

## **III. THE LAKE CONCEPT PLAN**

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### **A. