water access sites: A vegetated or landscaped buffer at least 75 feet wide and sufficient to maintain an effective visual screen and protect water quality must be maintained or established to the greatest extent practicable between any parking area and the water body.
 - l. **Property Line Buffer.** Minimum property line buffer for parking areas serving water access sites: A vegetated or landscaped buffer at least 20 feet wide and/or an architectural screen sufficient to maintain an effective visual screen must be maintained or established to the greatest extent practicable between any parking area and the side property lines of the lot.

- m. **Temporary Structures.** Once the locations, dimensions, and types of water access sites have been approved as part of a subdivision or development permit, temporary docking structures and temporary on-shore structures may be installed and re-installed without additional permits.
- n. **Access.** Any water access site located in a given development area must be open and accessible to all lot owners within that development area.
- o. **Associated Docking Systems.** For a public or commercial trailered ramp, an additional area up to 8 feet wide may be constructed using bituminous pavement, precast concrete planks, panels or slabs to support docking systems.

3. Standards for Specific Types of Water Access Sites

Specific types of water access sites must meet the following standards, in addition to those of Sections 10.26, as applicable, and 10.27,L,1 and 10.27,L,2:

- a. Hand carry launches:
 - i. The hand carry launch area and access pathway must not be paved and must be constructed of gravel, rock, vegetation, or other natural erosion resistant materials.
 - ii. The sloped portion of the launch above the normal high water mark must have a slope no greater than 18%.
 - iii. The access pathway must have a maximum width of 6 feet and must have at least one bend to divert channelized runoff.
 - iv. A landing area that is cleared of obstructions must be no wider than 20 feet and must extend no more than 20 horizontal feet below the normal high water mark.
 - v. Filled or cut slopes at or below the normal high water mark must be protected with riprap.
- b. Docking structures shall be no longer than necessary, not to exceed 150 feet. If, however, the applicant demonstrates that 150 feet is impracticable, the Commission may allow the dock to be up to 200 feet in length.
- c. Trailered ramps:
 - i. A trailered ramp having a slope in excess of 8% must be hard-surfaced except where the entity responsible for maintaining the water access site 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 are likely to occur, the owner or operator shall insure that appropriate measures are taken to prevent and/or repair such erosion.
 - ii. The portion of the trailered ramp used by the towing vehicle must have a slope no greater than 15% within 100 feet of the normal high water mark. The portion of the trailered ramp used by the trailer only must have a slope no greater than 20%.
 - iii. The width of the trailered ramp must not exceed 20 feet for public or commercial trailered ramps, or 10 feet for private trailered ramps.

- iv. The uppermost 6 inches of the base of the trailered ramp must consist of crushed rock or screened gravel having 5% or less material passing a 200 mesh sieve.
- v. Cut or filled slopes at or below the normal high water mark must be protected with riprap; cut or filled slopes above the normal high water mark must be protected by vegetation or riprap so they do not erode.
- vi. The total area disturbed in the construction of a trailered ramp shall not exceed 1,000 square feet within 50 feet of the normal high water mark.
- vii. Demonstration of Need.

With the exception of a new trailered ramp in either Square Lake E or Square Lake Yexas, the Commission will not approve a new trailered ramp unless it finds that there is a demonstrated need for the trailered ramp that cannot practicably be met with existing facilities that serve the water body.

In such a situation, as part of its application, the applicant shall provide the Commission with an analysis of existing boating infrastructure for the specific water body in question and the impacts of proposed development on, or the need for, an additional trailered ramp. At a minimum, the analysis shall:

- a. Identify the applicable lake and its character; the development area(s) triggering a need for an additional trailered ramp, and their relationship to the lake; and the existing type and frequency of use of the lake.
 - b. Evaluate the type and location of existing, public or commercial trailered ramps on the lake, including their frequency of use, availability of parking, and other relevant issues.
 - c. Demonstrate the need for a new trailered ramp, including an analysis of the anticipated type and frequency of use, the timing of the anticipated need, and the potential impacts to the lake.
- viii. Avoidance of Water Bodies. No portion of a trailered ramp or related facilities may be located in, on, or over wetlands, other than the water body being accessed, identified as P-WL1 on the Commission's zoning map for the project area. Parking areas, access roads, and paths must not be located in a stream, wetland designated as P-WL1, or other water body, except that an access roadway may cross a stream if requirements of Section 10.27,D, pertaining to water crossings, are met.
- d. Accessory structures at water access sites must:
- i. Contain no more than 200 square feet of floor area per structure;
 - ii. Not be constructed on a permanent foundation;
 - iii. Not be habitable or inhabited;
 - iv. Except for water dependent structures, be located not less than 25 feet from the normal high water mark of any water body or watercourse; and

- v. Be screened by vegetation or topography from the water body.

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

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

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

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

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

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

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

2. Facilities Associated with Shorefront Subdivisions.

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

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

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

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

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

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

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

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

~~Unless otherwise 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.~~

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

control measures must comply with “Maine Erosion and Sediment Control BMPs,” Maine Department of Environmental Protection, March 2003.

- b. ~~Avoidance of Water Bodies.~~** No portion of a ramp or related facilities may be located in, on, or over wetlands, other than the water body being accessed, identified as P-WL1 on the Commission’s zoning map for the project area. Parking areas, access roads, and paths must not be located in a stream, wetland designated as P-WL1, or other water body, except that an access roadway may cross a stream if requirements of Section 10.27.D, pertaining to water crossings, are met.
- c. ~~Maintenance of Vegetated Buffer.~~** Trailered ramps, hand-carry launches, and associated facilities must be designed to minimize disturbance to the water body’s vegetated buffer. A vegetated buffer zone at least 25 feet wide for public facilities (100 feet for private facilities) must be maintained or established between any parking area and the water body. In the case of private trailered ramps, if the lot does not have a well-established vegetated buffer consisting of trees, shrubs and woody or herbaceous ground cover within 100 feet of the normal high water mark of the water body, the applicant must propose to enhance the existing shoreland buffer to compensate for the loss of vegetated buffer due to construction of the ramp.
- d. ~~Runoff Diversion.~~** Parking areas, access roads, and paths must divert runoff away from the ramp or launch to an area where it will infiltrate into the ground or pass through a sedimentation basin before reaching the water body. For private facilities, the total land area above the normal high water mark that drains directly into the water body along the approach or from cut slopes must be no greater than 200% of the area of the ramp or launch lane above the normal high water mark.
- e. ~~Trailered Ramps.~~**

 - (1) ~~A public trailered ramp having a slope in excess of 8% must be hard surfaced except where the agency responsible for maintaining the facility anticipates a level of use that does not justify the expense of a hard surface facility. Should the level of use increase such that erosion problems become evident, the responsible agency shall insure that appropriate measures are taken to repair such erosion and avoid any further erosion.~~
 - (2) ~~Private trailered ramps shall not be hard surfaced. Private sites shall be limited to those areas where the portion of the ramp below the normal high water mark is composed of natural sand, gravel or cobble bottoms.~~
 - (3) ~~The portion of the ramp used by the towing vehicle may not have a slope that exceeds 15% within 100 feet of the normal high water mark. The portion of the ramp used by the trailer only may not have a slope that exceeds 20%;~~
 - (4) ~~The width of the ramp lane must not exceed 20 feet for public or commercial trailered ramps, or 10 feet for private trailered ramps;~~
 - (5) ~~The uppermost 6 inches of the base must consist of crushed rock or screened gravel having 5% or less material passing a 200 mesh sieve;~~

~~(6) — Cut or filled slopes at or below the normal high water mark must be protected with riprap; cut or filled slopes above the normal high water mark must be protected by vegetation or riprap so they do not erode; and~~

~~(7) — The total area disturbed in the construction of private facilities shall not exceed 1,000 square feet within 50 feet of the normal high water mark.~~

~~f. — **Associated Docking Systems.** For a public or commercial trailered ramp, an additional area up to 8 feet wide may be constructed using bituminous pavement, precast concrete planks, panels or slabs to support docking systems.~~

~~g. — **Hand-carry Launch.** A hand-carry launch must meet the following specifications:~~

~~(1) — The hand-carry launch area and access pathway must not be hard surfaced and must be constructed of gravel, rock, vegetation, or other natural erosion resistant materials;~~

~~(2) — The sloped portion of the launch above the normal high water mark must have a slope no greater than 18%;~~

~~(3) — The access path must have a maximum width of 6 feet and must have at least one bend to divert channelized runoff; and~~

~~(4) — A landing area that is cleared of obstructions must be no wider than 20 feet and must extend no more than 20 horizontal feet below normal high water mark.~~

~~(5) — Filled or cut slopes at or below the normal high water mark must be protected with riprap.~~

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

~~h. — **Geoweb.** Geoweb cellular confinement system must not be used below or within two vertical feet above the normal high water mark of the water body.~~

~~i. — **Concrete.** Uncured concrete must not be placed directly into the water. Concrete must be pre-cast and cured at least three weeks before placing it in the water or, where necessary, must be placed in forms and must cure at least one week before the forms are removed.~~

~~j. — **Washing.** No washing of tools, forms, or similar material may occur in or adjacent to the water body or wetland.~~

~~k. — **Lumber.** The use of untreated lumber is preferred. Pressure-treated wood approved by the U.S. Environmental Protection Agency for dock construction may be used. Chromated copper arsenate (CCA) treated wood must not be used in freshwater environments. Creosote or pentachlorophenol (PCP) treated wood must not be used.~~

~~l. — **Machinery in Water.** Machinery may enter the water traveling or operating only on newly placed material or temporary mats and only when necessary to excavate or place material below the water level.~~

- m. ~~**Debris.** Any debris generated during the work must be prevented from washing into the water and must be removed from the wetland or water body. Disposal of debris must be in conformance with the Solid Waste Law, 38 M.R.S.A. §1301 et seq.~~

- n. ~~**Dimensional Requirements.** The dimensional requirements in Section 10.26 apply.~~

M. SERVICE DROPS

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

N. HOME OCCUPATIONS

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

O. PERMANENT DOCKING STRUCTURES

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

P. ACCESSORY STRUCTURES

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

Q. RECREATIONAL LODGING FACILITIES

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

1. Recreational Lodging Categories.

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

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

As used in Section 10.27,Q, the term “clearing” means an opening in the forest canopy, measured from the remaining crown or canopy, in an area that was once, but is no longer forested. Clearing includes but is not limited to areas that may now contain or be used for roads, parking, lawn, structures, or subsurface wastewater disposal systems. Land areas that are naturally devoid of trees or naturally consisting of sparse trees are not included in “clearing,” unless human intervention is required to maintain this state (e.g., burning, mowing).

Table A: Facility Level Determination.

Factors	Facility Level				
	A	B	C	D	E
(1) On-site recreation activities, features, and/or services ⁽ⁱ⁾	N	Low noise, odor Mostly screened	Some noise, odor Partially screened	Routine noise, odor Highly visible	
(2) Utilities: May be served by public utilities and/or indoor plumbing or water and electric at campsites	N	Y	Y	Y	Y
(3) Floor area of principal buildings (in square feet) ⁽ⁱⁱ⁾ :	≤ 750	≤ 8,000	≤ 12,000	≤ 20,000	No limit
(4) Footprint of clearing within 250 feet of any body of standing water, coastal wetlands, or flowing waters downstream from the point where such waters drain 50 square miles or more, in accordance with Section 10.27,Q,5. (in square feet) Section 10.27,B still applies:	≤ 6,000	≤ 36,000	≤ 54,000	≤ 90,000	No limit
(5) Retail (in square feet):	0	≤ 100	≤ 200	≤ 500	≤ 800
or not more than 5% of floor area of principal buildings, whichever is larger					
(6) Dining amenities	N	Guests	Guests	Guests	Public
(7) Fuel sales	N	Guests	Guests	Guests	Public
(8) Recreation activities, features, and/or services ⁽ⁱ⁾	N	Guests	Guests	Guests	Public
(9) Overnight occupancy (in people):	≤ 80	≤ 100	≤ 150	≤ 250	No limit

Table B: Expanded Access Adjustment.

A Level C or D “Expanded Access” facility provides certain amenities to the general public in addition to overnight guests, and may have increased overnight occupancy. The term Expanded Access reflects that more people will be accessing these facilities.

Factors	Facility Level				
	A	B	C (Expanded Access)	D (Expanded Access)	E
(5) Retail (in square feet):			< 200 or not more than 10% of floor area of principal buildings, whichever is larger	< 500	
(6) Dining amenities			Public	Public	
(7) Fuel sales			Public	Public	
(8) Recreation activities, features, and/or services ⁽ⁱ⁾			Public	Public	
(9) Overnight occupancy (in people):			≤ 300	≤ 400	

Key:

- N = not allowed;
- Y = allowed but not required;
- Guests = amenities may be available to overnight guests and may be available on an incidental basis to the general public. In this regard, these amenities provide only limited services or purpose for the convenience of guests, and that, while they may be occasionally patronized by others, are not of a type, scale or design intended to meet the needs primarily of the greater region. Activities, features, and services that are individually advertised are not considered incidental. Activities, features, and services that are not incidental are regulated under separate use listings.

- Public = amenities may be available to overnight guests as well as the general public on a regular basis. With regard to fuel sales, "Public" allows the retail sale of not more than two fuel types (e.g., gas, diesel, aviation gas, natural gas, or propane) to the public with not more than one functioning dispensing device per fuel type where each device can serve no more than one vehicle, customer or container simultaneously, except when the applicant can demonstrate that such dispensing device is not practicable. A recreational lodging facility may continue to utilize any dispensing devices that: i) were in private use at the facility as of August 5, 2013; and ii) do not conform to the provisions above regarding the number of fuels or vehicles, customers, or containers served simultaneously. However, in such cases, any new or replacement fuel dispensing devices shall conform to the provisions above regarding the number of fuels or vehicles, customers, or containers served simultaneously.

Table A and B Notes:

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

2. Floor Area Adjustment for Expanding Square Footage.

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

3. Geographic Allowance Area.

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

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

4. Measuring Floor Area Limits.

Unless otherwise specified by another provision, any floor area limitations for recreational lodging facilities shall be a calculation of the total floor area for all principal buildings associated with the facility. For purposes of this calculation, principal buildings generally include, for example: main lodge, cabins for the housing of guests, bathroom facilities, sauna/spa, caretaker and guide housing, and recreation rooms (e.g., the principal space available to or necessary for serving the guests). Further, accessory structures are not counted, including but not limited to: wood shed, generator building, workshop, storage, composting toilet infrastructure, and structures having a

footprint of not more than 100 square feet which are part of an on-site recreation activity. Outpost cabins may not be considered in determining conformance of a Commercial Sporting Camp with the applicable floor area limitation of Section 10.27,Q,1.

5. 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:
 - (1) a 100 foot vegetative buffer that meets the provisions of Section 10.27,B,2²¹ between the proposed clearing and all points on the shoreline; and
 - (2) slopes of 20% 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.
- b.** Recreational lodging facilities may create or enlarge clearings within 250 feet of the shoreline regardless of the limits in Section 10.27,Q,1, Table A or the provisions of Section 10.27,Q,5,a, provided the applicant:
 - (1) demonstrates that the overall visual impact of the facility will not increase as a result of the creation or enlargement of clearings, or from the development or uses located within those clearings; or
 - (2) submits a mitigation plan for visual impacts, noise, and phosphorus, that will provide substantially equivalent or increased effectiveness over existing conditions.

6. Campgrounds.

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

7. Water-dependent Structures for Recreational Lodging Facilities.

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

²¹ 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 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.

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

8. Conversion of Use.

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

- a. The structures will comply with the provisions of Sections 10.11,B, C and D;
- b. Any water dependent structures for recreational lodging facilities must be removed or relocated to a location conforming with the provisions of Section 10.26,D; and
- c. The lots and structures must comply with all applicable rules, including, but not limited to, subdivision standards in Section 10.25,Q and Section 10.25,R, and the dimensional requirements of Section 10.26, except as provided in Section 10.27,Q,8,d.
- d. Notwithstanding Section 10.27,Q,8,c, the Commission may permit the subdivision of the facility provided that:
 - (1) the principal structures may be sold individually but shall be limited by deed restrictions to existing square footage of floor area or footprint;
 - (2) the lot must be commonly owned as a condominium lot;
 - (3) the conversion and related division shall meet the subdivision design standards of Section 10.25,Q to the greatest extent practicable;
 - (4) the condominium lot and existing structures:
 - (a) in the aggregate, meet all dimensional requirements of Sections 10.26,A, B, and C;
 - (b) as an individual lot or structure, meet all dimensional requirements of Section 10.26 to the greatest extent practicable; and
 - (5) in no case shall less than three principal structures be located on a commonly owned lot.
- e. If a campground is converted to another use:

- (1) the historic use of a site for an RV does not establish a right to use that site or permanently place an RV or other structure at that site; and
- (2) permanent structures, including but not limited to an office, store, bathhouses, and recreation buildings, may be allowed to remain and/or be converted to another use, in conformance with other provisions of the Commission's Land Use Districts and Standards

R. RURAL BUSINESSES

Addendum neither replaces nor supplements 10.27,R, Rural Businesses.

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

**SUB-CHAPTER IV: SUPPLEMENTAL REVIEW PROCESSES AND
REQUIREMENTS**

10.28 LIMITATIONS ON NUMBERS OF UNITS WITHIN NEW RESIDENTIAL DEVELOPMENT AREAS

A. Purpose

This section establishes overall limitations on the number of development units that may be approved in development areas during the term of the Concept Plan, while still allowing flexibility regarding the number of development units in individual development areas. These density limitations will protect the quality and character of the lakes, while still providing flexibility for the design and development of the development areas identified in this Concept Plan.

B. Limitations on Numbers of Units

For purposes of this section, a development unit shall be deemed “approved” when the Commissioner issues either a subdivision or development permit, as applicable, authorizing proposed development. If such approval expires prior to the unit(s) being developed, that unit(s) shall no longer be considered to be approved.

1. Concept Plan Limitation on Units

The aggregate number of new development units approved in the development areas zoned D-FRL-RS and D-FRL-RF during the term of the Concept Plan shall not exceed 330.

2. Maximum Number of New Units Approved by Development Area

(a) Long Lake Development Areas: The maximum number of new development units approved in the Long Lake development areas may be distributed as follows, but in no case will exceed 75 in aggregate (known as the “Development Area Cap”).

<u>Development Area</u>	<u>Maximum Number of New Units</u>
<u>Long Lake A</u>	<u>50</u>
<u>Long Lake B</u>	<u>15</u>
<u>Long Lake C</u>	<u>25</u>
<u>Development Area Cap</u>	<u>75</u>

(b) Cross Lake Development Areas: The maximum number of new development units approved in the Cross Lake development areas may be distributed as follows, but in no case will exceed the Development Area Cap of 125.

<u>Development Area</u>	<u>Maximum Number of New Units</u>
<u>Cross Lake A</u>	<u>30</u>
<u>Cross Lake B</u>	<u>30</u>
<u>Cross Lake C</u>	<u>30</u>
<u>Cross Lake D</u>	<u>35</u>
<u>Cross Lake E</u>	<u>60</u>
<u>Development Area Cap</u>	<u>125</u>

- (c) Square Lake Development Areas: The maximum number of new development units approved in the Square Lake development areas may be distributed as follows, but in no case will exceed the Development Area Cap of 130.

<u>Development Area</u>	<u>Maximum Number of New Units</u>
<u>Square Lake E</u>	<u>85</u>
<u>Square Lake W</u>	<u>30</u>
<u>Square Lake Yexas</u>	<u>67 (50 of which may be in recreational lodging facilities)</u>
<u>Development Area Cap</u>	<u>125</u>

3. Calculating new units: For purposes of calculating limitations on numbers of new development units pursuant to this section:
- (a) Each single-family dwelling, each dwelling unit within a two-family or multi-family dwelling, each bed and breakfast facility, and each accessory structure intended for human habitation that has plumbing shall count as one development unit.¹
- (b) Back country huts, remote rental cabins, campgrounds, remote camps, remote campsites, outpost cabins, campsites, and other similar primitive accommodations shall not count as units.
- (c) Each room or suite intended for human habitation included within a Recreational Lodging Facility shall count as one unit, except that so long as they do not have separate kitchens, rooms that are parts of a suite shall not be counted as separate units, even if such rooms have a separate entry and egress or may occasionally be separately rented (“lock-off rooms”).

¹ Explanatory note: For example, a two-family dwelling would count as two units and a four family condominium (multi-family dwelling) would count as four units.

10.29 OWNERS AND ROAD ASSOCIATIONS

A. Road Associations

Lot owners will be required to join road associations to manage and maintain roads, as identified on Map 36 in Volume 3, except where the entrance is located on a public road. Road associations shall establish, maintain, and implement bylaws or similar legal arrangements that address, at a minimum, rights and responsibilities of the camp lot owners and other adjacent or nearby owners, relationship to other associations, as applicable, as well as management and maintenance of specific roads, as may be necessary and appropriate given the specifics of the camp lots involved. The bylaws shall also specify how membership shall be determined for lot owners and the developer, if applicable, and shall address the specifics of any developer's control of the road association while it continues to own property within the development.

B. Owners Associations in Development Areas

Upon the sale of lots in development areas, lot owners may be required to join owners associations to manage common facilities, as appropriate to meet permitting and subdivision requirements for the development area. Owners associations shall establish, maintain, and implement bylaws or similar legal arrangements that address, at a minimum, rights and responsibilities of the landowners and developer, relationship to other associations, as applicable, as well as the management and maintenance of common areas, including but not limited to, roads, water access sites, open space, and stormwater facilities, all as may be necessary and appropriate given the specifics of the development and the applicable permitting and subdivision requirements. The bylaws shall also specify how membership shall be determined for individual landowners and the developer, and shall address the specifics of the developer's control of the owners association while it continues to own property within the development.

10.30 SUSTAINABLE FORESTRY MANAGEMENT PRACTICES

All timber harvesting in the Plan area shall comply, where applicable, with Section 10.27,E; the provisions of the agreement, Outcome Based Forestry Agreement # 2011-1, between Irving Woodlands LLC and the Department of Conservation, Maine Forest Service, dated May 10, 2012, as may be amended on one or more occasions and so long as it remains in effect; and the following outcome-based forestry principles pursuant to Title 12 M.R.S., Section 8869, Subsection 3-A, as may be amended from time to time.² Where there is a conflict among these, the outcome-based forestry principles pursuant to Title 12 M.R.S., Section 8869, Subsection 3-A, as may be amended from time to time shall govern.

A. Water Quality, Wetlands, and Riparian Zones

The Plan area has a diverse range of aquatic habitats, including bogs, fens, thoroughfares, wetlands, streams, lakes, and ponds, that are recognized for their water quality and the quality of their fisheries, their undeveloped shorelines and riparian areas, and their ecological values. Forestry activities in the Plan area will meet and or exceed the current LUPC or MEDEP standards for setbacks and buffering through adoption of the Addendum.

B. Soil Productivity

Soil productivity is important for regrowth of the forest resource. Forestry activities within the Plan area will be conducted pursuant to policies to maintain or improve site productivity. This will include setting specific policies for limiting the total amount of roads and landings within the Plan area and establishing site disturbance procedures for rutting. No more than 5% of the land base will be in forestry roads or landings within the areas that are zoned as M-FRL-GN. Rutting can cause erosion and soil compaction. Rutting is not allowed within watercourse buffers. Outside of a water course buffer, no more than 30% of trails shall contain a rut (ruts are 12 inches deep and 60 feet long) in any given harvest area.

C. Timber Supply and Quality

The timber supply within the Plan area is diverse and of high quality. To help sustain the timber supply and quality silviculture, activities will focus on stand tending and planting programs that optimize growth and long term forest health. Planting and tending levels shall be determined as part of a forest management plan which is updated on a rolling basis.

D. Aesthetic Impacts of Timber Harvesting

The Plan area has scenic qualities and aesthetic values that are intrinsic to the recreational resources and overall enjoyment by visitors. As part of the development of a Forest Management Plan, planners shall identify, through a public process, areas that may have scenic or aesthetic

² Explanatory note: Timber harvesting in protection and management districts is regulated by the Maine Forest Service. (See P.L. 2001, ch. 599.)

value in the areas that are targeted for forestry activity. Within these areas, harvest operations will use methods that minimize the visual impacts. In addition, all forestry and planning staff will be trained in methods to minimize visual impact.

E. Biodiversity

The Plan area has a diverse and extensive range of wildlife, forest, meadow, and other terrestrial habitats, including habitats of rare, threatened and endangered flora and fauna, natural communities, and places of significant ecological value. The maintenance of biological diversity with healthy populations of flora and fauna will be assured through a variety of practices including:

- 1. Deer Wintering Areas (DWAs).** Using current scientific and biological data, DWAs will be identified and managed to maintain or improve the quality of their habitat. Management of DWAs outside of State regulated areas will continue to be coordinated with Maine IF&W or its successor through cooperative agreements and partnerships.
- 2. Late Successional Forest Policy.** Currently there are 2,500 acres of late successional forests within the Plan area. These are important habitats for plant and animal species that rely on a mixture of dead and fallen trees and multiple canopy layers. Ten percent of each of the 5 major stand types of concern (old tolerant hardwood stands, old tolerant mixed wood stands, old cedar stands, old pine/hemlock stands, old softwood stands) will be maintained by acreage in late successional stage(s).
- 3. Snag Policy.** As part of the forest management and harvesting operations, portions of standing dead and coarse woody debris across the harvest areas will be maintained. Where practicable, trees containing active stick or cavity nesting birds, large hollow trees that are providing wildlife dens or nests, and trees with decay exhibiting heavy use by cavity excavating birds should be left standing. In even aged harvesting prescriptions, these trees could form the nucleus of an island. If these trees are located near the edge of a block or an adjacent riparian zone, small adjustments to the block boundary should be made.
- 4. High Conservation Value Forests.** At locations within the Plan area that are identified as High Conservation Value Forests, harvesting operations will be managed so as to minimize impacts to them or to avoid those areas altogether. High Conservation Value Forests are those that possess one or more of the following attributes: (1) forest areas containing globally, regionally, or nationally significant concentrations of biodiversity values; (2) forest areas that are in or contain rare, threatened, or endangered ecosystems; (3) forest areas that provide basic services of nature in critical situations (e.g., watershed protection or erosion control); or (4) forest areas fundamental to meeting the basic needs of local communities (e.g., subsistence or health) or are critical to local communities' traditional cultural identity (e.g., areas of cultural, ecological, economic, or religious significance identified in cooperation with such local communities).
- 5. Important, Rare, Threatened, and Endangered Habitats.** Within the Plan area, there are areas that provide important habitat for rare, threatened, and endangered species. These

include stick nests, rare plant sites, and smelt streams. These areas will be managed using techniques such as, but not limited to, timing of activities, maintaining buffers, and/or avoiding the area altogether.

F. Public Accountability

Forest management activities in the Plan area will be subject to third-party verification by a recognized forestry certification program for sustainability (for example, American Tree Farm System, Forest Stewardship Council, or Sustainable Forestry Initiative). A Forest Management Plan must be developed and approved by a licensed forester. Contractors must employ at least one Certified Logging Professional.

G. Economic Considerations

The working forest is an important part of the local and regional economy. The majority of the Plan area will remain available as “working forest” that contributes to the overall local economy.

H. Social Considerations

Access to private timberlands for hunting, fishing, camping, boating, snowmobiling, ATV riding, and other low-intensity recreational activities is an intrinsic aspect of the culture of Northern Maine. Traditionally managed access for recreational purposes will continue as long as such uses do not conflict with forest management operations or landowner values. This includes adopting the appropriate management policies for recreational users (for example, ATV and snowmobile use) and committing to allowing managed access to the Plan area.

I. Forest Health

Overall forest health is critical to the sustainability of the ecological and economic success of a working forest. Within the Plan area, ongoing actions to maintain forest health will continue, such as insect and disease monitoring/management, fire suppression activities, and other forest health actions.

10.31 REPLACEMENT OF SUBSURFACE WASTE WATER DISPOSAL SYSTEMS FOR CAMP LOTS

A. Purpose

This section establishes requirements for replacing existing subsurface waste water disposal systems on camp lots, as identified in Section E.3 of the Concept Plan and on Maps 40-47 in Volume 3. These provisions are intended to supplement, and not replace, any other applicable requirements under Maine law, such as but not limited to rules adopted pursuant to 22 M.R.S. § 42(3), as may be amended from time to time.

B. Camp Lots – Prior to Sale

The following hierarchy will apply to the replacement of existing subsurface waste water disposal systems on camp lots that are still being licensed or leased from a petitioner (i.e., prior to any sale of such lots):

1. Step 1 – Licensed Lot. If a camp owner intends to replace an existing subsurface waste water disposal system, the camp owner will first attempt to site a replacement system on the camp lot that is developed with the building to be served by the replacement system pursuant to applicable regulations without consideration of a replacement system variance.
2. Step 2 – Back Lot. If a licensed site evaluator or applicable regulatory authority determines that a replacement system cannot be sited on the camp lot absent a variance, where possible, subject to Section 10.31.D, the landowner will amend the camp owner’s existing license or lease to include the back lot. The camp owner will then at its sole expense attempt to site a replacement system on the back lot under applicable regulations without consideration of a replacement system variance.
3. Step 3 – Variance. If a licensed site evaluator or applicable regulatory authority determines that a replacement system cannot be sited without a variance on either the camp lot or the back lot, the camp owner will then attempt to site a replacement system with a variance on either the camp lot or the back lot in compliance with applicable regulations.
4. Step 4 – Back Lands. If a licensed site evaluator or applicable regulatory authority determines that the replacement system cannot be sited on either the camp lot or the back lot, where possible, subject to Section 10.31.D, the landowner will then grant to the camp owner property rights sufficient to access, replace, operate, and maintain a subsurface waste water disposal system at a site of the landowner’s choosing, if a suitable location in the back lands in compliance with the applicable regulations can be identified. The camp owner will then attempt to site a replacement system on the back lands.

5. Step 5 – Holding Tank. Nothing herein shall be construed as preventing a camp owner from installing a holding tank or any other system in compliance with applicable regulations instead of replacing a subsurface waste water disposal system.

C. Camp Lots – After Sale

The following hierarchy will apply to the replacement of existing subsurface waste water disposal systems on camp lots that have been sold with a back lot by a petitioner after the effective date:

1. Step 1 – Camp Lot. If a camp lot owner intends to replace an existing subsurface waste water disposal system, the camp lot owner will first attempt to site a replacement system on the camp lot (or, in the case of a camp lot owner who owns more than one lot, any other lot under the owner’s control) including the back lot, if any, pursuant to applicable regulations.
2. Step 2 – Back Lands. If a licensed site evaluator or applicable regulatory authority determines that a replacement system cannot be sited on either the original camp lot or the back lot, the landowner will then grant to the camp lot owner property rights sufficient to access, replace, operate, and maintain a subsurface waste water disposal system at a site of the landowner’s choosing, if a suitable location in the back lands in compliance with the applicable regulations can be identified. The camp lot owner will then attempt to site a replacement system on the back lands.
3. Step 3 – Holding Tank. Nothing herein shall be construed as preventing a camp lot owner from installing a holding tank or any other system in compliance with applicable regulations instead of replacing a subsurface waste water system.

D. Exemptions

1. The following camp lots, as identified on Maps 40-47 in Volume 3, are exempt from the requirements for back lots in Sections 10.31,B and 10.31,C:
 - a. Map 43:
 - i. Lot 1855;
 - ii. Lot 3171;
 - b. Map 45:
 - i. Lot 2879;
 - ii. Lot 2879;
 - iii. Lot 2306;
 - iv. Lot 3638;
 - v. Lot 3898;
 - vi. Lot 3104;
 - vii. Lot 2769;
 - viii. Lot 2769;
 - ix. Lot 2801;
 - x. Lot 2800;
 - xi. Lot 3088;

- xii. Lot 3088;
- xiii. Lot 2764;
- xiv. Lot 1625;
- xv. Lot 1625;
- xvi. Lot 1629;
- xvii. Lot 1630;
- xviii. Lot 1630;
- xix. Lot 1624;
- xx. Lot 1626;
- xxi. Lot 1623;
- xxii. Lot 1756;
- xxiii. Lot 1755;
- xxiv. Lot 1952; and
- xxv. Lot 2011.

2. The following camp lots, as identified on Maps 40-47 in Volume 3, are exempt from the requirements for back lots and back lands in this Section 10.31:

- a. Map 40:
 - i. Lot 6111;
 - ii. Lot 6110;
- b. Map 42:
 - i. Lot 2320;
 - ii. Lot 1759;
 - iii. Lot 2778;
 - iv. Lot 1539;
 - v. Lot 2246;
 - vi. Lot 2246;
- c. Map 45:
 - i. Lot 4261;
 - ii. Lot 4261;
 - iii. Lot 1627
 - iv. Lot 1627; and
- d. Map 46, Lot 3639.

10.32 COMMERCIAL & INDUSTRIAL DEVELOPMENT AREA BUFFERS

A. Buffering

1. In the CD-1 Development Area, a buffer strip shall be maintained and/or provided to minimize visual impacts on surrounding uses, as follows:
 - a. A vegetated buffer strip shall extend no less than 75 feet from the traveled portion of Route 162;
 - b. Adequate provision shall be made for the maintenance, repair, and replacement of all buffers to ensure continuous year-round screening;
 - c. Minor breaks in the buffer strip shall be allowed for purposes of access, such as for roads, driveways, and for utilities.
 - d. The Commission may allow for a reduction in buffer width when site conditions, such as natural features, like topography, or site improvements, like landscaping, berming, or fencing, make the full buffer unnecessary. The Commission may also require additional buffer width or installation of site improvements, such as landscaping, berming, or fencing, where vegetation is inadequate to minimize visual impacts.
 - e. The Commission may also allow for a reduction in buffer width or eliminate the buffer for stores, commercial recreational uses, and entertainment or eating establishments having a gross floor area of 2,500 square feet or less, provided that the number of curb cuts on Route 162 is minimized; parking is located in the rear of the building; a road setback of at least 50 feet is maintained in accordance with Section 10.26,G; and other such conditions are met that the Commission reasonably imposes in accordance with the policies of the Comprehensive Land Use Plan.
2. In the CD-2 and CD-3 Development Areas, a buffer strip shall be maintained and/or provided to minimize visual impacts on surrounding uses, as follows:
 - a. A vegetated buffer strip shall extend no less than 15 feet from all property boundaries;
 - b. Adequate provision shall be made for the maintenance, repair, and replacement of all buffers to ensure continuous year-round screening;
 - c. Minor breaks in the buffer strip shall be allowed for purposes of access, such as with roads, driveways, and for utilities.
 - d. The Commission may allow for a reduction in buffer width when site conditions, such as natural features, like topography, or site improvements, like landscaping, berming, or fencing, make the full buffer unnecessary. The Commission may also require additional buffer width or installation of site improvements, such as

landscaping, berming, or fencing, where vegetation is inadequate to minimize visual impacts.

3. In the CD-4 Development Area, a buffer strip shall be maintained and/or provided to minimize visual impacts on surrounding uses, as follows:
 - a. A vegetated buffer strip shall extend no less than 75 feet from the southern boundary of the development area, except as provided in Section 10.25,E,3,c,4;
 - b. Adequate provision shall be made for the maintenance, repair, and replacement of all buffers to ensure continuous year-round screening;
 - c. Minor breaks in the buffer strip shall be allowed for purposes of access, such as with roads, driveways, and for utilities.
 - d. The Commission may allow for a reduction in buffer width when site conditions, such as natural features, like topography, or site improvements, like landscaping, berming, or fencing, make the full buffer unnecessary. The Commission may also require additional buffer width or installation of site improvements, such as landscaping, berming, or fencing, where vegetation is inadequate to minimize visual impacts.

FISH RIVER CHAIN OF LAKES
CONSERVATION EASEMENT

Granted by

ALLAGASH TIMBERLANDS LP

to

FOREST SOCIETY OF MAINE,
as Holder

CONSERVATION EASEMENT

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

PURPOSE

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

RECITALS

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

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

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

WHEREAS, Grantor has the reserved right to use the Protected Property for Forest Management Activities and to take other actions under the terms and conditions set forth in this Conservation Easement, in a manner that is consistent with the protection of the Conservation Values; and

WHEREAS, the Parties agree that the Conservation Easement and the Management Plan together are sufficient to ensure the protection of the Conservation Values; and

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

WHEREAS, this Conservation Easement is granted in accordance with the terms and provisions of the Concept Plan approved by the Maine Land Use Planning Commission (“LUPC”) pursuant to Zoning Petition ZP _____ on _____[Date], of which the Protected Property is a part; and

WHEREAS, this Conservation Easement is granted not as a gift but pursuant to the terms of the Concept Plan and in consideration for and mitigation of certain development rights that will be or have been authorized by the LUPC; and

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

WHEREAS, this Conservation Easement is created pursuant to Maine’s Conservation Easement Act, Title 33 M.R.S. §§ 476 *et seq.*

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

1. DEFINITIONS.

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

“**AAA**” has the meaning ascribed to such term in Section 18.1(b) hereof.

“**Affiliate**” means any corporation, partnership, limited partnership, limited liability company, trust, or other entity in existence on the date of this Conservation Easement or at any time thereafter: (a) controlled by a Party, (b) in control of a Party, or (c) controlled (directly or indirectly) by the same person or entity that controls a Party. The term “control” as used herein includes control through common ownership and/or management, or a trust which is established for the benefit of a Party.

“**Arbitrator**” has the meaning ascribed to such term in Section 18.2(a) hereof.

“**Baseline Documentation**” means the baseline documentation report prepared in the manner described in Section 5 hereof.

“Campsite” means a camping location for tents, registered tent trailers, registered pickup campers, registered recreational vehicles, registered trailers or similar devices used for camping. Campsite does not include a camping location that has access to a pressurized water system or permanent Structures other than outhouses, fireplaces, picnic tables, picnic tables with shelters, or lean-tos. A Campsite shall include no more than 4 sites for transient occupancy by 12 or fewer people per site.

“Commercial Working Forest” means an area of land that is used for the production of revenue from Forest Management Activities.

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

“Conservation Easement” has the meaning ascribed to such term on Page 1 of this Conservation Easement.

“Conservation Values” means, in no particular order, each and all of the following values associated with the Protected Property:

- a) Forest Values. The condition of the Protected Property as a healthy, diverse in age and biological conditions, forest land area containing high quality, productive and non-eroding soils and capable of providing a continuing and renewable source of commercial forest products;
- b) Landscape-Scale Forestland Values. The condition of the Protected Property as a largely unfragmented, diverse, substantially natural, and sustainably managed forest land area;
- c) Aquatic Resources and Wetland Values. The Protected Property’s diverse and extensive bogs, fens, thoroughfares, wetlands, streams, lakes, ponds, and other aquatic habitats, including fisheries habitats, their water quality, undeveloped shorelines and riparian areas, and the ecological values of these areas;
- d) Wildlife, Plant, and Natural Community Values. The Protected Property’s diverse and extensive wildlife, plant, forest and other terrestrial habitats, habitats of rare, threatened and endangered flora and fauna, including natural communities, and the ecological values of these areas;
- e) Recreational Values. The diverse and extensive opportunities on the Protected Property for Non-exclusive, Low-intensity Outdoor Recreation and/or certain Motorized Recreation, consistent with the conduct of Forest Management Activities on the Protected Property; and

- f) Scenic Values. The scenic qualities of the Protected Property, as experienced from the lakes and thoroughfares in the Fish River Chain of Lakes and public vantage points, as identified in the Baseline Documentation, consistent with the conduct of Forest Management Activities on the Protected Property; and
- g) Other Special Site Values. The unique, historic, cultural, archaeological, geological, scientific or educational sites on the Protected Property, and the attributes and resources of these sites, as identified in the Baseline Documentation.

“Construction Materials” has the meaning ascribed to such term in Section 3.2(a) hereof.

“Dispute” has the meaning ascribed to such term in Section 18.1 hereof.

“Division” has the meaning ascribed to such term in Section 7.1 hereof.

“FOAA” has the meaning ascribed to such term in Section 11.3 hereof.

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

or maintain fire lanes, Trails, and any roads or Utility Structures permitted under this Conservation Easement; and any other similar activities.

“Forestry Improvements” means any and all Structures, facilities, improvements and utilities that are directly related to the conduct of Forest Management Activities, including, but not limited to, roads, fences, bridges, gates, maple sugar collection portable sawmills, mobile chippers, and other equipment and facilities, associated signs and Structures, wells, but does not include permanent sawmills or other permanent forest processing facilities.

“Fund” has the meaning ascribed to such term in Section 10.1 hereof.

“Fund Operator” has the meaning ascribed to such term in Section 10.1 hereof.

“Grantor” has the meaning ascribed to such term on Page 1 of this Conservation Easement.

“Herein” or **“Hereof”** mean in or of this Conservation Easement as a whole, and do not refer to any individual section, unless specifically indicated.

“Holder” has the meaning ascribed to such term on Page 1 of this Conservation Easement.

“Informational Signage” means informational signage related to uses and Structures authorized by this Conservation Easement.

“Indemnitees” has the meaning ascribed to such term in Section 8.8 hereof.

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

“Motorized Recreation” means those uses approved as part of a Motorized Recreational Use Plan of motorized recreational vehicles designed to be used in a forested landscape on Trails, such as snowmobiles, all-terrain vehicles (ATVs) or similar vehicles, which recreation shall include designated trails but which recreation does not rely on additional structures like racetracks or grandstands or on surface alterations more intensive than an unpaved trail.

“Motorized Recreational Use Plan” means the plan of even date herewith regarding Motorized Recreation called for in Section 6.1 hereof, and any subsequent amendments thereto.

“LUPC” means the Maine Land Use Planning Commission, or any successor commission, organization or regulatory authority.

“Management Plan” means the Multi-Resource Management Plan of even date herewith between Grantor and Holder called for in Section 3.2(b) hereof, and any subsequent amendments thereto.

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

“Original Percentage Reduction” has the meaning ascribed to such term in Section 17.9 hereof.

“Owner” has the meaning ascribed to such term in Section 10.2(c) hereof.

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

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

“Permitted Construction Materials Removal Activities” has the meaning ascribed to such term in Section 3.2(a) hereof.

“Practicable” means available and feasible considering cost, existing technology, and logistics based on the overall purpose of the project.

“Qualifying Forestry Certification Program” means any of the following certification programs: (a) the Sustainable Forestry Initiative 2015-2019 Standards as in effect on the date hereof; (b) the Forest Stewardship Council Program as in effect on the date hereof; (c) any successor program to those listed in subsections (a) and (b) above; provided, however, that Holder shall have reviewed any successor program and determined that the standards and procedures of the successor program are no less protective of the Conservation Values than the program it is replacing; or (d) any similar certification program to those listed in subsections (a), (b), and (c) above; provided that Holder shall have reviewed any similar certification program and determined that the standards and procedures of the certification program are no less protective of the Conservation Values than the certification programs listed in either subsections (a) or (b) or their approved successor programs. Holder shall conduct such reviews in a timely manner. If Holder reasonably determines that the auditing process used or proposed to be used to determine compliance by Grantor with the standards of the qualifying certification program is administratively or technically incapable of making an accurate certification determination, Holder may remove a previously listed certification program from the list of qualifying certification programs, but only after the conclusion of all dispute resolution procedures pursuant to Section 18 hereof that may occur as a result of Holder’s reasonable determination, in which Holder’s determination of incapacity is upheld.

“Recreational Facilities” means (a) up to 9 Remote Rental Cabins or Campsites; and (b) new public boat launches and expansions of existing public boat launches that are identified in the Baseline Documentation.

“Remote Rental Cabin” means a building or Structure used only as a short-term lodging facility in support of Non-exclusive, Low-intensity Outdoor Recreation and/or Motorized Recreation uses permitted pursuant to Section 6.1 hereof that (a) is not larger than 750 square feet in gross floor area; (b) is not served by any public utilities providing electricity, water, sewer, or telephone services, except radio communications, mobile phone services, or other similar non-land line based forms of communications; (c) does not have pressurized water; and (d) does not have a permanent foundation.

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

“Stewardship Fund Agreement” has the meaning ascribed to such term in Section 10.1 hereof.

“Structure” means anything constructed or erected with a fixed location on, over, in and/or under the ground, or attached to something having a fixed location on, over, in and/or under the ground. A Structure may be primarily two dimensional, such as a paved road or parking lot or a sign, or three dimensional, such as a building, wall or piping. An unpaved road or trail shall not be considered a Structure.

“Taking” has the meaning ascribed to such term in Section 17.10 hereof.

“Trail” means all recreational trails, including, but not limited to, trails for Motorized Recreation and/or Non-exclusive, Low-intensity Outdoor Recreation.

“Utility Structures” means Structures associated with the transmission and/or distribution of telecommunication services, including, but not limited, to “cell” towers, , including, but not limited to, related systems and equipment.

“Water Extraction Activities” means any and all activities that are related to the surface and subsurface extraction of water for those uses permitted in Section 3.2(c) hereof.

2. PROHIBITED LAND USES AND STRUCTURES

The following land uses are specifically prohibited on the Protected Property unless expressly permitted elsewhere in this Conservation Easement: residential, commercial, industrial, and institutional uses. Structural development associated with the following land uses is specifically prohibited on the Protected Property unless expressly permitted elsewhere in this Conservation Easement: residential, commercial, industrial, and institutional uses. Without limiting the generality of the foregoing, the following Structures are all specifically

prohibited on the Protected Property unless otherwise expressly permitted in this Conservation Easement: residential dwellings (including houses, apartment buildings, multi-family housing units, or mobile homes); permanent outdoor high-intensity lights; hostels, motels or hotels; billboards (other than directional and informational signs associated with permitted land uses); junk yards; landfills; energy generation or waste disposal facilities; new public or toll roads; and energy, electrical, or telecommunications distribution systems. Further, no new filling, drilling, excavation, or alteration of the surface of the earth, no removal of soil, minerals, sand or gravel, and no changes in the topography are allowed on the Protected Property unless otherwise expressly permitted elsewhere in this Conservation Easement.

3. PERMITTED LAND USES AND STRUCTURES

3.1 Permitted Land Uses and Structures. Grantor hereby expressly reserves the right, all as defined by and subject to the terms and conditions contained in this Conservation Easement including, but not limited to, those contained in Sections 3.2 and 6.2 hereof, to:

(a) undertake and conduct, or allow to be undertaken and conducted, on the Protected Property: (i) Permitted Construction Materials Removal Activities; (ii) Forest Management Activities; (iii) Water Extraction Activities; (iv) uses necessary or incidental to the construction, maintenance and operation of Recreational Facilities; (v) uses associated with the construction, maintenance and operation of emergency Structures in accordance with Section 3.2(e); (vi) uses associated with the construction, placement, maintenance, and replacement of Informational Signage; (vi) Non-exclusive, Low-intensity Outdoor Recreation; and (viii) Motorized Recreation;

(b) construct, place, repair, maintain, expand and replace on the Protected Property: (i) new or expanded temporary or permanent roads, driveways and/or Utility Structures in accordance with Section 4 hereof; (ii) Structures existing as of the date of the grant of this Conservation Easement, as identified in the Baseline Documentation, (iii) Structures necessary or incidental to the uses and activities identified in Section 3.1(a) hereof; (iv) Structures associated with nature observation (including, but not limited to, observation blinds and platforms); (v) Trails; (vi) Structures required for the administration and collection of fees in accordance with Section 6.2 hereof; and (vii) Structures and improvements in furtherance of Non-exclusive, Low-intensity Outdoor Recreation and/or required for permitted Motorized Recreation uses pursuant to Section 6.1 hereof (including, but not limited to, trailheads, trailhead parking, bridges, benches, tables, erosion control systems, wells, springs, and signs for educational or informational purposes); provided, however such Structures may not be expanded without the consent of Holder, which consent shall be granted only upon a determination by Holder that such expansion will not result in an unreasonable adverse effect on the Conservation Values. Notwithstanding the foregoing, the level of consultation, review, or consent of Holder required (A) for proposed expansion of Structures that qualify as Forestry Improvements, shall be governed by Section 3.2(b) hereof, and (B) for expansion of roads and Utility Structures, shall be governed by Section 4 hereof.

3.2 Terms and Conditions Governing Permitted Land Uses and Structures.

(a) Construction Materials Removal Activities.

(i) Grantor hereby expressly reserves the right to excavate or alter the Protected Property by removal (by quarrying or otherwise) and storage of rock (including decorative rock), gravel, aggregate, sand, other similar construction or landscaping materials (collectively “**Construction Materials**”) and to construct, maintain, and operate Structures and facilities necessary for the same, in connection with (A) Forest Management Activities on the Protected Property; (B) Forest Management Activities on lands that are owned by Grantor or its Affiliates in the same or adjacent townships to the Protected Property; (C) the construction and use of roads that are used by Grantor or its Affiliates to access the Protected Property or lands adjacent to the Protected Property that are owned by Grantor or its Affiliates; or (D) the maintenance of roads that are used by Grantor or its Affiliates to access the Protected Property or lands adjacent to the Protected Property that are owned by the Grantor or its Affiliates in the same or adjacent townships to the Protected Property, provided that no reasonable alternative to the proposed site exists that is within a two (2) mile radius of the proposed site and is accessible by the then established road system. The permitted excavations or alterations of the Protected Property as identified in this Section 3.2(a)(i) are referred to hereinafter collectively as the “**Permitted Construction Materials Removal Activities**”. Grantor’s Permitted Construction Materials Removal Activities, including, but not limited to, any reclamation undertaken following such activities, shall be conducted in accordance with applicable laws and shall not result in an unreasonable adverse effect on the Conservation Values.

(ii) The right to conduct Permitted Construction Materials Removal Activities is subject to the requirement that the disturbed area for such activity does not exceed five (5) acres in size per extraction site and that no more than twenty-five (25) acres within the Protected Property be actively disturbed and not revegetated and stabilized at any one time; provided that any site less than an acre in size, the materials from which are used solely for Grantor’s Forest Management Activities, shall not count for purposes of the 25-acre cap set forth above. The removal of loose surface decorative rock that does not materially disturb forest soils and vegetation is not subject to these restrictions.

(iii) Grantor shall give Holder ten (10) days prior notice prior to commencement of activities identified in Sections 3.2(a)(i)(A), 3.2(a)(i)(B), and 3.2(a)(i)(C) hereof. No notice is required prior to commencement of activities identified in Section 3.2(a)(i)(D) hereof.

(b) Forest Management Activities.

(i) General Conduct of Forest Management Activities; Management Plan. Grantor hereby expressly reserves the right to conduct Forest Management Activities on the Protected Property. All Forest Management Activities on the Protected Property, other than timber cruising and resource evaluation, shall be conducted in accordance with the Management Plan, which Grantor shall develop and maintain for so long as Forest Management Activities are occurring on the Protected Property. Grantor acknowledges that a purpose of the Management

Plan is to guide Forest Management Activities so as to be in compliance with the terms and conditions of this Conservation Easement. The Management Plan shall both protect the Conservation Values and allow for the Protected Property's continued operation as a Commercial Working Forest in accordance with the terms and conditions of the Management Plan. The Parties agree that the terms and conditions contained in this Conservation Easement and in the Management Plan (as may be amended or modified in accordance with this Section 3.2(b)(i)) are sufficient to protect the Conservation Values. Grantor shall operate within the constraints of the Management Plan, and the Management Plan shall be reviewed every five (5) years by the Parties. Each associated annual operating plan shall be reviewed annually by the Parties, in advance. The Management Plan shall remain in effect until amended or modified by the Parties, at which time the amended or modified form of the Management Plan shall become effective. No amendment or modification to the Management Plan shall become effective until agreed to by the Parties in writing.

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

(iii) Forestry Improvements. Grantor may develop, construct, place, maintain, install, replace, expand, and repair at any time and from time to time Forestry Improvements on the Protected Property without Holder's consent, subject to the provisions of Section 4 hereof provided that any such improvements shall be conducted in a manner that does not have an unreasonable adverse effect on the Conservation Values. All Forestry Improvements permitted hereunder shall be developed, placed, installed, and constructed in accordance with applicable laws.

(iv) Third-Party Certification.

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

(B) For purposes of obtaining or maintaining a certification from a Qualifying Forestry Certification Program, the qualifying auditing program shall audit and determine certification based upon a determination of Grantor's compliance with this

Section 3.2(b) and the Management Plan, in addition to the requirements of such Qualifying Forestry Certification Program.

(C) So long as Grantor obtains or maintains a third-party certification from a Qualifying Forestry Certification Program that the Protected Property is being managed in accordance with the requirements of this Section 3.2(b) and the Management Plan, then there shall be a rebuttable presumption that Grantor is in full compliance with the terms of the Management Plan. Notwithstanding this rebuttable presumption:

(1) Compliance with Management Plan. If Holder reasonably determines there to be a lack of compliance by Grantor with the Management Plan, and further determines that the certification standards and procedures as applied through the audit were materially flawed or otherwise reasonably inadequate to determine compliance with the Management Plan, Holder shall first seek to resolve all compliance issues with Grantor acting in good faith in accordance with Section 18 hereof. If this effort does not resolve all compliance issues, Holder shall follow the appeals process, if any, of said Qualifying Forestry Certification Program. If the appeals process is not completed within one year of submittal of an appeal by Holder to the Qualifying Forestry Certification Program, or Holder continues to believe that all issues relating to a violation have not been resolved notwithstanding the existence of certification, then Holder may enforce this Conservation Easement or the Management Plan as provided in Section 8 hereof. To rebut any presumption of compliance, Holder must demonstrate that the certification standards and procedures as applied through the audit were materially flawed or otherwise reasonably inadequate to determine compliance with this Conservation Easement or the Management Plan.

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

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

Management Plan as provided in Section 8 hereof.

(D) Absence of Third-Party Certification. In the absence of third-party certification of the Protected Property from a Qualifying Forestry Certification Program, including as a result of (1) the choice of Grantor to no longer seek third-party certification, (2) the failure to receive certification following an audit, or (3) the removal by Holder of the forestry certification program previously utilized by Grantor due to its administrative or technical incapacity to make an accurate certification determination and the subsequent failure of Grantor to seek third-party certification from another Qualifying Forestry Certification Program, the Management Plan shall continue to govern Forest Management Activities on the Protected Property, and compliance with this Conservation Easement and the Management Plan will be determined by Holder based upon the Forest Management Activities conducted and outcomes thereof. In the absence of said third-party certification, subject to the provisions of Section 11 hereof, Grantor will provide Holder with the same types and detail of information required for a Qualifying Forestry Certification Program so that Holder can determine consistency with this Conservation Easement and the Management Plan, including sustainable forest management provisions.

(c) Water Extraction Activities.

(i) Grantor hereby expressly reserves the right to conduct Water Extraction Activities on the Protected Property (A) for Forest Management Activities, including, but not limited to, watering of seedlings and firefighting and/or (B) if no practicable alternative exists, to serve the needs of authorized development areas approved as part of the Concept Plan, and to develop, construct, maintain, expand and operate Structures and facilities necessary for the same, provided that any water extraction does not result in unreasonable adverse effects on the Conservation Values; and provided further that such water extraction shall not be for commercial, wholesale, consumer retail, or “bottled water industry” purposes.

(ii) Grantor shall give Holder sixty (60) days notice prior to disturbance at any site for purposes of Water Extraction Activities, excluding any Water Extraction Activities undertaken pursuant to Section 3.2(c)(i)(A) hereof. Grantor shall consult with Holder for the purpose of minimizing unreasonable adverse effects to the Conservation Values from any proposed long-term water extraction and associated activities at these noticed sites. For any proposed Water Extraction Activities at these noticed sites that Holder reasonably believes would result in unreasonable adverse effects to the Conservation Values, Holder shall give notice to Grantor and require Grantor to show to Holder that no reasonable alternative to the proposed site exists that is (A) within a two (2) mile radius of the proposed site and (B) accessible by the then established road system. If, in the reasonable determination of Holder, Grantor shows that no reasonable alternative exists, Grantor may conduct the proposed Water Extraction Activity at the proposed site. If, in the reasonable determination of Holder, Grantor shows or Holder otherwise determines that a reasonable alternative exists, then Grantor shall conduct the Water Extraction Activity at that alternate site. Water Extraction Activities in areas identified as rare or exemplary natural communities in the Baseline Documentation, the Resource Information System, or in the Management Plan may only go forward if such plans are consistent with and limited by the protections established for those areas.

(d) Recreational Facilities.

(i) Grantor hereby expressly reserves the right to develop, construct, maintain, expand, replace and operate, or to allow the development, construction, maintenance, expansion, replacement and operation of Recreational Facilities on the Protected Property. The development, construction and/or expansion of a Recreational Facility may only occur following the consent of Holder, which shall be granted unless Holder determines that such development, construction, and/or expansion of the Recreational Facility will have an unreasonable adverse effect on the Conservation Values. Once developed, constructed, or expanded, said Recreational Facility may be operated, maintained, repaired, or reconstructed in kind and in place at any time and from time to time, without the consent of Holder.

(ii) Structures accessory to new or existing Recreational Facilities that (A) support septic treatment that are sized and used solely to meet the needs of the Recreational Facilities, or (B) that enable the generation of electric power from renewable energy sources, such as solar collectors or similar technology, or wind or hydropower turbines, are permitted; provided, however, that the renewable energy generation source is both sized and used solely to serve the Recreational Facilities at which the renewable energy source is located, and construction, operation, and repair of a renewable energy source will not have an undue adverse effect on the Conservation Values.

(e) Public Fire, Safety and Emergency Structures. Grantor hereby expressly reserves the right to develop, construct, maintain, expand, replace and operate, or to allow the development, construction, maintenance, expansion, replacement and operation of public fire, safety, and emergency Structures required or appropriate for performing said public functions in the surrounding communities. Development, construction and/or expansion of public fire, safety and emergency Structures may only occur following the consent of Holder, which shall be granted if Grantor demonstrates to Holder's reasonable satisfaction that no reasonable alternative location for such Structures exists outside the Protected Property and that such development, construction, and/or expansion of the public fire, safety and emergency Structures will not have an unreasonable adverse effect on the Conservation Values.

(f) Informational Signage. Grantor hereby expressly reserves the right to construct, place, maintain, and replace at any time and from time to time Informational Signage on the Protected Property. In designing, constructing, and siting the Informational Signage, Grantor shall reasonably minimize the intrusiveness of the Informational Signage and ensure that Informational Signage reasonably blends in with the local setting.

4. ROADS, UTILITY STRUCTURES, AND EASEMENTS ON PROTECTED PROPERTY

4.1 Roads and Utility Structures.

(a) General. Grantor hereby expressly reserves the right to develop, construct, place, maintain, expand, replace and operate, or to allow the development,

construction, placement, maintenance, expansion, replacement and operation, of any new temporary or permanent roads, driveways or Utility Structures on the Protected Property, and to maintain, expand, replace and operate or permit to be maintained, expanded, replaced and operated any existing roads, driveways or Utility Structures on the Protected Property as follows:

(i) as Grantor may determine to be required to access and/or service development located in lands in the Concept Plan, so long as said roads, driveways and/or Utility Structures are located, designed, placed, and constructed in a manner so as to (A) minimize the amount of Protected Property utilized, and (B) minimize unreasonable adverse effects on the Conservation Values;

(ii) as Grantor may determine to be required to conduct Forest Management Activities occurring on the Protected Property pursuant to Section 3.2(b) hereof or outside of the Protected Property, or to access and/or service Forestry Improvements, so long as said roads, driveways and/or Utility Structures are located, designed, placed, and constructed in a manner so as to (A) minimize the amount of Protected Property utilized, and (B) minimize unreasonable adverse effects on the Conservation Values;

(iii) as Grantor may determine to be required to access and/or service the land uses and Structures permitted pursuant to Sections 3.2(a), 3.2(b), 3.2(c), 3.2(d) and 3.2(e) hereof, so long as said roads, driveways and/or Utility Structures are located, designed, placed, and constructed in a manner so as to (A) minimize the amount of Protected Property utilized, and (B) minimize undue adverse effects on the Conservation Values;

(iv) as Grantor may determine to be required to access or service locations in which Non-exclusive, Low-intensity Outdoor Recreation activities or motorized recreational uses permitted pursuant to Section 6.1 hereof are occurring or desired, either on the Protected Property or on government-owned or managed lands adjacent or reasonably proximate to the Protected Property, so long as said roads, driveways and/or Utility Structures are located, designed, placed, and constructed in a manner so as to (A) minimize the amount of Protected Property utilized, and (B) minimize unreasonable adverse effects on the Conservation Values; and

(v) as Grantor may determine to be required to access or service (A) Structures existing as of the date of the grant of this Conservation Easement, as identified in the Baseline Documentation, (B) Structures used for nature observation (including, but not limited to, observation blinds and platforms), (C) Trails, or (D) Structures required for the administration and collection of fees pursuant to Section 6.2 hereof; provided, however that under no circumstances may there be more than one (1) “cell” tower on the Protected Property at any point in time.

(b) All such roads, driveways and/or Utility Structures shall be constructed, placed, or expanded only in accordance with all necessary regulatory approvals, including, but not limited to, permits required for the development that is to be accessed or serviced by such roads, driveways and/or Utility Structures.

4.2 Easements, Rights of Way, or Other Interests.

(a) Grantor hereby expressly reserves the right to grant permanent or temporary easement rights, rights of way, and/or other interests for (i) the conduct of any activity permitted on the Protected Property by this Conservation Easement, or (ii) as may be reasonably necessary in furtherance of any activity conducted on property adjacent to the Protected Property, provided, however, that such easement shall not have an unreasonable adverse effect on the Conservation Values. Holder's consent shall not be required, however notice shall be provided to Holder at least ten (10) days prior to the grant of any easement, rights-of-way or other interests.

(b) Any conveyance pursuant to Section 4.2 hereof shall explicitly state that it is made subject to this Conservation Easement.

5. BASELINE DOCUMENTATION AND UPDATING THEREOF

5.1 Preparation of Baseline Documentation. The Parties acknowledge and agree (a) that prior to the date of the grant of this Conservation Easement, Holder has prepared and completed Baseline Documentation on the Protected Property consistent with the requirements of Section 5.2 hereof, and subject to the provisions of Section 11 hereof; (b) that Grantor has acknowledged to Holder the accuracy of the Baseline Documentation; and (c) that Holder has employed natural resources professionals and other experts as necessary to assist it in preparing and completing the Baseline Documentation. The Parties further acknowledge and agree that the purpose of preparing such Baseline Documentation, and subsequently updating the information contained in such Baseline Documentation by means of the Resource Information System, is to assist Grantor in achieving compliance with the terms and conditions of this Conservation Easement and to assist Holder in monitoring and enforcing the terms and conditions of this Conservation Easement.

5.2 Content of Baseline Documentation. The Baseline Documentation includes as of the date of the grant of this Conservation Easement: (a) documentation of the knowledge of the physical and biological condition of the Protected Property, its physical improvements, and the special sites and resources that may require special management, including, but not limited to, all such information as it relates to documenting the Conservation Values; (b) a cataloguing of scenic resources of high public value and the public vantage points from which such scenic resources are observed; (c) the most recent Qualifying Forest Certification Program audit and supporting documentation that includes all data, mapped information, procedures, and policies that make up Grantor's supporting information for its certification; (d) documentation required in Section 17.9 hereof regarding the valuation ratio; and (e) any other information required to determine initial compliance with the requirements of this Conservation Easement. The Baseline Documentation also describes where there are information deficiencies in the categories of information sought in this Section 5.2, if any. In compiling information described in Section 5.2(a) hereof, Holder may obtain input from Federal and State natural resource agencies possessing knowledge of these issues.

5.3 Resource Information System. Upon the date of the grant of this Conservation Easement, Grantor shall establish and maintain a Resource Information System for the purpose of updating and keeping current over time the information contained in the Baseline Documentation. Grantor shall update the Resource Information System from time to time as new information becomes available. The Resource Information System shall, at minimum, include the data contained in the Baseline Documentation.

5.4 No Shield. All sites and resources that may be identified by Grantor or by Holder subsequent to the completion of the Baseline Documentation that otherwise would have met the criteria for inclusion in the Baseline Documentation pursuant to Section 5.2 hereof shall be added to the information contained in the Resource Information System at the time of identification and protected in accordance with this Conservation Easement and the Management Plan.

6. PUBLIC ACCESS

6.1 Grant of Public Access. It is Grantor's intent and objective that this Conservation Easement create a permanent right of non-motorized public access to, on, and across, and use of, the Protected Property for Non-exclusive, Low-intensity Outdoor Recreation, and to maintain opportunities for such uses of the Protected Property. In furtherance thereof, Grantor hereby grants to Holder, to hold on behalf of the public and for the public benefit, the right of non-motorized public access to, on, and across and use of the Protected Property (including use of the Protected Property by commercial guides, by customers of Campsites and Remote Rental Cabins, by commercial sporting camps, and by non-profit camping and educational and scientific institutions) for Non-exclusive, Low-intensity Outdoor Recreation as provided herein. To this end, Grantor agrees to take no action to prohibit or discourage non-motorized access to, on, or across the Protected Property nor to inhibit Non-exclusive, Low-intensity Outdoor Recreation by the public; provided, however, that Grantor reserves the right to make reasonable rules and regulations for different types of public use, and to control, limit, or temporarily prohibit, by posting and other means, any use by the public (including, but not limited to, night use, camping, loud activities, open fires, use of equipment, and areas of access) for purposes of (a) protecting public safety, (b) protecting the Conservation Values, (c) ensuring compliance with all applicable laws, and (d) accommodating Grantor's Forest Management Activities and other uses of the Protected Property permitted hereunder. Grantor hereby expressly reserves the right to allow, limit, or prohibit motorized recreational uses on the Protected Property, in the sole and absolute discretion of Grantor. Grantor may allow Motorized Recreation uses on the Protected Property only if Motorized Recreation uses are consistent with a Motorized Recreational Use Plan proposed by Grantor and consented to by Holder, which demonstrates that the Motorized Recreation described and located on trails/roads in the Motorized Recreational Use Plan is sited and will be operated in such a manner so as to avoid unreasonable adverse effects to the Conservation Values. Grantor may propose amendments of the Motorized Recreational Use Plan to Holder at any time for its consent. Grantor shall take reasonable efforts to ensure that all motorized recreational uses on the Protected Property are consistent with the Motorized Recreational Use Plan.

6.2 Fees. Grantor reserves the right to charge the public fees in an amount that in Grantor's reasonable estimation, and subject to Holder's consent, will recompense Grantor for the costs of any or all of (a) maintenance resulting from public recreational use of permitted roads to, on, and over the Protected Property (to the extent not otherwise recompensed), (b) maintaining permitted recreational Structures on the Protected Property, including, but not limited to, Recreational Facilities, (c) managing and developing Trails on the Protected Property, (d) managing both permitted Non-exclusive, Low-intensity Outdoor Recreation and permitted Motorized Recreation (including the cost of procuring necessary insurance), and (e) providing the services, personnel, and facilities required to administer and collect these fees. Grantor may assign the right to charge such fees to the State of Maine or other entity that assumes responsibility for any of the items described in clauses (a) – (e) of this Section 6.2. Notwithstanding any other provision hereof, Grantor expressly reserves the right to require a permit and charge fees without Holder's consent and in an amount that exceeds Grantor's costs for permitted commercial activities, including, but not limited to, fees for the use of the roads for transportation of forest products, "bear baiting", and for commercial or for-profit enterprises (recreational or otherwise).

6.3 Limitation on Grant. Notwithstanding the foregoing, this Conservation Easement does not grant any easement, right of way, right of access, or other interest or license on, across, over, or affecting any other land of Grantor not included in the Protected Property, and this Conservation Easement does not, and shall not be construed to impose upon Grantor any obligation to provide or allow public access on, across, over, or affecting any land of Grantor not included in the Protected Property. Any such rights or licenses affecting any land of Grantor not included in the Protected Property, if granted by Grantor in its sole discretion, shall be by a separate instrument or instruments recorded in the Registry of Deeds where such other land is located, and no such rights or licenses shall arise by implication, necessity, or otherwise, and this Conservation Easement does not expand or extend any privilege or license currently provided by Grantor.

6.4 Immunity. Grantor and Holder claim all of the rights and immunities against liability for injury to the public to the fullest extent of the law under Title 14 M.R.S. § 159-A, under the Maine Tort Claims Act, Title 14 M.R.S. §§ 8101 *et seq.*, and/or under any other applicable provision of law or equity.

6.5 Right of Law Enforcement to Enter the Protected Property. Nothing in this Section shall be construed to prevent law enforcement or public safety personnel from entering the Protected Property at any and all times for the purposes of carrying out official duties in compliance with law.

7. CONVEYANCES AND DIVISION

7.1 Division Limitations.

(a) Notwithstanding that the Protected Property may be described as separate parcels, for the purposes of this Conservation Easement, the Protected Property shall be treated as a single merged parcel. Except to the extent otherwise provided in this Conservation

Easement, the Protected Property shall remain in its current configuration as an entirety without division, partition, subdivision, or other legal creation of lots or parcels in separate ownership other than that of Grantor or its Affiliates (each a “**Division**”). The Grantor may divide the Protected Property provided that (a) not more than four (4) separate Divisions may be created and conveyed to others; and (b) any Division allowed pursuant to this Section 7.1 hereof shall not be subsequently re-divided into a smaller Division unless one of the divisions permitted in (a) above is transferred and counted to the total of the four (4) permitted divisions; provided, however, that the following Divisions are exempt from the limitations of this subsection: (i) any Division made to develop a Recreational Facility authorized by the Concept Plan, provided that any such Division is not larger than reasonably necessary for such purpose; and (ii) any Division to transfer ownership of a portion of the Protected Property to any governmental entity.

(b) With the consent of Holder, Grantor may enter into boundary line agreements to resolve *bona fide* boundary line disputes, provided that there will be no unreasonable adverse effect on the Conservation Values and that the total acreage of land protected under this Conservation Easement shall not materially be reduced thereby without court order pursuant to Section 17.5 hereunder. A boundary line adjustment under this subsection shall not constitute a Division, and the portion of the Protected Property conveyed by the Grantor shall not be part of the Protected Property.

7.2 Extinguishment of Development Rights. Except as provided for by the terms of this Conservation Easement, all rights to develop or use the Protected Property that are expressly prohibited by this Conservation Easement are extinguished, and as a result of such extinguishment, shall not be available for transfer to any other lands pursuant to a transferable development rights scheme or cluster development arrangement or otherwise. Neither the Protected Property nor any portion thereof shall be included as part of the gross area of any other property not subject to this Conservation Easement for the purposes of determining density, lot coverage, or open space requirements under an otherwise applicable statute, regulation, or ordinance controlling land use and building density. For the avoidance of doubt, nothing in this subsection is intended to prohibit Grantor from undertaking practices or restrictions to its Forest Management Activities or other permitted land uses that are allowed by this Conservation Easement, but are additional to practices and restrictions required by the terms and conditions of this Conservation Easement all for the purposes of achieving carbon emissions or other environmental services credits, offsets, banking, or mitigation, the right to use the Protected Property for these purposes is not extinguished.

7.3 Transfer of Resource Information System Information. For any and all sales, transfers, or other conveyances by Grantor of some or all of the Protected Property that may occur pursuant to Section 7.1 hereof, Grantor shall, as a condition of conveyance, provide transferee all information contained in the Resource Information System regarding the portion of the Protected Property being conveyed, subject to any confidentiality protections duly exercised by Grantor pursuant to Section 11 hereof.

7.4 Notice of Divisions. Grantor agrees to give Holder thirty (30) days prior notice of any Division of its interest in the Protected Property.

8. HOLDER'S RIGHTS AND OBLIGATIONS

8.1 Enforcement.

(a) Subject to Sections 3.2(b) and 18 hereof, Holder has the right to enforce this Conservation Easement and the Management Plan against Grantor for violation of the Conservation Easement or the Management Plan including for actions of its agents, employees, contractors or designees.

(i) Damages. In any action to enforce the terms of this Conservation Easement or the Management Plan, monetary damages shall be limited to those ordered by the arbitrator, as provided in Section 18 hereof, as compensatory damages, and shall not include consequential, liquidated, or punitive damages. However, if the arbitrator finds that a violation of the terms of this Conservation Easement or the Management Plan was knowing, intentional, or willful, the arbitrator may award monetary damages up to and including twice the economic benefit gained by Grantor from activities in violation.

(ii) Costs. If the arbitrator under Section 18 determines that this Conservation Easement or the Management Plan has been breached, the arbitrator shall also have the right to order Grantor to reimburse Holder for any reasonable costs of enforcement, including any court costs, reasonable attorney's fees, out-of-pocket costs and any other payments ordered by the arbitrator, including those incurred pursuant to Section 8.1(a)(iii) hereof.

(iii) Emergency injunction. Notwithstanding the dispute resolution provisions of Section 18 hereof, Holder shall have the right in an emergency by proceedings in a court of competent jurisdiction at law and in equity to seek to enjoin a violation, *ex parte* as necessary, by temporary or permanent injunction, and to require the restoration of the Protected Property to the condition that existed as nearly as practicable to Holder's satisfaction, acting reasonably, prior to any such injury. The exclusive remedy available to Holder in such an action shall be injunctive relief.

(iv) Presumption of Compliance. In any action to enforce the terms and conditions contained in Section 3.2(b) hereof, Holder shall have the burden of overcoming the presumption of compliance afforded by the existence of certification by a Qualifying Forestry Certification Program under Section 3.2(b) hereof.

(v) Opportunity to Cure Violations. Prior to initiating any enforcement action, Holder shall provide Grantor with ninety (90) days prior notice of and opportunity to cure any breach, except where emergency circumstances require enforcement action without such delay, in which case Holder may bring immediate enforcement action pursuant to Section 8.1(a)(iii) hereof.

(b) Holder may not bring an enforcement action against Grantor for injury to or change in the Protected Property resulting from changes beyond the control or responsibility of Grantor, including, but not limited to, fire, flood, storm, and earth movement, from the

actions of parties not under the control of Grantor (including Holder or any of its agents, employees, contractors or designees), or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Protected Property.

8.2 Right of Entry. Holder or its designee has the right to enter the Protected Property, including the right to travel on roads outside the Protected Property to which the Grantor has rights of access, for gathering information regarding the Protected Property and for inspection and enforcement purposes, at any time and from time to time and in a reasonable manner that is consistent with the Conservation Values, so long as Holder or its designee does not unreasonably disrupt, interfere, inhibit, or restrict any Forest Management Activities. Grantor makes no representation or warranty that either the Protected Property or any access thereto is able to support or is suitable for any particular vehicles, supplies, machinery or equipment (including heavy equipment and machinery) and access will be conducted at the sole risk of Holder and its employees, agents, and contractors. Holder acknowledges: (a) industrial forestry activities regularly take place on the Protected Property; (b) such activities involve the use of large forestry equipment and motor vehicles, including trucks; (c) such forestry equipment utilizes the roads located on the Protected Property; and (d) that it will attempt at all times to cooperate with Grantor regarding safe access to the Protected Property.

8.3 Holder Damage to Grantor's Property. If, in conducting any activities on the Protected Property, including monitoring or enforcement activities, Holder or its employees, agents, or contractors cause damage to roads or any building or Structure located on the Protected Property, Holder will promptly inform Grantor of such damage and will be responsible for the reasonable cost and expense of repairing the damage. Grantor may elect to undertake the required repair work within ten (10) days or Grantor and Holder may agree on a contractor to perform the repair work, and which will be pursued with commercially reasonable diligence.

8.4 Permits. Prior to conducting any activities on the Protected Property, Holder will obtain, and will then maintain and comply with, all permits and approvals required by applicable laws in connection with such activities.

8.5 Insurance. Holder, at its sole cost and expense, will maintain or cause to be maintained (a) commercial general liability insurance covering bodily injury and property damage including sudden and accidental pollution liability and forest fire fighting expense, in respect of the Protected Property, protecting Grantor and Holder, with a combined single limit of not less than \$10,000,000 and which will be written on an occurrence basis; (b) automobile liability insurance with limits of \$5,000,000 per occurrence; (c) all risks property insurance covering all property and equipment brought onto the Protected Property on a replacement cost basis; and (d) workers compensation and employers liability as per statutory requirements. The commercial general liability policies of insurance to be maintained by Holder under the provisions of this Conservation Easement will name Grantor as an additional insured and will contain a cross liability clause. All such policies will be endorsed to provide that insurers will waive their rights of subrogation against Grantor, its officers, directors, employees, agents, contractors, and mortgagees. All such policies will be issued by companies licensed to do business in the State of Maine, reasonably satisfactory to Grantor and with an A.M. Best's (or

its successor) rating of A- or better or the then equivalent of such rating. Holder will deliver to Grantor copies of the endorsements to the policies evidencing such additional insured coverage, in form reasonably satisfactory to Grantor, issued by the insurance company or its authorized agent prior to any entry upon the Protected Property. To the extent reasonably obtainable, such policies will contain a provision whereby the same cannot be canceled or denied renewal (including by reason of non-payment of premium) unless Grantor are given at least thirty (30) days prior notice of such cancellation or denial. Where such a provision is not reasonably obtainable, Holder will within two (2) days of (i) receipt of any notice either threatening or indicating the insurance company's intent to cancel or deny such policies, or (ii) receipt of any notice of any cancellation or denial of such policies, inform Grantor of such notice.

Notwithstanding any other provision of this Conservation Easement, Holder, its employees, or any contractor engaged by Holder may only enter upon the Protected Property up to the date of policy cancellation or expiration unless Holder provides Grantor evidence of renewal or replacement of such policies within no less than five (5) days of the expiration thereof. In addition, Holder will require all contracts with third parties retained by Holder or any contractor or agent of Holder for the performance of any work or activities on the Protected Property to carry the following insurance: (A) workers' compensation insurance and employers' liability insurance covering all persons employed in connection with such work or activities, as per statutory requirements (B) commercial general liability insurance to protect it from claims for damages for bodily injury and property damage including sudden and accidental pollution liability and forest fire fighting expense which may arise from operations performed with a limit of \$1,000,000 per occurrence, and (C) and automotive liability insurance with a limit of \$1,000,000 per occurrence on all owned, non-owned and hired vehicles. Grantor may at any time and from time to time upon no less than thirty (30) days prior written notice to Holder, increase the required policy limits identified in this Section 8.5, acting reasonably.

8.6 Co-Operation. The Parties, and their Affiliates, if applicable, will cooperate to schedule and conduct their respective activities on the Protected Property to cause the least practicable interruption or reduction to each other's activities.

8.7 Forest Fire. Holder agrees that all activities of the Holder and its employees, contractors, and subcontractors on the Protected Property will be conducted in a manner that minimizes the risk of fire.

8.8 Indemnity. Holder shall defend, indemnify, release, and hold Grantor, and its subsidiaries and Affiliates (including the respective directors, officers, shareholders, members, trustees, beneficiaries, employees, principals, agents and representatives of the aforementioned entities) (collectively, the "**Indemnitees**"), harmless from and against any and all claims, demands, actions, suits, damages, liability, loss, costs, and expense, including reasonable attorney's fees, which may be brought against, suffered, or incurred by the Indemnitees resulting from, arising from, or in connection with the exercise by Holder, its employees, agents, invitees, guests, or any other person of rights under this Conservation Easement, except in the case of intentional misconduct or willful violation of law by Indemnitees.

8.9 Right to Certain Information. In the absence of third-party certification under Section 3.2(b)(iv) hereof, and subject to the provisions of Section 11 hereof, Grantor agrees to provide to Holder the types of information that would be made available to a third-party auditor, including, but not limited to, information contained in the Baseline Documentation and the Resource Information System, to the extent reasonably necessary for Holder to perform the monitoring and enforcement responsibilities as set forth in this Conservation Easement.

8.10 Meetings. Grantor and Holder shall meet on at least an annual basis (or such other basis as is mutually agreed upon by the Parties) to review, monitor, and discuss implementation of the terms of this Conservation Easement.

8.11 Annual Reporting. Holder shall comply with the annual reporting requirements of Title 33 M.R.S. § 479-C. In addition, Holder shall provide written annual reports to the Grantor covering monitoring undertaken during the year; any easement violations found and actions taken as a result; emerging issues identified by the Holder or brought to the attention of the Holder by any other entity, and any other information relevant to monitoring the easement. Such written reports shall be maintained by Holder in its permanent records, and a copy of all such reports shall be provided to Grantor within thirty (30) days of filing.

8.12 Boundary Surveys. Grantor has the responsibility to adequately maintain boundaries of the Protected Parcel and shall provide Holder digital files of the boundaries sufficient for Holder to monitor and enforce this Conservation Easement. Holder, at its sole cost, has the right to conduct a professional boundary survey of the Protected Property, or any part thereof, if one is required to determine whether there is a violation of this Conservation Easement. Grantor shall reimburse Holder for such survey cost if it is determined through the results of such boundary survey that there was a material violation of this Conservation Easement.

8.13 Offset for Civil Penalties. In the event that any governmental agency or citizen obtains penalties or fines in an enforcement action against Grantor for a violation of law that is also a violation of this Conservation Easement, the amount of any such penalty or fine, including any amount paid toward supplemental environmental projects pursuant to Title 38 M.R.S. § 349(2-A) or other comparable State, federal, or local law, shall be credited against any corresponding award of monetary damages obtained by Holder through a subsequent enforcement action for the violation of this Conservation Easement or the Management Plan caused by the same underlying conduct unless the arbitrator determines the conduct was knowing, intentional, or willful under Section 8.1(a). Nothing in this paragraph subsection shall limit the right of Holder to pursue any equitable or other relief, including specific performance or restoration of the Protected Property.

9. ATTORNEY GENERAL RIGHTS

Nothing in this Conservation Easement shall be construed as limiting or removing any independent rights of the Attorney General of the State of Maine under Maine law to enforce the terms and conditions of this Conservation Easement and the Management Plan.

10. STEWARDSHIP FUND

10.1 Initial Contribution. For the purpose of providing support to Holder relating to its role as Holder of the Conservation Easement, Grantor shall, within sixty (60) days from the date of the grant of this Conservation Easement, establish a dedicated stewardship fund (hereinafter the “**Fund**”) at the Maine Community Foundation or at another fund operator (hereinafter “**Fund Operator**”) meeting the selection criteria under Section 3 of the “Agreement on Fish River Lakes Region Conservation Easement Stewardship Fund” pursuant to an agreement (the “**Stewardship Fund Agreement**”) of near or even date herewith and by and among Grantor, Holder, and Fund Operator. The amount of the initial contribution by Grantor to the Fund shall be _____, in 2017 U.S. dollars. The Fund shall be managed and funds disbursed for monitoring purposes and in accordance with the terms of the Stewardship Fund Agreement.

10.2 Additional Contributions. Additional contributions to the Fund shall be required as follows:

(a) Additional Contribution for Each Division of the Protected Property. For each Division of the Protected Property under Section 7.1 hereof, Grantor shall contribute _____ to the Fund.

(b) Contributions Required Prior to Division. No conveyance of any portion of the Protected Property shall be made unless the contribution to the Fund required by this Section 10.2 is made by Grantor on or before the date of the Division, and unless a certificate of Holder is recorded in the Registry of Deeds for the county in which the lot is located stating that the required contribution to the Fund has been paid.

(c) Contributions Due to Absence of Third-Party Certification. In the absence of third-party certification of the Protected Property from a Qualifying Forestry Certification Program pursuant to Section 3.2(b)(vi) hereof, Grantor then owning that portion of the Protected Property (the “**Owner**”) shall contribute a one-time lump sum of _____ to the Fund, provided, however, that no such payment shall be required if the Owner discontinues all Forest Management Activities on that portion of the Protected Property and files an affidavit in the Registry of Deeds stating that all Forest Management Activities on that portion of the Protected Property have been discontinued. If the Owner discontinues all Forest Management Activities on that portion of the Protected Property and files an affidavit stating that all Forest Management Activities on that portion of the Protected Property have been discontinued, Forest Management Activities shall not be resumed on that portion of the Protected Property until the Owner has paid _____ into the Fund or, until a certificate of Holder stating that the Owner has complied with the requirements of this

subsection has been recorded in the Registry of Deeds.

(d) Adjustment to 2017 U.S. Dollars. Contributions to the Fund required by this Section 10 shall be paid in the amounts indicated in U.S. dollars, adjusted for inflation and/or deflation for each year after 2017 based on the Consumer Price Index for all Urban Consumers (CPI-U) published by the Bureau of Labor Statistics of the U.S. Department of Labor or the successor thereto for each year after 2017, or if that index is discontinued, based on a similar index published by the United States Government and selected in accordance with the terms of the Stewardship Fund Agreement.

(e) Continuing Lien. As and when they become due, all additional contributions to the Fund and other amounts due to Holder under this Section 10 shall be continuing liens for the benefit of Holder against those portions of the Protected Property that give rise to the additional contributions or other amounts due. The lien(s) may be enforced by any means provided under Maine law, provided that action to enforce the lien(s) is brought within one-hundred and twenty (120) days of Holder's receipt of written notice of the absence of third-party certification giving rise to the lien(s). Without waiving or prejudicing any rights of collection and costs against Grantor, enforcement of the lien(s) shall proceed against the Owner of that portion of the Protected Property giving rise to the additional contribution, with notice to Grantor, and Holder shall be entitled to recover all reasonable, out of pocket costs of collection, including reasonable attorney's fees.

(f) Estoppel Certificates. In consideration of the foregoing, and as requested, Holder agrees to deliver estoppel certificates in a customary commercial form, certifying that all relevant amounts due under this Section 10 have been timely paid. Failure of Holder to deliver such estoppel certificates ten (10) business days following receipt of a written request containing all information material to the preparation and delivery of the certificates shall constitute a waiver of the lien(s) described in Section 10.2(e) hereof.

11. ACCESS TO RECORDS OF GRANTOR

11.1 Intent. Holder shall have access to records in the possession of Grantor to the extent reasonably necessary to perform the monitoring and enforcement responsibilities as set forth in this Conservation Easement. The Parties recognize that the identity of the holder of this Conservation Easement may change and that governmental agencies serving as Holder may be subject to public records laws. The intent of the Parties, therefore, is that (a) non-governmental organizations serving as Holder shall maintain as confidential proprietary information or trade secrets contained in records made available by Grantor to the maximum extent permitted by law, (b) governmental agencies serving as Holder shall maintain as confidential such records to the maximum extent allowed by law, including public records laws, and that (c) the existence of potentially proprietary information or trade secrets within such records will not impede the ability of Holder from accessing all information in the possession of the Grantor required for fully performing its monitoring and enforcement responsibilities.

11.2 Non-Governmental Organization as Holder. This subsection applies to a Holder that is a non-governmental organization. Grantor shall promptly make available to Holder upon request copies of any records reasonably necessary to perform monitoring or enforcement responsibilities under this Conservation Easement. To the extent Grantor concludes in good faith that such records contain proprietary information or trade secrets, Grantor may either (a) redact such proprietary information or trade secrets within said records, so long as the redacted information is not reasonably necessary for monitoring and enforcement and Grantor further provides a written explanation of the nature of the redacted information in sufficient detail to allow Holder to assess its need for the redacted information; or (b) submit the requested records in unredacted form clearly marked as “confidential.” Holder shall maintain the confidentiality of records Grantor submits under a claim of confidentiality to the maximum extent allowed by law, and shall promptly return to Grantor or at Grantor’s request destroy all records designated as “confidential” as soon as such records are no longer reasonably necessary to perform its monitoring and enforcement responsibilities, or upon the termination of Holder’s status as Holder.

11.3 Governmental Organization as Holder. This subsection applies to a Holder that is a governmental agency. Grantor shall promptly make available to Holder upon request copies of any records reasonably necessary to perform monitoring or enforcement responsibilities under this Conservation Easement. To the extent Grantor concludes in good faith that such records contain proprietary information or trade secrets, Grantor may either (a) redact such proprietary information or trade secrets within said records, so long as the redacted information is not reasonably necessary for monitoring and enforcement and Grantor further provides a written explanation of the nature of the redacted information in sufficient detail to allow Holder to assess its need for the redacted information; or (b) submit the requested records in unredacted form clearly marked as “confidential.” Holder shall consider any information Grantor may provide in support of a claim of confidentiality in determining whether (i) such records are reasonably necessary to perform monitoring and enforcement responsibilities, and (ii) such records are properly subject to disclosure or entitled to protection from disclosure under applicable public records laws, including Maine’s Freedom of Access Law, Title 1 M.R.S. §§ 401 *et seq.* (“FOAA”). Except to the extent required by law or court order, in the event that Holder determines that records subject to a claim of confidentiality by Grantor are subject to disclosure pursuant to FOAA or other applicable law, Holder shall, prior to disclosure, provide Grantor with written notice and a reasonable opportunity to obtain a court order barring disclosure.

11.4 Confidentiality in Court Proceedings. Records obtained by the Attorney General in connection with the enforcement of this Conservation Easement shall be governed by Title 33 M.R.S. § 478(4) and any other applicable provision of law.

12. DELINEATION AND MODIFICATION OF BOUNDARIES

Upon mutual agreement of Grantor and Holder, the boundaries of the Protected Property may be modified to establish an easily identifiable boundary to the Protected Property (such as a roadway or stream thread), provided that such boundary modification involves an insignificant amount of land and there is no more than a *de minimis* change in the total acreage

of the Protected Property, and provided further that any such modification during the term of the Concept Plan is approved by LUPC. Any such modification shall not be considered a Division under Section 7.

13. NOTICES

13.1 Notice and Consent.

Notices and consent required or contemplated hereunder to any Party must be in writing and will be sufficient if served personally or sent by facsimile with a receipt of delivery, overnight mail with receipt acknowledged, or certified mail, return receipt requested, addressed as follows:

To Grantor:	Irving Woodlands LLC 300 Union Street – 8 th Floor P.O. Box 5777 Saint John, NB E2L 4M3 Canada Attn: Co-Chief Executive Officer & Co-President Fax: (506) 632-6451
With a copy to:	J. D. Irving, Limited 300 Union Street, 12 th Floor P.O. Box 5888 Saint John, NB E2L 4L4 Canada Attention: Secretary Fax: (506) 658-0517
To Holder:	Forest Society of Maine 115 Franklin Street, 3 rd Floor Bangor, ME 04401 United States of America Attn.: Executive Director Fax: (207) 945-9229

or to such other authorized person as any Party may from time to time designate by written notice to the others in the manner set forth above. Notices given in accordance with this Section 13.1 will be deemed given on the date personally delivered or three (3) days after being sent by facsimile, overnight, or certified mail. In the event that such notice to a Party is returned as undeliverable, notice shall be sent by certified mail, return receipt requested, or by such commercial carrier as requires a receipt, and by regular mail to the Party's last known address on file with the Bureau of Taxation for the State of Maine, and with the Bureau of Corporations, Secretary of the State of Maine, if applicable, and the mailing of such notice shall be deemed in compliance with the notice provisions of this Easement.

14. LIENS, TAXES, INDEMNITY

14.1 Liens. Grantor represents that as of the date of the grant of this Conservation Easement there are no liens for money owed or mortgages outstanding against the Protected Property. Any portion of the Protected Property may be used to secure the repayment of debt, provided that any lien or other rights granted for such purpose are subordinate to all of the rights of Holder, including the right to enforce the terms, restrictions, and covenants created under this Conservation Easement. Under no circumstances shall Holder's rights be extinguished or otherwise affected by the recording, foreclosure, or any other action taken concerning any lien or other interest in the Protected Property.

14.2 Property Taxes. Grantor is responsible to pay and discharge when due all property taxes, assessments, and other costs, charges, liens, and encumbrances lawfully imposed upon or in connection with the Protected Property and to avoid the imposition of any liens or encumbrances that may affect Holder's rights hereunder. In the event a lien created against the Protected Property is to be executed, Holder, at its option, shall, after written notice to Grantor, have the right to pay funds to discharge the lien to protect Holder's interest in the Protected Property and to assure the continued enforceability of this Conservation Easement; provided, however, that Grantor first shall have the right to contest any such lien by legal proceedings. In the event Grantor elects to contest any property taxes, assessments, and other costs, charges, liens, and encumbrances by legal proceedings, Holder's right to pay and discharge such lien(s) shall not arise until and unless such lien(s) are determined as a result of such legal proceedings to be valid and enforceable against the Protected Property, or unless and until Grantor has abandoned its prosecution of such legal proceedings. If Holder exercises its right and pays funds to discharge a lien, Holder shall be entitled to recover such amount from Grantor.

14.3 Indemnity. Grantor acknowledges that Holder has no possessory rights in the Protected Property or any responsibility or right to control, maintain, or keep-up the Protected Property. Grantor is responsible for all costs and ownership, control, operation, maintenance, and upkeep of the Protected Property, unless performed by Holder or its designees voluntarily, and will indemnify, defend, and hold harmless Holder from any claims for damages that arise therefrom, except for harm proximately caused by Holder's negligent act or misconduct, or as may arise out of Holder's workers' compensation obligations.

15. ASSIGNMENT OF CONSERVATION EASEMENT

This Conservation Easement is assignable by Holder with the consent of Grantor. Assignment of this Conservation Easement during the term of the Concept Plan to any entity may only occur after notice to and written approval by LUPC (or any successor) and Grantor, and only to an entity that (a) satisfies the requirements of Section 170(h)(3) of the Internal Revenue Code of 1986 and Title 33 M.R.S. § 476(2); (b) has land conservation as its primary goal or purpose and otherwise has goals and purposes that are reasonably consistent with protecting the natural, scenic, or open space values of real property; (c) agrees, in writing, as a condition of transfer, to monitor, enforce, and otherwise uphold the Conservation Values and abide by the terms and conditions of this Conservation Easement; (d) possesses both the

financial resources and the demonstrated experience required to monitor and enforce large-acreage easements; and (e) has no potential conflicts of interest with its responsibilities to hold and enforce the Conservation Easement in a fair and impartial manner, and operates in the public interest and not for the benefit of private individuals or corporations. Grantor may only withhold consent of Holder's proposed assignment of this Conservation Easement upon a showing that the proposed assignee does not satisfy the requirements and qualifications set forth in this Section 15. Arbitration pursuant to Section 18 hereof of a decision to withhold consent of assignment shall be *de novo* and without deference to the withholding Party.

16. COMPLIANCE WITH MAINE CONSERVATION EASEMENT LAW

16.1 Conservation Easement Act. This Conservation Easement is created pursuant to Maine's Conservation Easement Act, Title 33 M.R.S. §§ 476 *et seq.*

16.2 Holder Qualification. Holder is qualified to hold conservation easements pursuant to Title 33 M.R.S. § 476(2)(B), and is a Qualified Organization under Section 170(h)(3) of the Internal Revenue Code of 1986, to wit: a publicly funded, non-profit, Section 501(C)(3) organization having a commitment and the resources to protect the conservation purposes of the donation and enforce the restrictions .

17. GENERAL PROVISIONS

17.1 Reservation of Rights. Grantor hereby expressly reserves to itself, its successors, and assigns all rights and use accruing from ownership of the Protected Property, including the right to engage in or permit others to engage in, including, but not limited to, by easement, lease, or otherwise, subject to this Conservation Easement, all uses of the Protected Property that are not prohibited by this Conservation Easement.

17.2 Protected Property Only. This Conservation Easement applies to the Protected Property only. Nothing herein shall be construed to impose any obligation, restriction, or other encumbrance on any real property not expressly made a part of the Protected Property.

17.3 Waiver of Certain Defenses. Grantor hereby waives any defense of laches, prescription, or estoppel for the failure or delay, for any reason whatsoever, of Holder to enforce this Conservation Easement or Management Plan. Only Holder, or the Attorney General to the extent authorized by applicable law, may enforce the terms of this Conservation Easement and the Management Plan. The failure or delay of the Holder, for any reason whatsoever, to do any action required or contemplated hereunder, or to discover a violation or initiate an action to enforce this Conservation Easement shall not constitute a waiver, laches, or estoppel of its rights to do so at a later time.

17.4 Obligations Terminated. A Party's rights and obligations under this Conservation Easement shall terminate when such Party ceases to have any interest in the Protected Property or this Conservation Easement, except that liability for acts or omissions occurring prior to transfer shall survive such transfer.

17.5 Discretionary Approvals, Consents and Amendments.

(a) Discretionary Approvals. Grantor and Holder acknowledge that certain activities by the Grantor may warrant the prior discretionary approval of Holder, and that Holder has the right to issue such discretionary approvals without prior notice to any other entity. Nothing in this subsection shall require either party to agree to any discretionary approval.

(b) Consents. For any activity requiring Holder's consent hereunder, consent shall not be unreasonably withheld, conditioned or delayed. In each case requiring consent, Grantor shall send a request for consent pursuant to Subsection 13.1 hereunder, including, at a minimum, sufficient information to enable Holder to determine whether proposed plans are consistent with the terms of this Conservation Easement and would not have an unreasonable adverse effect on the Conservation Values. Holder's consent shall be deemed granted if Holder has not responded to a request for consent within forty-five (45) days of receipt of such request, except as otherwise specifically stated in this Conservation Easement. In addition, where consent is required, Holder shall use all reasonable efforts to reach a decision on whether to provide such consent as quickly as is practicable.

(c) Amendments. Grantor and Holder recognize that rare and extraordinary circumstances could arise that warrant modification of certain of the provisions of this Conservation Easement. To this end, subject to more restrictive laws and regulations, if applicable law, Grantor and Holder have the right to agree to amendments to this Conservation Easement, provided that in the reasonable judgment of Holder, such amendment is consistent with the Conservation Values intended for protection under this Conservation Easement. Amendments will become effective upon recording at the Aroostook County Registry of Deeds. Nothing in this paragraph subsection shall require the Grantor or the Holder to agree to any amendment or to negotiate regarding any amendment. During the term of the Concept Plan, all rights of Holder to amend this Conservation Easement shall require the approval of LUPC.

(d) Further Limitations on Discretionary Approvals and Amendments. Notwithstanding the foregoing, without the prior approval of the court in an action in which the Attorney General is made a party as provided by Title 33 M.R.S. §§ 477-A(2)(B), Holder and Grantor have no right or power to approve any action or agree to any discretionary approval or amendment that would: (i) materially detract from the conservation values intended for protection; (ii) limit the term or result in termination of this Conservation Easement; or (iii) adversely affect the qualification of this Conservation Easement or the status of the Holder under applicable laws, including Title 33 M.R.S. §§ 476 *et seq.*, and Sections 170(h), 501(c)(3), 2522, and 2031(c) of the Internal Revenue Code, and regulations issued pursuant thereto.

17.6 Invalidity. If any provision of this Conservation Easement or the application of any provision to a particular person or circumstance is found to be invalid, the remainder of this Conservation Easement and the application of such provision to any other person or in any other circumstance shall remain valid. Nothing contained herein will result in a forfeiture of this Conservation Easement or reversion to Grantor of any rights extinguished or conveyed hereby. Failure to comply with the requirements of Title 33 M.R.S. §§ 477-A(1), (2)(A), or (3) shall not invalidate this Conservation Easement.

17.7 Governing Law. Interpretation and performance of this Conservation Easement shall be governed by the laws of the State of Maine. This Conservation Easement shall be liberally construed in favor of the grant to effect the conservation purposes of this Conservation Easement and the policy and purpose of the Maine Conservation Easement Act Title 33, Maine 33 M.R.S. §§ 476 *et seq.* If any provision in this instrument is found to be ambiguous, an interpretation consistent with the conservation purposes of this Conservation Easement shall govern.

17.8 Extinguishment. This Conservation Easement can only be terminated or extinguished including by eminent domain, whether in whole or in part, by prior approval of a court of competent jurisdiction in an action in which the Attorney General is made a party pursuant to Title 33 M.R.S. § 477-A(2)(B). It is the intention of the Parties that an extinguishment or termination be approved by a court only if all of the Conservation Purposes of this Conservation Easement are impossible to accomplish. Should this Conservation Easement be terminated or extinguished as provided in this subsection, in whole or in part, Holder shall be entitled to be paid the increase in value of the Grantor's estate resulting from such extinguishment, as determined by the court, or in the absence of such court determination, by the agreement of the parties or, in the absence of such agreement, by an independent appraiser mutually selected by Grantor and Holder. After satisfying its costs and expenses associated with any termination or extinguishment proceeding, Holder shall use its share of the proceeds or other moneys received under this subsection in a manner consistent, as nearly as possible, with the stated, publicly beneficial purposes of this Conservation Easement. This subsection shall not apply, and there will be no division of proceeds with respect to any sale, exchange or transfer of the Protected Property where the transferred Protected Property remains subject to the Conservation Easement whether explicitly or by operation of law.

17.9 Valuation. This Conservation Easement constitutes a real property interest immediately vested in Holder, which, for purposes of Section 17.8 hereof, the Parties stipulate to have a fair market value determined by multiplying the fair market value of the Protected Property unencumbered by the Conservation Easement (minus any increase in value after the date of the grant of this Conservation Easement attributable to improvements made by Grantor, which amount is reserved to Grantor) by the ratio of the value of the Conservation Easement at the time of this grant to the value of the Protected Property, without deduction for the value of the Conservation Easement, at the time of this grant. For the purposes of this subsection, the ratio of the value of the Conservation Easement to the value of the Protected Property unencumbered by the Conservation Easement shall remain constant (hereinafter the "**Original Percentage Reduction**"). The Parties have included the Original Percentage Reduction in the Baseline Documentation and shall amend such values, if necessary, to reflect any final determination thereof by the Internal Revenue Service or court of competent jurisdiction.

17.10 Condemnation. If either Holder or Grantor receives notice of the actual or threatened exercise of the power of eminent domain or a proposed acquisition by purchase in lieu of condemnation whether by public, corporate, or other authority (hereinafter a "**Taking**") with respect to any interest in or any part of the Protected Property, the party who receives the notice shall promptly notify the other and the parties may proceed jointly or either party may at its

discretion take such legal action as it deems necessary to: (a) challenge the Taking; (b) challenge the amount of allocation of any award tendered by the Taking authority; or (c) otherwise participate in, challenge or appeal such proceedings, findings or awards. Any third party counsel and consultants (including appraisers) hired by either party shall be reasonably acceptable to the other party. Each party shall be responsible for its own costs and legal fees, absent written agreement of the parties.

17.11 Comparative Economic Test. Pursuant to Title 33 M.R.S. § 478, no comparative economic test may be used to determine if this Conservation Easement is in the public interest or serves a publicly beneficial conservation purpose. In making this grant, Grantor has considered the possibility that uses prohibited by the terms of this Easement may become more economically valuable than permitted uses, and that neighboring properties may in the future be put entirely to such prohibited uses. In addition, the unprofitability of conducting or implementing any or all of the uses permitted under the terms of this Conservation Easement shall not impair the validity of this Conservation Easement or be considered grounds for its termination or extinguishment. It is the intent of both Grantor and Holder that any such economic changes shall not be deemed to be changed conditions or a change of circumstances justifying the judicial termination, extinguishment or amendment of this Conservation Easement.

17.12 Requirement to Comply with Laws and Regulations. Nothing in this Conservation Easement is intended to supersede, eliminate, or otherwise change any obligation of Grantor under any applicable law, including, but not limited to, the obligation to obtain any and all required regulatory approvals for activities permitted under this Conservation Easement's terms. Nothing in this Conservation Easement may be construed to permit an activity otherwise prohibited or restricted by State, local, or Federal laws or regulations, with which Grantor shall have a responsibility to comply.

17.13 Section Headings. The word or words appearing at the commencement of sections and subsections of this Conservation Easement are included only as a guide to the contents thereof and are not to be considered as controlling, enlarging, or restricting the language or meaning of those sections or subsections.

17.14 Initiation Date of Certain Limitations. For purposes of calculating all acreage and other limits established for certain permitted uses and Structures in this Conservation Easement, said calculations shall commence on the date that is fifteen (15) days following the date of approval of the Concept Plan by LUPC.

17.15 Extended Meanings. In this Conservation Easement, words importing the singular number include the plural and vice versa, and words importing persons include individuals, corporations, limited and unlimited liability companies, general and limited partnerships, firm, associations, trusts, unincorporated organizations, joint-stock companies, joint ventures, business units, divisions, Governmental Authorities and other entities.

17.16 Statutory References. In this Conservation Easement, unless something in the subject matter or context is inconsistent therewith or unless otherwise herein provided, a reference to any statute, regulation, rule, agreement, document, or section thereof is a reference

to such statute, regulation, rule, agreement, document, or section as may be amended, modified, or supplemented (including any successor section and, with regard to statutes, any regulations made thereunder) and in effect from time to time.

17.17 Time. Whenever the last day for the exercise of any right or the discharge of any duty under this Conservation Easement falls on a Saturday, Sunday, or a legal holiday, the Party having such right or duty will have until the next day that is not a Saturday, Sunday, or legal holiday to exercise such right or discharge such duty.

18. DISPUTE RESOLUTION

18.1 Resolution of Disputes.

(a) **Informal Dispute Resolution.** Any controversy, claim, or dispute between the Parties arising out of or related to this Conservation Easement or the breach, termination, or invalidity hereof (“**Dispute**”) that cannot be resolved by the Parties within thirty (30) days after receipt by a Party of written notice of such Dispute, the other Party will be referred to a panel consisting of a senior executive (President, a Vice President or similarly titled person) of each Party or any of its Affiliates, if applicable, with authority to decide or resolve the Dispute, for review and resolution. Such senior executives will meet and attempt in good faith to resolve the Dispute within twenty-five (25) days after receipt of such written notice.

(b) **Arbitration.** Except to the extent expressly provided herein, if a Dispute has not been resolved within sixty (60) days after receipt of written notice, the Dispute will be determined by final and binding arbitration in accordance with the Federal Arbitration Act, Title 9 U.S.C. § 10 (or if not applicable, the applicable State law), the then-current rules for arbitration of the American Arbitration Association, or any successor thereof (“**AAA**”), and the “Special Rules” set forth in Section 18.3 hereof. In the event of any inconsistency, the Special Rules shall control. Judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction. The decision of the arbitrator will be final and binding on the Parties thereto. The arbitrator will hear and determine all questions of fact and law relating to any Dispute, including, but not limited to, any claim for final injunctive or other equitable relief. By agreeing to arbitration, the Parties do not intend to deprive any court of its jurisdiction to issue a pre-arbitral injunction, pre-arbitral attachment, or other order in aid of arbitration.

(c) **Emergency Injunction.** Notwithstanding anything to the contrary in Section 18.1 hereof, Holder reserves the right to bring an action in law or equity in a court of competent jurisdiction to enjoin temporarily the imminent violation of this Conservation Easement pursuant to Section 8.1 hereof when, in its reasonable judgment, immediate action is necessary to prevent irreparable harm to the Conservation Values.

18.2 Special Rules for Arbitration.

(a) The arbitration shall be conducted in Portland, Maine, unless otherwise agreed by the Parties. The arbitration shall be administered by AAA, who will appoint an

arbitrator. If AAA is unwilling or unable to administer or is legally precluded from administering the arbitration, then either Party may substitute another arbitration organization that has similar procedures to AAA and that will observe and enforce any and all provisions of this Section. The provisions of Sections 18.1 and 18.2 hereof shall be binding on said substitute arbitrator. All Disputes shall be determined by one arbitrator; however, if the amount in controversy in a Dispute exceeds One Million Dollars (\$1,000,000), upon the request of either Party, the Dispute shall be decided by three arbitrators (for purposes of this Section, referred to collectively as the “**arbitrator**”).

(b) All arbitration hearings will be commenced within ninety (90) days of the demand for arbitration and completed within ninety (90) days from the date of commencement; provided, however, that upon a showing of good cause, the arbitrator shall be permitted to extend the commencement of such hearing for up to an additional sixty (60) days.

(c) The judgment and the award, if any, of the arbitrator shall be issued within thirty (30) days of the close of the hearing. The arbitrator shall provide a concise written statement setting forth the reasons for the judgment and for the award, if any. The arbitration award, if any, may be submitted to any court having jurisdiction to be confirmed and enforced, and such confirmation and enforcement shall not be subject to arbitration.

(d) The arbitrator will give effect to statutes of limitations and any waivers thereof in determining the disposition of any Dispute and may dismiss one or more claims in the arbitration on the basis that such claim or claims is or are barred. For purposes of the application of the statute of limitations, the service on AAA under applicable AAA rules of a notice of Dispute is the equivalent of the filing of a lawsuit.

(e) Any dispute concerning this arbitration provision, including any such dispute as to the validity or enforceability of this provision, or whether a Dispute is arbitrable, shall be determined by the arbitrator; provided, however, that the arbitrator shall not be permitted to vary the express provisions of these Special Rules.

(f) The arbitrator shall have the power to award reasonable attorney’s fees and costs pursuant to the terms of this Conservation Easement.

(g) Notwithstanding the foregoing, for any dispute for which the provisions of Sections 3.2(b)(iv) and 8.1 hereof are applicable, the dispute resolution procedures contained in such sections shall govern.

(h) All information disclosed as a result of any arbitration proceeding, including the results of said arbitration, shall be confidential except to the extent provided by applicable law.

18.3 Conditions for ADR By Mutual Agreement of the Holder and Grantor. The parties by mutual agreement may, in addition to arbitration, submit the dispute to other forms of alternative dispute resolution, such as mediation. By mutual agreement, other conditions may be set under which the process of such alternative dispute resolution would proceed.

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IN WITNESS WHEREOF, Grantor has caused this Conservation Easement to be duly executed as of this ___day of _____, 2017.

GRANTOR:

ALLAGASH TIMBERLANDS LP

By: Eagle Lake Timberlands Inc.,
a New Brunswick corporation,
its General Partner

By: _____

Name:

Its:

By: _____

Name:

Its:

PROVINCE OF NEW BRUNSWICK
COUNTY OF ST. JOHN, ss.

_____, 2017

Personally appeared the above-named _____,
of Eagle Lake Timberlands Inc., as general partner of Allagash Timberlands LP, a _____
_____ and acknowledged the foregoing instrument to be his/her free act and deed in his/her said
capacity and the free act and deed of said limited partnership.

Before me,

Notary Public

Printed Name: _____

My Commission Expires: _____

HOLDER ACCEPTANCE

The above and foregoing Conservation Easement was authorized to be accepted by the Forest Society of Maine, Holder as aforesaid, and said Holder does hereby accept the foregoing Conservation Easement, by and through _____, its _____, hereunto duly authorized, this _____ day of _____, 2017.

HOLDER:

Signed, sealed and delivered in the presence of: **FOREST SOCIETY OF MAINE**

By: _____
Name:
Its:

STATE OF MAINE
COUNTY OF _____, ss. _____ 2017

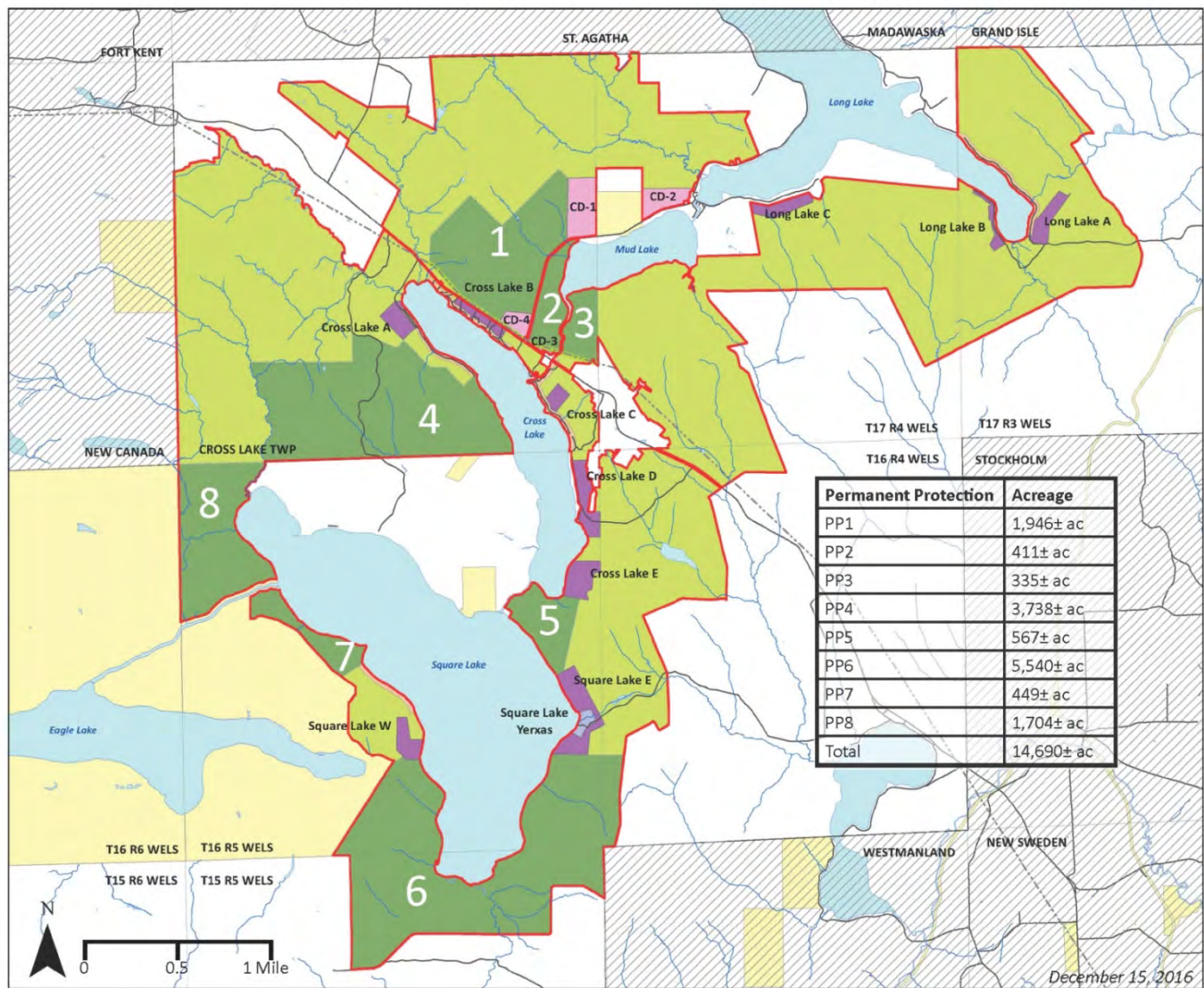
Then personally appeared _____, _____ an authorized representative of the above-named Holder and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity, and the free act and deed of said Holder.

Before me,

Notary Public
Printed Name: _____
My Commission Expires: _____

Exhibit A-1

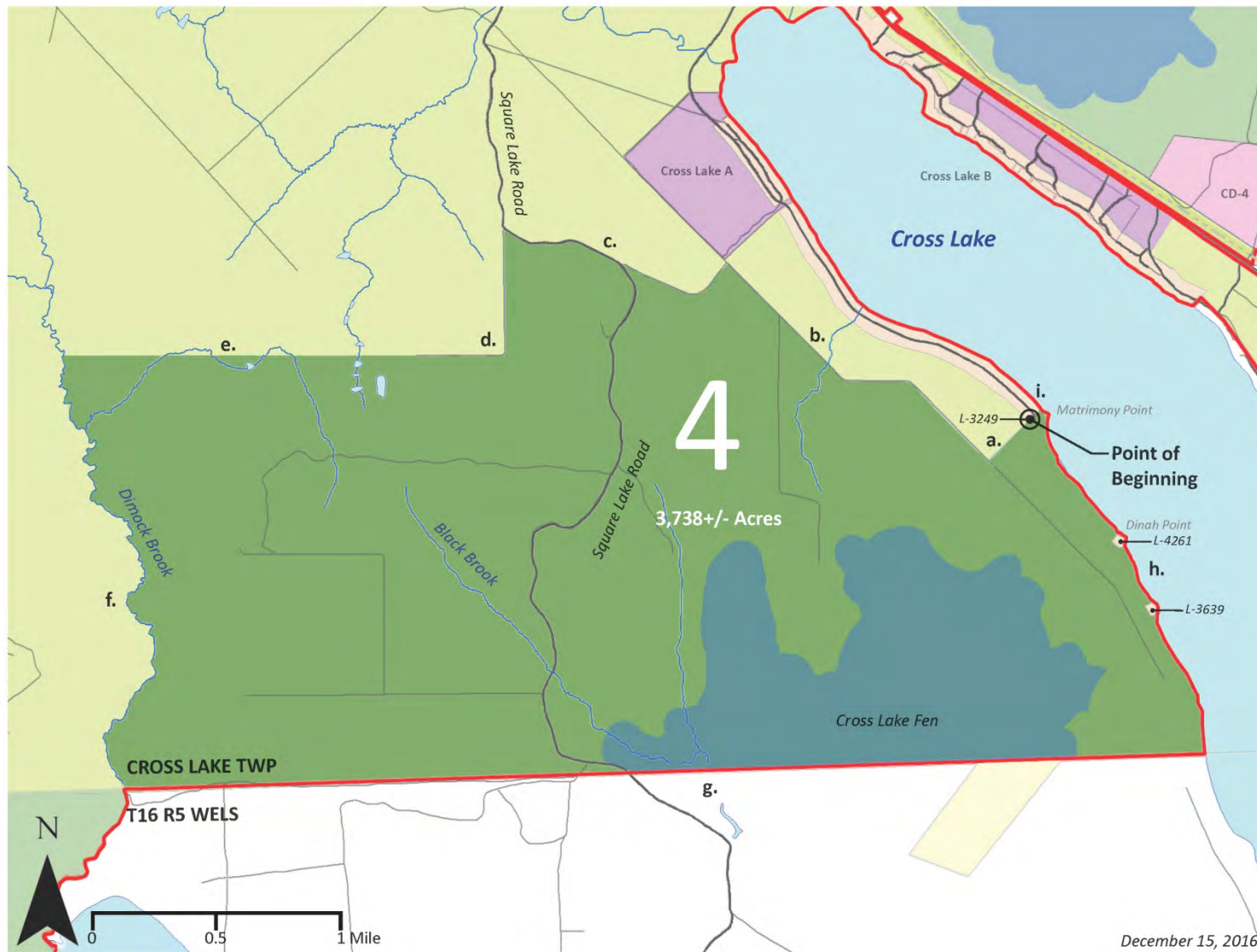
**[DRAFT MAPS FOR DISCUSSION PURPOSES ONLY – TO BE FINALIZED PRIOR
TO EXECUTION]**



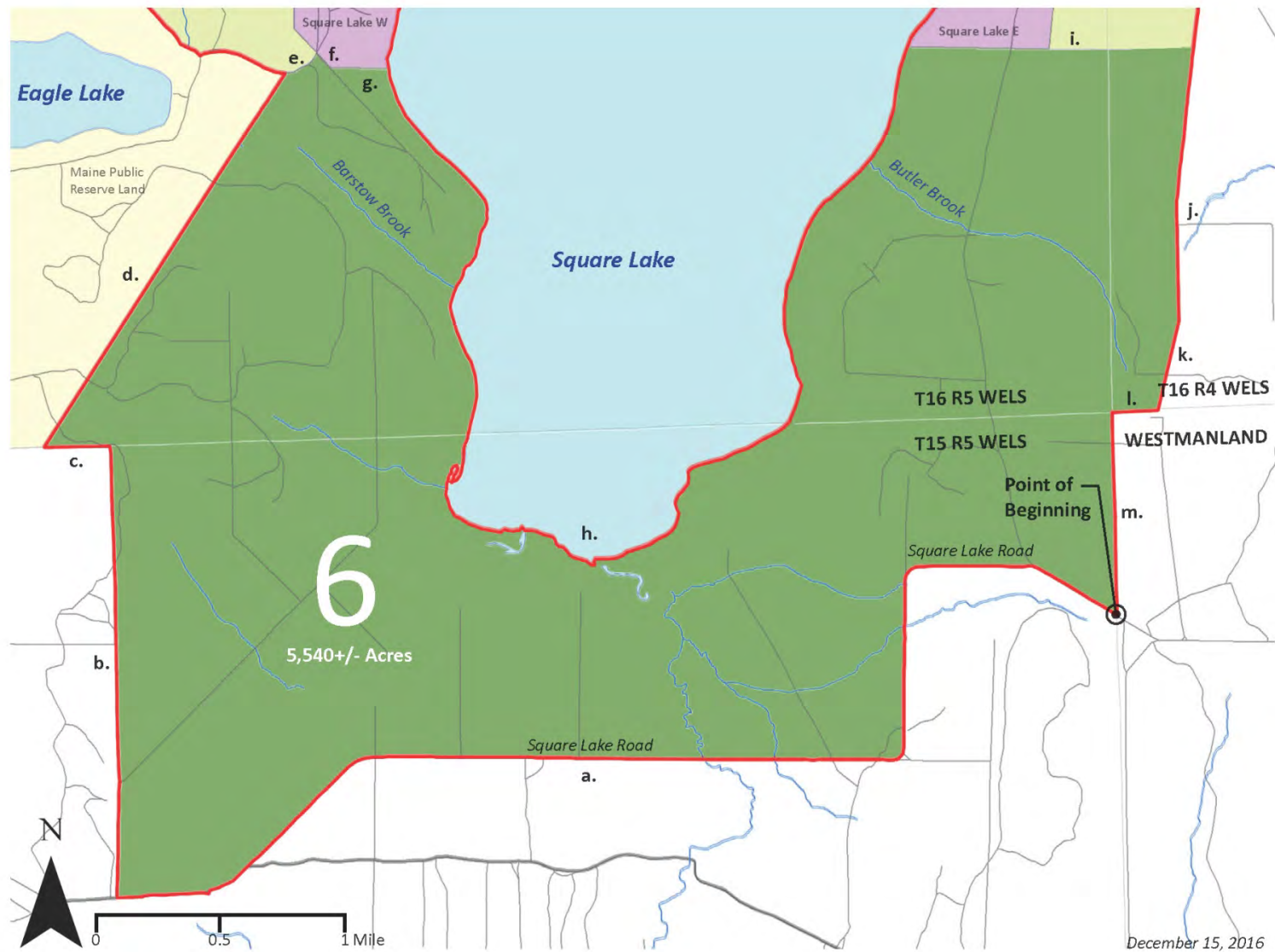














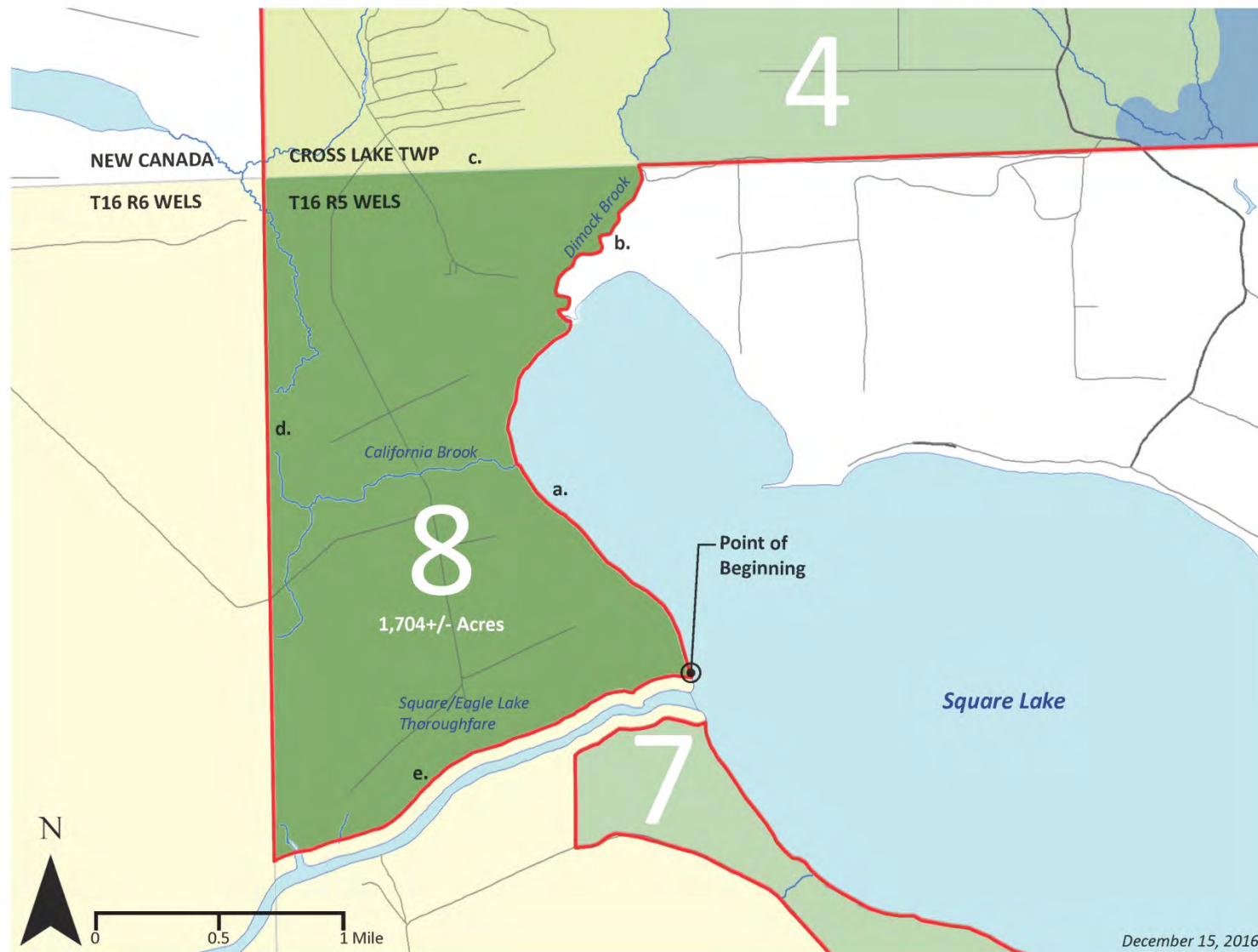


Exhibit A-2**[DRAFT DESCRIPTIONS FOR DISCUSSION PURPOSES ONLY – TO BE FINALIZED
PRIOR TO EXECUTION]****PP 1 CROSS LAKE BOG**

Beginning at the centerline of the intersection of Ackerson Road and Sinclair Road (Route 162) in Cross Lake TWP,

- a. thence 7,130± feet in northerly direction along the western and northwestern edge of the right-of-way of Sinclair Road.
- b. thence due north 2,100± feet to the intersection of Irving Road and Ackerson Road;
- c. thence 2,800± feet north along the centerline of Ackerson Road to the three-way intersection with a forestry road;
- d. thence 1,131± feet northwest to the intersection of a forestry road
- e. thence 4,202± feet in a southwesterly direction along the centerline of Irving Road, to the end of the road;
- f. thence 2,511± feet in the same direction as PP1.e to the intersection of a forestry road;
- g. thence 3,717± feet in a northwesterly direction along the centerline of the forestry road to the intersection of another forestry road;
- h. thence 4,800± feet in a southwesterly direction along the centerline of the forestry road to a three-way intersection;
- i. thence 1,965± feet in a southerly direction along the centerline of the forestry road to the end of the road;
- j. thence 230± feet in the same direction to the intersection with a point 200 feet perpendicular from the eastern edge of the existing Emera electrical transmission corridor (100 feet wide);
- k. thence 7,800± feet generally in a southeasterly direction in a line maintaining a 200 foot setback from the northern edge of the existing electrical transmission corridor;
- l. thence 985± feet in a northeasterly direction;
- m. thence 1,500± feet in an easterly direction to the intersection with Ackerson Road;
- n. thence 820± feet along the centerline of Ackerson Road to the point of beginning.

PP 2 MUD LAKE WESTERN SHORE

Beginning at the northeastern corner of Lot 68, Plan 01 in AR031 on Sinclair Road (Route 162) in Cross Lake TWP,

- a. thence 8,066± feet in a southwestern and southern direction along the eastern edge of Sinclair Road to the centerline of a forestry road opposite Ackerson Road;
- b. thence 200 feet along the centerline of said forestry road;
- c. thence 2,170± feet in a southerly direction, maintaining a 200 foot setback from the eastern edge of the Sinclair Road right-of-way, to a point 200 feet north of the northerly edge of the existing Emera electrical transmission corridor;
- d. thence 2,435± feet in an easterly direction to the western edge of the Mud Lake / Cross Lake thoroughfare maintaining a 200' setback from the northern edge of the existing transmission corridor;

- e. thence in a northerly direction along the western edge of the Mud/Cross Lake thoroughfare, continuing along the western edge of Mud Lake to the eastern side line of Lot 68, Plan 01 in AR031 where it intersects with Lot 59 Plan 01 Map AR031;
- f. thence north to the point of beginning.

PP 3 EAST OF MUD LAKE / CROSS LAKE THOROUGHFARE

Beginning at a point on the eastern shoreline of the Mud Lake / Cross Lake thoroughfare, 200 feet north of the northern edge of the existing Emera electrical transmission corridor

- a. thence 2,650± feet southeast along a line 200 feet north of the northern edge of the existing electrical transmission corridor to the intersection of Lot 23.1;
- b. thence generally east along the rear property line of Lot 23.1 to the point of intersection with Lot 11.2;
- c. thence southeast along the rear property lines of lots 11.2 and 11.1 to the boundary line of Cross Lake TWP and T17 R4 WELS;
- d. thence 6,503± feet north along the boundary of Cross Lake TWP and T17 R4 WELS to the southerly shoreline of Mud Lake;
- e. thence in a westerly direction along the edge of Mud Lake, continuing south along the easterly side of the Mud Lake – Cross Lake Thoroughfare to the point of beginning.

PP 4 CROSS LAKE FEN

Beginning at the southerly corner of Irving licensed lot 3249,

- a. thence 1,140± feet along a line in a southwesterly direction to a forestry road, excluding any land that might be added to licensed lot 3249 as a back lot;
- b. thence 6,620± feet northwesterly along the centerline of a forestry road to the intersection of another forestry road;
- c. thence 4,838± feet northwesterly along the centerline of a forestry road to the intersection of another forestry road;
- d. thence 4,100± feet southerly and westerly along the centerline of a forestry road to the end of the road;
- e. thence 6,900± feet due west to the intersection with Dimock Brook;
- f. thence south along the centerline of Dimock Brook to its intersection with the boundary of T16 R5 WELS and Cross Lake TWP;
- g. thence easterly along the aforementioned boundary of T16 R5 WELS and Cross Lake TWP to the western shoreline of Cross Lake;
- h. thence northerly along the western shoreline of Cross Lake to the northeasterly corner of Irving Licensed Lot 3249, excluding Irving Licensed Lot 3639 and any adjacent land that may be added to said lot, and excluding Irving Licensed Lots 4261 and any adjacent land that may be added to said lots.
- i. thence in a southwesterly direction along the southeasterly boundary of Irving Licensed Lot 3249 to the point of beginning.

PP 5 EAST OF CROSS LAKE / SQUARE LAKE THOROUGHFARE

Beginning at the southernmost corner of Lot 13, Plan 01 in AR030

- a. thence 6,383± feet in a southeasterly direction along the eastern shoreline of Square Lake;
- b. thence 715± feet in a northeasterly direction to the intersection of a forestry road maintaining a 200 foot setback from the northern edge of a forestry road;
- c. thence 6,125± feet in a northerly direction along the centerline of the forestry road;
- d. thence 1,277± feet in a westerly direction in a line generally perpendicular to the forestry road, to the southeastern shoreline of Cross Lake;
- e. thence following the southerly shoreline of Cross Lake, continuing in a westerly direction to the Cross Lake - Square Lake Thoroughfare;
- f. thence following the eastern shoreline of the Cross Lake - Square Lake Thoroughfare to the northern corner of Lot 13, Plan 01 in AR030;
- g. thence along the northern and eastern edge of Lot 13 Plan 01 to the point of beginning.

PP 6 SOUTH END OF SQUARE LAKE

Beginning at the intersection of the centerline of Square Lake Road and the T15 R5 WELS – Westmanland boundary line;

- a. thence 26,500± feet starting in a northwesterly direction, along the centerline of Square Lake Road to the intersection of a forestry road;
- b. thence 9,580± feet northerly along the centerline of the forestry road to the border of T16 R5 WELS and T15 R5 WELS;
- c. thence 1,526± feet west along the aforesaid township line;
- d. thence 9,580± feet (1.8 miles) N 33.6°± E following the eastern boundary of the State of Maine Eagle Lake Public Reserve Land to the intersection of a forestry road;
- e. thence 803± feet in a northeasterly direction along the centerline of the forestry road to the intersection of another forestry road;
- f. thence 440± feet in a southeasterly direction along the centerline of the forestry road;
- g. thence due east to the shoreline of Square Lake;
- h. thence 28,512± feet in a southerly, easterly, and northerly direction following the shoreline of Square Lake;
- i. thence 6,050± feet due east to the intersection of a forestry road;
- j. thence 5,750± feet in a southern direction along the centerline of the forestry road, to the end of the road;
- k. thence 1,950± feet S 13.4°± W to the Westmanland – T16 R4 WELS boundary;
- l. thence west along the Westmanland – T16 R4 WELS boundary to the intersection of Westmanland, T15 R5 WELS, T16 R5 WELS, and T16 R4 WELS;
- m. thence southerly along the Westmanland – T15 R5 WELS boundary to the point of beginning.

PP 7: SQUARE LAKE NORTH OF LIMESTONE POINT

Beginning at the northernmost corner of Irving licensed lot 1541,

- a. thence following the shoreline of Square Lake in a northerly direction to Limestone Point and continuing along the Square Lake shoreline in a northwesterly direction to the southeasterly boundary of the Maine Public Reserve land that parallels the Square Lake – Eagle Lake

- thoroughfare (this is a strip of land 300 feet in width that parallels the thoroughfare);
- b. thence 4,480± feet following the aforementioned boundary with the Maine Public Reserve land in a westerly and southerly direction to a forestry;
 - c. thence 9,800± feet in a southeasterly direction along the centerline of the forestry road and the boundary of the Eagle Lake Public Reserve Land;
 - d. thence northeast in a line parallel to the westerly corner of Irving licensed lot 1541 to the point of beginning, excluding any land that may be added to licensed lot 1541 as a back lot;

PP 8 NORTHWEST CORNER OF SQUARE LAKE

Beginning at the intersection of the Square Lake shoreline and the northeasterly corner of the Maine Public Reserve land that parallels the Square Lake – Eagle Lake thoroughfare (a strip of land 300 feet in width);

- a. thence 8,730± feet along the northwesterly shoreline of Square Lake to the centerline of Dimock Brook;
- b. thence in a northerly direction following the centerline of Dimock Brook to its intersection with the boundary of Cross Lake TWP and T16 R5 WELS;
- c. thence 7,300± feet west along the boundary line of Cross Lake TWP and T16 R5 WELS to the intersection of Cross Lake TWP, New Canada, T16 R6 WELS, and T16 R5 WELS;
- d. thence in a southerly direction along the Eagle Lake Public Reserve Land to the northwesterly boundary of the Maine Public Reserve land that parallels the Square Lake – Eagle Lake thoroughfare (a strip of land 300 feet in width);
- e. thence 9,050± feet in a northeasterly direction along the northern boundary of the aforementioned Maine Public Reserve Land to the point of beginning.

PP 8 NORTHWEST CORNER OF SQUARE LAKE

Beginning at the intersection of the Square Lake shoreline and the northeasterly corner of the Maine Public Reserve land that parallels the Square Lake – Eagle Lake thoroughfare (this is a strip of land 300 feet in width that parallels the thoroughfare);

- a. thence 8,730± feet (1.6 miles) along the northwesterly shoreline of Square Lake to the centerline of Dimock Brook;
- b. thence in a northerly direction following the centerline of Dimock Brook to its intersection with the town boundary of Cross Lake TWP and T16 R5 WELS;
- c. thence 7,300± feet (1.4 miles) west along the boundary line of Cross Lake TWP and T16 R5 WELS to the intersection of Cross Lake TWP, New Canada, T16 R6 WELS, and T16 R5 WELS;
- d. thence in a southerly direction to the northwesterly boundary of the Maine Public Reserve land that parallels the Square Lake – Eagle Lake thoroughfare (this is a strip of land 300 feet in width that parallels the thoroughfare);
- e. thence 9,050± feet (1.7 miles) in a northeasterly direction along the northern boundary of the aforementioned Maine Public Reserve Land to the point of beginning.

A Strategy for the Management of Deer Wintering Habitat Areas in Maine

An Agreement Between

**The Maine Department of
Inland Fisheries and Wildlife**

And

Irving Woodlands LLC

MM/DD/YYYY



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I. Introduction & Background

1. Purpose of Agreement

Irving Woodlands LLC (“**Irving**”) and the Maine Department of Inland Fisheries and Wildlife (“**MDIF&W**”) have entered into this Agreement for the management of winter habitat for white-tailed deer and habitat for other species requiring mature forest on lands managed by Irving. This Agreement applies to the lands described in Appendix A attached hereto (the “**Properties**”), being (i) certain portions of land managed by Irving designated as Co-Operative Deer Wintering Areas (“**Co-Operative DWA’s**”); and (ii) all land managed by Irving designated by the Land Use Regulation Commission (“**LURC**”) as Zoned Fish and Wildlife Protection Sub-Districts (“**P-FW’s**”).

This Agreement is an alternate strategy to the designation of core active deer wintering habitat identified by the LURC as P-FW’s. This Agreement covers a larger land base allowing for increased flexibility and predictability of timber and habitat management. The management objectives set out in Section II below were agreed upon by Irving and MDIF&W after reviewing “Guidelines for Managing Deer Wintering Areas in Northern, Western, and Eastern Maine”.¹ All necessary guidelines of MDIF&W are included within this Agreement, while any guidelines specific to individual Co-Operative DWA’s will be addressed in separate agreements as they are developed.

2. Company Information

As of January, 2010:

- Irving’s total managed lands in Maine comprises approximately 1,255,000 acres;
- the total area of the Properties is 122,770 acres (approximately 9.8% of Irving’s total managed lands in Maine).

The Properties were selected by Irving in consultation with MDIF&W. Special consideration was given to areas with traditional winter use by white-tailed deer as documented by MDIF&W surveys. A breakdown of the Properties by township is provided in Appendix A.

The forest management objective for Irving is to practice sustainable forest management to maximize the long-term, sustainable flow of quality timber products from its managed lands. Along with the goal of sustainable timber supply, Irving recognizes non-timber values such as the maintenance of biodiversity and specific wildlife habitats, protection of water quality, preservation of unique and recreationally important areas, and consideration of public input. Irving regards sustainable forest management as maintaining and enhancing biological productivity and diversity of the forest, with the goal of assuring both an economic and ecological future for the forest and the people of Maine.

¹ Maine. Dept. of Inland Fisheries and Wildlife. Guidelines for Managing Deer Wintering Areas in Northern, Western and Eastern Maine (draft). Maine: Dept. of Inland Fisheries and Wildlife

3. Deer Wintering Habitat Criteria

To survive the winter season, deer seek habitats with a combination of cover and food that minimizes net energy loss. As winter conditions change from mild to moderate and then severe, the relative importance of cover versus food changes. Deer winter habitat has been defined for managing the winter habitat requirements. During the snow-free period of the year from spring to fall, deer range over most of the landscape and use a wide variety of forest and non-forest vegetation communities. However, as snow accumulates and temperature drops, deer spend more time in older conifer-dominated forest stands associated with watercourses and valleys. The area deer occupy during winter generally represents only 10 to 20 percent of the summer range. Deer often return to winter in the same locations from year to year. These traditionally used areas are called deer wintering areas or deer yards and are the focus of forest management activities to provide winter habitat.

Deer wintering areas include a variety of habitat components that may change with forest condition and management strategy. These habitat components contribute to the long-term functioning of a deer wintering area as a source of winter shelter and food. White-tailed deer utilize predominantly mature coniferous forest habitat during critical winter conditions. Suitable habitat areas provide relief from winter in more stable temperatures and humidity conditions, and lower snow depths. These areas are used approximately 3 to 5 months in the winter when snow depths are greater than 12 inches. Deer movements are considered to be restricted when snow depths reach 16 inches. While shelter is the most important component of these areas for wintering deer, an interspersed forest stands providing forage and sunlight is also required to provide quality habitat. Habitat suitable for deer in winter also provides quality habitat for numerous other species associated with mature forest.

Primary Winter Shelter

Primary Winter Shelter (“**PWS**”) consists of forest stands that provide shelter for deer during the most severe winter conditions.

PWS has the following:

- Softwood crown closure >70% mixed or solitary stands of cedar, hemlock, spruce, and fir.
- Stand height > or = 35 feet.

Secondary Winter Shelter

Secondary Winter Shelter (“**SWS**”) consists of forest stands that provide adequate shelter for all but the most severe winter conditions.

SWS has the following:

- Softwood crown closure between 50% and 70% mixed or solitary stands of cedar, hemlock, spruce, and fir.

- Stand height > or = 35 feet.

Travel Corridors

Successful functioning of deer wintering areas on a long-term basis requires travel corridors within the deer wintering area. Traditionally used corridors often follow streams and wetlands, or topographic features such as ridgelines and valleys. Functional corridors are wide enough to provide deer with sheltered travel ways throughout the yard, and are located to maintain direct access to winter shelter.

Winter Foods: Browse & Litterfall

Deer rely on fat reserves and an ability to minimize energy expenditures to survive during winter. Generally, hardwood and softwood winter browse only slows seasonal weight loss in deer, relative to eating nothing. Only the leaves of northern white cedar can sustain deer in winter without causing serious weight loss. Cedar and hemlock are long-lived species that provide high quality winter shelter and high-value winter food, although often in low abundance as ground-level forage in deer wintering areas.

Litterfall is a secondary source of food for wintering deer. It consists of softwood twigs, especially of cedar and hemlock, and arboreal lichens dislodged from the canopy throughout the winter by snow, ice and wind that become available to deer on the snow surface. As softwood stands mature, they develop more lichen biomass and contribute more litterfall. In spruce/fir dominated deer wintering areas, balsam fir contributes the majority of lichen and litterfall biomass. While difficult to measure, litterfall may comprise as much as 50% of the winter diet for deer and are independent of browse pressure.

Spring Foods

Winter browse and litterfall is very low in protein and insufficient to support deer fetal development. Most fetal development is delayed until the final trimester of pregnancy, generally after late-March. The availability of higher quality spring foods such as grasses and clovers close to deer wintering areas can influence survival of adults, body condition of lactating females, and thus survival of nursing fawns.

II. Management Objectives

Objectives for management of the Properties include:

- Active management to achieve sustainable winter habitat for white-tailed deer.
- To improve the quality of deer winter habitat and maintain >50% of the composite area in combined PWS and SWS when stand conditions allow, and where possible:
 - ❖ To maintain one half or more of this winter shelter acreage as PWS;
 - ❖ To develop 50 year management plans for all deer wintering areas meeting winter shelter criteria prior to conducting further harvesting operations.
- To include areas found to hold significant wintering deer populations into the Co-Operative DWA's until a healthy population has been reached.

- To give management consideration to other species of wildlife when appropriate.
- To improve forest stand vigor.
- To ensure that the Properties continue to contribute to an active, profitable forestry operation.
- To produce a balanced forest age-class structure in the long term within the Properties that will provide stable habitat levels to support a diversity of flora and fauna.

III. General Management Guidelines

Harvest Timing

Although harvesting will be allowed throughout the year, it will be encouraged in mid to late winter to provide food for deer. Regeneration harvest prescriptions will follow Irving's guidelines for vertical diversity within Co-Operative DWA's and P-FW's. Summer or fall harvests may occur in areas devoid of wintering deer populations or when land scarification is desired for favorable spruce seedbed.

Road Construction

The following guidelines will be encouraged in order to minimize habitat fragmentation and other potential negative effects while allowing access to the Properties for active forest management:

- Road right of ways within the Properties should be a maximum of 50 feet from standing timber to standing timber. This road width specification is very important within PWS and SWS areas. Areas needing additional right of way width (due to steep slopes, deep snow, etc.) should be reviewed and discussed with MDIF&W.
- Right of ways through historic travel corridors and water crossings should be narrowed to a maximum of 45 feet where possible.
- Roads within deer wintering areas can hinder deer movement in winter – the wider the opening the greater risk of restricting movement. Snow banks on plowed roads within deer wintering areas can also be an impediment to movement or may hold deer within road banks where they are exposed to vehicular accidents or coyote predation. Seasonal roads will be preferred method of access, but permanent roads will be allowed in non-active deer wintering areas or areas beneficial to spring food harvests (late winter/early spring harvests that provide deer feed). Irving should consult with MDIF&W on the location of such seasonal and permanent roads.
- When road construction is completed for an area, disturbed areas such as road shoulders, road ditches, and landings should be seeded in with an MDIF&W approved “wildlife mix” of grasses and/or herbaceous plants in order to stabilize soils and provide food for wildlife. A discussion should

occur between Irving and MDIF&W regarding disturbed areas within the Properties that are not appropriate for seeding.

- Assistance should be provided by MDIF&W for use of its ATV and seeder by Irving for seeding disturbed areas within the Properties, as time and equipment permit.

Silviculture

In certain cases, some level of silviculture treatments may be incorporated into the Properties where it is consistent with Irving's timber objectives. These treatments should include tree planting, herbicide applications, and pre-commercial thinning. One type of specialized treatment includes the planting of cedar seedlings in planted areas within the Properties. Irving should consult with MDIF&W in relation to these treatments.

Travel Corridors

To avoid isolation of habitat within the Properties, softwood or softwood/hardwood travel corridors (if present and of good quality) should be identified between softwood shelterwood and clearcut areas. The corridor between shelterwood areas should be approximately 330 feet (5 chains) wide. The corridor between clearcut areas should be approximately 660 feet (10 chains) wide. Riparian buffers along P-SL1 streams and Great Ponds should be 330 feet (5 chains) along each side of the waterbody, and along P-SL2 streams should be 200 feet along each side of the stream. Riparian areas that are considered significant travel corridors should be evaluated for expanded riparian buffers on a case-by-case basis. Irving should consult with MDIF&W on the location and width of the expanded riparian buffer. These travel corridors adjacent to shelterwood and clearcut prescriptions and riparian buffers should meet the deer wintering habitat criteria as defined in Section I.3 above.

Special Considerations

Both parties recognize that in certain situations, there may be factors which prevent desired habitat levels in the Properties. These factors include but are not limited to:

- A skewed forest age-class structure in a particular Co-Operative DWA or P-FW which requires extensive forest intervention to develop a more balanced age-class distribution.
- Natural influences such as insects, disease, fire, or storms may cause a loss of habitat.

Recreational Use

Existing recreational trails, including snowmobile and cross-country ski trails, within the Properties will be permitted. Other compatible uses will be allowed within the Properties, including but not limited to fishing, hunting, wildlife study, photography, trapping, and camping. Irving and MDIF&W should review all new trail development proposals within the Properties in order to ensure the least impact possible on deer wintering areas. Recreational activities may be evaluated by Irving and MDIF&W for current and potential conflicts with timber or wildlife habitat management. Portions of the Properties may be leased by Irving to private individuals for camp construction and recreational use. If located carefully, camp lots can provide recreational opportunities without conflicting with timber or wildlife habitat management. In order to prevent potential disturbance to deer in these leased areas, Irving should:

- Communicate the sensitive nature of these areas to lessees;
- Request that lessees adjust their activities so as to minimize disturbance to deer travel patterns (i.e., winter recreational activities including snowmobiling, snowshoeing, and cross-country skiing within the Properties);
- Inform lessees that dogs should be controlled at all times when in these areas; and
- Consult with MDIF&W on potential locations for the leased properties.

Where possible, Irving should also attempt to locate new lease sites in areas outside the Properties.

Foot Traffic Only Roads

Access roads within the Properties which dead-end within the Properties or will not be used as major thoroughfare passage may be designated as “Foot Traffic Only Roads”. Irving and MDIF&W should consult on any such access road designations. A sign should be erected to inform the public of the purpose of the foot traffic only designation and a means of discouraging vehicle access on these roads should be implemented.

iv. Terms of Agreement

Irving and MDIF&W acknowledge and agree as follows:

1. This Agreement establishes the objectives and guidelines (as set out in Sections II and III above, respectively) for all management activities within the Properties (as defined in Section I.1 above).
2. Any P-FW’s within the Co-Operative DWA’s will still require LURC permits. This Agreement will serve as the basis for the LURC Plan Agreement for any P-FW located on land managed by Irving and MDIF&W will ensure that any management activities

recommended for such P-FW's under this Agreement will conform to applicable LURC rules and regulations.

3. The management activities and operating plans for the Properties should be agreed to annually between Irving and MDIF&W. Irving and MDIF&W will meet each year to review management activities conducted on the Properties since the last annual meeting, determine if the operating plans are still appropriate, and agree on the next year's planned management activities. A time schedule will be established for the completion of management activities.
4. Subject to Irving meeting the management objectives set out in Section II above, timber harvesting prescriptions for the Properties should be discussed and agreed upon by Irving and MDIF&W.
5. Irving's goal, within five years of signing of this Agreement, will be to have a written management plan for each Co-Operative DWA prior to initiating forest management interventions on the ground. In the interim, prior to development of management plans and where conditions warrant, harvest plans should be jointly developed by Irving and MDIF&W and implemented on a case by case basis.
6. Where necessary, Irving and MDIF&W will mutually relocate Co-Operative DWA's to provide the best benefit to wintering deer on a case by case basis.
7. Subject to Section V.2 below, the term of this Agreement shall be five (5) years from the date of signing by both parties. Irving and MDIF&W expect to renew this Agreement at the end of the five year term.

v. **Resolution of Disagreements & Termination**

1. Irving and MDIF&W agree to employ the following protocol in an attempt to resolve any disagreements that may arise in the implementation of this Agreement:

Action by MDIF&W's Regional Wildlife Biologist and Irving's Management Forester

An attempt will be made to resolve disagreements at the level of Irving's Management Forester and MDIF&W's Regional Wildlife Biologist. In resolving disagreements, Irving's Management Forester and MDIF&W's Regional Wildlife Biologist will be guided by specific language contained in this Agreement, which outlines the principal management concerns, goals, and specifications for the Properties. In the event that the subject matter of the disagreement is not specifically addressed in this Agreement, they should be guided by the management objectives set out in Section II above.

Action by MDIF&W's Wildlife Management Section Supervisor and Irving's Operations Manager

In the event that Irving's Management Forester and MDIF&W's Regional Wildlife Biologist cannot resolve the disagreement, MDIF&W's Wildlife Management Section

Supervisor and Irving's Operations Manager will meet with them to review the area of disagreement and attempt to provide resolution. In resolving disagreements, MDIF&W's Wildlife Management Section Supervisor and Irving's Operations Manager will also be guided by the language of this Agreement, as well as its objectives.

Action by Technical Experts and Third Parties

In the event that MDIF&W's Wildlife Management Section Supervisor and Irving's Operations Manager cannot resolve the disagreement, Irving and MDIF&W may elect to consult with technical experts, seek the assistance of third parties, or both. The function of the technical experts or of the third parties will be to make recommendations designated to resolve the disagreement. These recommendations will not be binding on either Irving or MDIF&W.

2. Irving and MDIF&W shall each have the right, without penalty, to terminate this Agreement in writing at any time, rendering it immediately null and void. Upon such termination, neither party shall be liable to the other party for any compensation or damages whatsoever.

At the time of termination, or at any time following termination, MDIF&W reserves the right to prepare and submit P-FW zoning petitions to the LURC for areas previously covered by this Agreement that meet the standards of the Fish and Wildlife Protection Sub-district. MDIF&W will continue to conduct aerial and ground surveys to monitor deer use and to maintain the data necessary for the zoning of any part of the areas that meet such standards. Irving will be advised in advance and will have the option to choose to participate in these surveys and will have access to the information collected. The rights provided for in this paragraph shall survive the termination of this Agreement.

VI. Amendments

Amendments to this Agreement, including but not limited to any deviations from the requirements of this Agreement for an individual Co-Operative DWA plan development, shall be approved in writing by Irving and MDIF&W.

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vii. Execution

IN WITNESS WHEREOF the parties have executed this Agreement by their duly authorized officers as of MM/DD/YYYY.

Representative
Irving Woodlands LLC

Representative
Maine Department Inland Fisheries & Wildlife

Appendix A

Co-Operative DWA and LURC Zoned P-FW Summary
by
Township

Township	Yard Type	Acres
Allagash	Cooperative DWA	16715
	Zoned P-FW	2804
Ashland	Cooperative DWA	4052
Dudley	Cooperative DWA	145.5
	Zoned P-FW	225.5
Dyer Brook	Cooperative DWA	5223.5
Garfield Plt	Cooperative DWA	172.5
Hammond	Zoned P-FW	666.5
Masardis	Cooperative DWA	457.5
Merrill	Cooperative DWA	314
Nashville	Zoned P-FW	13.5
Oakfield	Cooperative DWA	578
Oxbow Plt	Cooperative DWA	1647.5
Portage Lake	Cooperative DWA	801.5
	Zoned P-FW	3991.5
St. John Plt.	Cooperative DWA	1084.5
Symrna	Cooperative DWA	2196.5
Stockholm	Cooperative DWA	114.5
T12R8	Zoned P-FW	81
T13R11	Cooperative DWA	788.5
	Zoned P-FW	1092
T13R7	Zoned P-FW	328
T14R10	Zoned P-FW	409.5
T14R11	Cooperative DWA	1255.5
	Zoned P-FW	895.5
T14R12	Cooperative DWA	1097.5
	Zoned P-FW	167

T14R14	Cooperative DWA	3024.5
	Zoned P-FW	1127.5
T14R15	Cooperative DWA	1085
T14R5	Zoned P-FW	954.5
T14R6	Cooperative DWA	2071
	Zoned P-FW	688
T14R7	Cooperative DWA	1278
	Zoned P-FW	814.5
T14R8	Cooperative DWA	2102.5
	Zoned P-FW	179.3
T14R9	Zoned P-FW	116.5
T15R10	Cooperative DWA	889
T15R11	Cooperative DWA	932
	Zoned P-FW	410
T15R12	Cooperative DWA	813
T15R13	Cooperative DWA	2622
	Zoned P-FW	1483
T15R14	Cooperative DWA	791.5
	Zoned P-FW	1602
T15R5	Cooperative DWA	2065
	Zoned P-FW	2420.5
T15R8	Cooperative DWA	1145
	Zoned P-FW	260.5
T16R12	Cooperative DWA	4582
	Zoned P-FW	352.7
T16R13	Zoned P-FW	2497
T16R4	Cooperative DWA	1658.5
	Zoned P-FW	1177.5

T16R5	Cooperative DWA	765
	Zoned P-FW	157.5
T16R8	Cooperative DWA	3683.5
T16R9	Cooperative DWA	259
	Zoned P-FW	280
T17R12	Cooperative DWA	489
	Zoned P-FW	1326.5
T17R13	Cooperative DWA	130.5
	Zoned P-FW	2612.5
T17R14	Cooperative DWA	558.5
	Zoned P-FW	656.5
T17R4	Cooperative DWA	421
	Zoned P-FW	174
T17R5	Cooperative DWA	342.5
T18R10	Cooperative DWA	287.5
T18R11	Cooperative DWA	600
	Zoned P-FW	2093.5
T18R12	Cooperative DWA	1109.5
	Zoned P-FW	1803
T19R11	Cooperative DWA	412
T6R6	Zoned P-FW	1034.5
T7R5	Cooperative DWA	1343
	Zoned P-FW	2076.5
T7R6	Cooperative DWA	2474.5
	Zoned P-FW	421
T7R7	Zoned P-FW	426.5

T8R4	Cooperative DWA	897.5
T8R5	Cooperative DWA	450.5
	Zoned P-FW	811.5
T8R6	Zoned P-FW	332.5
T9R4	Cooperative DWA	409.5
TCR2	Cooperative DWA	1187
	Zoned P-FW	870.5
Wallagrass	Cooperative DWA	116
	Zoned P-FW	1008
Westfield	Cooperative DWA	474.5
Westmandland	Cooperative DWA	3510.5
	Zoned P-FW	304.5

Total Cooperative DWA	80692.0
Total Zoned P-FW	41448.0
Grand Total	122770.5

Outcome based forestry agreement #2012-1
10 May 2012

OUTCOME BASED FORESTRY AGREEMENT #2011-1

This agreement by and between IRVING WOODLANDS LLC (hereinafter "Participant"), the DEPARTMENT OF CONSERVATION, MAINE FOREST SERVICE (hereafter "MFS") is entered into pursuant to Title 12 M.R.S., § 8003, sub-§ 3.Q. and § 8869, sub-§ 3-A and 7, and in accordance with MFS Forest Policy and Management Division procedures.

Whereas, the Maine Legislature has defined outcome based forestry as "a science-based, voluntary process to achieve agreed-upon economic, environmental and social outcomes in the State's forests, as an alternative to prescriptive regulation, demonstrating measurable progress towards achieving statewide sustainability goals and allowing landowners to use creativity and flexibility to achieve objectives, while providing for the conservation of public trust resources and the public values of forests;

Whereas, in its 1999 State of the Forest report, MFS stated that the state has "reached the limits of what a command and control regulatory framework has to offer [with respect to regulation of forest practices]. Command and control regulation has many limitations and may result in unintended consequences, such as forest fragmentation and premature harvesting to recover equity in a forest investment. The Maine Forest Service believes that the state should begin to focus more on outcome-based forestry regulation, on the premise that this approach will do more to promote, stimulate and reward excellent forest management yet still provide a baseline of regulatory protection for critical public resources;"

Whereas, the Maine Legislature has endorsed outcome based forestry and directed MFS to pursue experimental agreements consistent with legislative direction; and,

Whereas, outcome based forestry is intended to be a long term approach to ensuring the sustainable management of Maine's forests; now therefore,

Participant and the MFS agree as follows:

1. **Authority:** Pursuant to Title 12 M.R.S. Chapters 801 and 805, subchapter 3-A, MFS has regulatory authority over the activities described herein.
2. **Partner to this agreement:** Participant is a landowner and/or involved in forest management in the state of Maine. Participant's primary office is located in Fort Kent, Maine.
3. **Location:** Participant manages approximately 1.25 million acres in the state of Maine.
4. **Application of this agreement; forest management plan:** This agreement applies to all forest management activities on lands owned by Allagash Timberlands, LP, Aroostook Timberlands, LLC, and Maine Woodlands Realty (as described in the Forest Management Plan) that are managed by Participant in Maine (the "Property").

The J.D. Irving Northern Maine Woodlands 2007 - 2031 Strategic Forest Management Plan dated September 2010 (the "Forest Management Plan") is incorporated in this agreement by reference, as it will guide Participant on its activities on the Property. The landowner's Forest Management Plan has outlined targets for opening size, age class distribution, and harvest levels by silvicultural prescription. The Forest Management Plan will be updated and revised from time to time at the discretion of Participant's Chief Forester to reflect substantive changes.

5. Interpretation of this agreement: In the context of this agreement, the use of terms including, but not limited to, "maximize," "minimize," and "optimize," and other similar terms are understood to mean that the landowner will take reasonable measures to achieve the specific outcomes identified.
6. Panel of technical experts: As required by 12 M.R.S. §8869, sub-§ 3-A; the Governor of Maine has established a panel of technical experts (hereinafter "panel") to work with the Director of the Maine Forest Service to implement, monitor and assess tests of outcome-based forestry experiments. The makeup of the panel may change from time to time at the discretion of the Governor of Maine. Present membership on the panel is:
 - A. Gary Donovan, Certified Wildlife Biologist;
 - B. Maxwell L. McCormack, Jr., Research Professor Emeritus of Forest Resources, University of Maine;
 - C. William A. Patterson IV, The Nature Conservancy;
 - D. Peter Triandafillou VP Woodlands, Huber Resources; and,
 - E. Robert G. Wagner, Director, University of Maine, School of Forest Resources, and Henry W. Saunders Distinguished Professor in Forestry.
7. Desired outcomes of Outcome Based Forestry:
 - A. Compliance with the state's forest sustainability goals and outcomes for soil productivity; water quality; wetlands and riparian zones; timber supply and quality; aesthetic impacts of timber harvesting; biological diversity; public accountability; economic and social considerations; and, forest health (see Appendix).
 - B. Improve timber quality and quantity through active forest management while reducing the forest's susceptibility to disease, insect infestations and damage caused by fire, wind and climate change.
 - C. Increase reforestation success, growth rates, and/or timber quality on site specific areas and on a landscape basis, using a variety of forest management techniques that may include but are not limited to the establishment of planted

Outcome based forestry agreement #2012-1
10 May 2012

areas, vegetation management, matching species to site, tree improvement techniques, fertilization, and pre-commercial and commercial thinning.

- D. Continued certification to the standards of a recognized certification system (for example, American Tree Farm System, Forest Stewardship Council (FSC) and/or Sustainable Forestry Initiative (SFI), will be prima facie evidence that Participant has achieved compliance with the state's sustainability goals and outcomes and satisfied the conditions of this Section 7. Certification is a continuous process that involves regular surveillance audits and periodic recertification audits; therefore, any discovered departures from the standards will be rectified in a timely manner. Participant is currently enrolled in both SFI and FSC and uses the latter for benchmarking compliance with the state's sustainability standards.
8. Exemptions from certain requirements of 12 M.R.S. § 8869 and MFS Chapter 20 Rule, Forest Regeneration and Clearcutting Standards: Provided that Participant satisfies the conditions set forth in Section 7 of this agreement, Participant is exempt from the following requirements of law and rule:
- A. Chapter 20 Rule Sections 5.A. and 6. Participant will not create clearcuts larger than 250 acres without securing express written approval from MFS.
- B. 12 M.R.S. § 8869, sub-§ 2-A and Chapter 20 Rule Section 5.B. (clearcut separation zones).
- C. 12 M.R.S. § 8869, sub-§ 3 and Chapter 20 Rule Section 5.C. (forest management plans for individual clearcuts larger than 20 acres).
- D. 12 M.R.S. § 8883-B, sub-§ 1 and Chapter 20 Rule, Section 3.A.3. (prior notification, submission of harvest plans to MFS for individual clearcuts larger than 75 acres).
- E. Chapter 20 Rule, Section 5.C.3.b. (certification of establishment of clearcuts).
- F. Chapter 20 Rule, Sections 4.C. and 5.C.3.a. (certification of regeneration of clearcuts). Notwithstanding such exemption, Participant will measure regeneration success on clearcuts, the results of which shall be made available for inspection by MFS and the panel. In cases where regeneration is found to be inadequate, Participant will implement a reforestation strategy in a timely fashion.
9. Modifications to certain requirements of 12 M.R.S. § 8869, and MFS Chapter 20 Rule, Forest Regeneration and Clearcutting Standards: Participant may operate subject to the following modifications of law and rule:
- A. Chapter 20 Rule, Section 3.A.3. Participant must file one harvest notification per township harvested per two years. Participant is not required to file harvest notification amendments with MFS. However, Participant is required to internally maintain adequate documentation of harvest activities by township to permit harvest inspections by MFS and to facilitate work of the panel.



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10. Participant commitments: Participant agrees to and commits to the following as good faith demonstrations of its commitment to practice forestry in a manner that provides at least the equivalent forest and environmental protection as provided by existing rules and any applicable local regulations:
- A. Participant shall maintain certification status with a nationally recognized sustainable forest management certification system.
 - 1. Participant shall act promptly to satisfactorily address any Corrective Action Request or Nonconformance associated with its certification.
 - 2. A member of the panel or a mutually agreeable designee shall be permitted to participate in the forest management certification audit field visits, and to provide input to the third party lead auditor on behalf of the panel.
 - 3. Participant shall invite one member of the panel or a mutually agreeable designee to attend meetings and provide input to Participant's Forest Research Advisory Committee.
 - B. Participant shall document results of its efforts to improve measurably the quantity and/or quality of its timber resource. In addition to documentation of compliance with applicable certification standards, Participant shall provide evidence of attainment of the desired outcomes described in Section 7 of this agreement through the use of metrics outlined in Section C, below.
 - C. Participant shall annually report to MFS information about its harvest management and silvicultural metrics including, but not limited to:
 - 1. Acres of high risk separation zones harvested during the past year.
 - 2. Trends in silvicultural investments, including, but not limited to precommercial thinning and competition control, organized by Forest Operations Notification number or where commercial harvesting has not taken place in a township, by individual township.
 - 3. Estimates of harvest acreage summarized for the coming five-year period by silvicultural prescription, including overstory removal, commercial thinning, shelterwood, and clearcut.
 - 4. A more specific annual harvesting plan which describes the planned acreage for harvest for the upcoming year in each township by prescription, with clearcuts exceeding 250 acres individually mapped and identified.
 - 5. Annual harvest summary for the previous year, provided within 60 days of year end, a summary of the area harvested over the previous year by prescription (actual versus plan) and total volumes. Information will be made available for sites visited by the panel. Participant will continue to provide



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information on acres harvested by harvest type, by township as required on the "Confidential Report of Timber Harvest."

6. Annual regeneration report for clearcuts. Acres planted by species and site class, organized by Forest Operations Notification number or where commercial harvesting has not occurred in a township, by individual township. Where available, information will be provided for sites where the panel conducts field verifications.
 7. Road density (miles per acre of ownership by township).
 8. Harvest opening size distribution (acres by opening size class for each harvest prescription by township).
 9. Development stage distribution (acres by development stage within each broad cover type class by township). Development stages to be reported are: regeneration, sapling, young, immature, mature, and overmature.
- D. Participant shall prepare and submit a report of the average clearcut size and total clearcut areas on an annual basis.
- E. A Maine Licensed Forester within the company shall review and approve the landowner's Forest Management Plan.
- F. Harvests will be laid out with consideration of visual aesthetics in areas of moderate and higher visual sensitivity. Participant's forest management staff will be proficient in managing for visual aesthetics and receive periodic training.
- G. Participant will accommodate other reasonable requests for information made by MFS and the panel as mutually agreed upon.

11. Sale and purchase of lands:

- A. Participant will be permitted to add any lands their ownership group purchases to be included within this agreement, provided that Participant promptly includes those same additional lands in their forest certification program and their management strategy and plans, and provided Participant manages the lands to the same standards as the rest of their ownership. Similarly, this agreement does not prohibit Participant from selling some or its entire ownership group lands to an unaffiliated third party.
- B. Any lands sold would immediately upon transaction closing be removed from governance under this agreement, and would be required to fully comply with all forest practices regulations for all subsequent activity. Any remaining lands managed by Participant would be continue to be governed by this agreement provided the lands remain credibly third party certified, and managed according to the strategy outlined in the management plan.

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- C. Participant shall notify MFS of any sales or purchases of land covered under this subsection within 30 days of closing.

12. Confidentiality:

- A. The parties recognize that portions of documents and other information that Participant may be required, or may elect, to provide or make available to MFS or the panel (irrespective of the form or manner in which such information is provided or made available) pursuant to or in connection with this agreement may contain information that constitutes a trade secret (as defined in 10 M.R.S. § 1542(4)) or proprietary information (as defined in 12 M.R.S. § 8869(13)), the public disclosure of which, or the use of which, other than for the express purposes set forth in this agreement could result in competitive harm and/or economic loss to the Participant or its subsidiaries and affiliates.
- B. The parties also recognize that pursuant to the Maine Freedom of Access Act ("FOAA") MFS, as a division of an agency of the State, has an obligation to make records in its possession available to members of the public, except in limited and defined circumstances. 1 M.R.S. § 402(3) and § 408(1). Some of those exceptions may apply to documents and other information provided or made available by Participant to MFS or the panel.
- C. Specifically, 1 M.R.S. § 402(3)(A) exempts from disclosure "[r]ecords that have been designated confidential by statute." Two statutes may apply to information Participant provides or makes available pursuant to this agreement and may exempt some information from disclosure under the FOAA.
- D. 10 M.R.S. § 1542(4) designates certain information as trade secrets and not subject to disclosure by governmental subdivisions or agencies. Maine statute defines a trade secret as follows:
1. "Trade secret" means information, including but not limited to, a formula, pattern, compilation, program, device, method, technique or process, that:
 - a. Derives independent economic value, actual or potential, from not being generally known to and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use; and
 - b. Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.
- E. In addition, 12 M.R.S. § 8869(13) provides:
- Confidential information.

Information provided to the [MFS] voluntarily or to fulfill reporting requirements for the purposes of establishing and monitoring outcome-based forest policy



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experimental areas, as created pursuant to section 8003, subsection 3, paragraph Q, is public unless the person to whom the information belongs or pertains requests that it be designated as confidential and the [MFS] has determined it contains proprietary information. For the purposes of this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the person submitting the information and would make available information not otherwise publicly available. The [MFS], working with the landowner and the panel of technical experts appointed under subsection 3 A, may publish reports as long as those reports do not reveal confidential information.

12 M.R.S. § 8869(13) (emphasis added).

- F. Therefore, if Participant believes that information it is providing to MFS or the panel "voluntarily or to fulfill reporting requirements for the purposes of establishing and monitoring outcome-based forest policy experimental areas," id., it must request that the information be designated as confidential by MFS. If MFS determines that the information being provided contains "proprietary information" as defined in 12 M.R.S. § 8869(13), MFS will designate that information as confidential. MFS will notify Participant whether the information has been designated as confidential or not within a reasonable period of time.

Notwithstanding the foregoing, the parties agree and acknowledge that the information listed or described on Schedule A to this Agreement shall be treated as having been designated by MFS as proprietary and confidential without the requirement of a review on a case-by-case basis.

- G. If MFS receives a request for information under the FOAA that it has designated as confidential, it will notify Participant of that request within a reasonable of time. MFS will also notify Participant if it plans to disclose the information or deny the request.
- H. Participant may require any panel member participating in the forest management certification audit to sign a confidentiality agreement. This agreement must be similar in scope and content to any confidentiality agreement required by Participant of the auditor and/or any other participants in the audit. Information designated hereunder as confidential or proprietary shall not be made available to any panel member who has not executed such a confidentiality agreement.
- I. The parties recognize that the final determination about whether information is exempt from disclosure under the FOAA ultimately rests with Maine's courts. The parties also recognize that MFS is bound by any decision rendered by a Maine court and that MFS will comply with any final decision issued by a Maine court. MFS reserves the right to appeal a decision issued by a Maine court if it determines in good faith that the decision contains an erroneous interpretation of the FOAA, 10 M.R.S. § 1542(4) or 12 M.R.S. § 8869(13). Participant also

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remains free to exercise its legal rights, including any appeal rights it might have, regarding any decision issued by a Maine court.

13. Representations and Warranties. MFS hereby represents and warrants to the Participant that as contemplated by 12 MRS § 8003(3)(Q), after giving effect to this agreement, MFS will not have designated more than six (6) experimental areas.
14. Reimbursement: Participant shall pay MFS a reasonable annual fee for its participation in outcome based forestry, not to exceed \$10,000 annually.
15. Duration of this agreement: This agreement takes effect on 11 May 2012 and terminates on 10 May 2017. It is renewable by mutual agreement between MFS and Participant.
16. Amendments; Entire Agreement: This agreement may be amended at any time by mutual, written consent of the parties. This Agreement constitutes the entire agreement between or among the parties hereto with respect to the subject matter hereof, and supersedes any and all prior oral or written expressions, agreements or understandings with respect thereto.
17. Termination of this agreement: This agreement may be terminated prior to the expiration of the term:
 - A. By mutual agreement of the parties.
 - B. By Participant, effective upon at least ninety (90) days' prior written notice to MFS.
 - C. By MFS effective upon at least ninety (90) days' prior written notice to Participant in the event that Participant has materially breached any provision of this agreement and has failed to cure such breach to the reasonable satisfaction of MFS within such ninety (90) day period (or, in the event that such cure cannot reasonably be effectuated within such ninety (90) day period, such longer period as may reasonably be required, provided that Participant continues to diligently pursue such cure.

The parties agree and acknowledge that the termination of this agreement shall result only in the prospective loss to Participant and the Property of the exemptions set forth in Section 8 hereof, and that any actions, omissions, conditions or circumstances arising or prevailing prior to such termination or expiration shall be covered by the exemptions provided pursuant to Section 8 hereof.

18. Official Record: This agreement shall not be effective nor become part of the official record unless and until it is signed by the Director of the Maine Forest Service.



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IN WITNESS WHEREOF, the parties hereto have executed this Outcome Based Forestry Agreement consisting of 13 (thirteen) pages, including Schedule A and the Appendix.

Irving Woodlands LLC

By: *James D. Irving* Date: May 18, 2012
 James D. Irving
 Co-Chief Executive Officer
 J.D. Irving, Limited



Department of Conservation, Maine Forest Service

By: *Douglas Denico* Date: 5-17-12
 Douglas Denico
 Director, Maine Forest Service

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Schedule A. List of Proprietary and Confidential Information

The Participant has requested and the Director of the Maine Forest Service has determined that the following information which may be provided to the Panel is either considered confidential or proprietary information and must not be further circulated.

1. Annual Reporting Metrics that are currently provided to MFS in the landowner reports of timber harvesting activities (confidential under 12 M.R.S. §8885 (4)).
Exception: Annual reporting on trends in silvicultural investments is not confidential, by agreement of Participant.
2. Maine management plan information that is not part of the annual Irving Woodlands Public Summary, such as:
 - a. Information regarding quantity and quality of the timber resource;
 - b. Information regarding sustainable and planned harvest levels; and,
 - c. Information regarding forest inventory and/or cover type and/or area distribution (confidential under 36 M.R.S. §579).
3. Employee or contractor, supplier or customer lists or employee or contractor specific information (proprietary information).
4. Pay rate and/or cost information (proprietary information).



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APPENDIX. State of Maine Criteria, Goals, and Outcomes of Forest Sustainability.

1. Criterion 1: Soil productivity
 - a. Goal: Maintain site productivity.
 - b. Outcome: Site productivity will be maintained or improved, and the area in roads and yards will be minimized.
2. Criterion 2: Water quality, wetlands and riparian zones
 - a. Goal: Maintain or improve the chemical, physical, and biological integrity of aquatic systems in forested areas and riparian forests.
 - b. Outcomes: Forest management in shoreland areas protects water quality and aquatic and riparian forest biodiversity.
3. Criterion 3: Timber supply and quality
 - a. Goal: Improve the quantity and quality of future timber supply when appropriate.
 - b. Outcome: The management strategy and harvest levels for the lands will increase the quality and quantity of the forest resource as appropriate in the medium and long term (20 - 50 years).
4. Criterion 4: Aesthetic impacts of timber harvesting
 - a. Goal: Minimize adverse visual impacts of timber harvesting.
 - b. Outcomes:
 1. The landowner will minimize visual impacts of harvests, roads, landings and other management activities.
 2. The landowner's planning staff are trained in and apply principles of visual quality management.
 3. The landowner identifies areas with high and moderate visual sensitivity, and takes appropriate measures to avoid significant visual impacts whenever necessary.
5. Criterion 5: Biological diversity
 - a. Goal: Maintain biological diversity with healthy populations of native flora and fauna, forest communities and ecosystems.

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b. Outcomes:

1. Management addresses the habitat needs of the full range of species present.
2. Maintain or manage for acreage in the late successional (LS) condition through management and protection.
3. Maintain a reasonable component of standing dead trees, live cull trees, and down logs across the landscape (not necessarily on every acre).
4. High Conservation Value Forests are properly identified and values are protected on the ownership.
5. Rare, threatened and endangered species habitats are properly identified, and the land is managed to protect the habitats and occurrences of rare, threatened and endangered species.
6. Important plant communities are properly identified, and the land is managed to protect important plant communities.
7. Deer wintering areas are properly identified and managed to maintain or improve their value as winter cover for deer.

6. Criterion 6: Public accountability

a. Goal: Demonstrate sustainable forestry and build public confidence that forest management is protecting public values for the long-term.

b. Outcomes:

1. The landowner will maintain independent 3rd party certification with a nationally recognized sustainable forestry management certification system without major, unresolved non-conformances on managed lands.
2. A Licensed Forester within the company will review and approve the landowner's Forest Management Plan.
3. The landowner will employ Licensed Foresters who are actively involved in the management, planning and supervision of operations on the land.
4. All timber harvesting contractors will employ at least one person possessing Certified Logging Professional or Qualified Logging Professional certifications or the equivalent.



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7. Criterion 7: Economic considerations

- a. Goal: Optimize benefits to the local and regional economy while also achieving the goals specified for the other criteria, to the extent allowed by market conditions.
- b. Outcome: The landowner's management activities support as vibrant and diverse a forest products industry as is practicable, including loggers, truckers, and production facilities.

8. Criterion 8: Social considerations

- a. Goal: The landowner supports the communities surrounding their lands and operations, and except where special circumstances dictate otherwise, the landowner continues to provide historic and traditional recreational opportunities that do not conflict with the landowner's objectives or values.
- b. Outcome: The landowner provides opportunities for appropriate historic and traditional recreational uses that do not conflict with the landowner's values or objectives.

9. Criterion 9: Forest Health

- a. Goal: The forest is healthy and vigorous with no serious insect infestations or disease outbreaks.
- b. Outcome: The landowner does what is prudent and practicable to monitor for and prevent and control insects, disease, and fire, consistent with good practice in the industry and assists MFS in forest health monitoring programs on the ownership.

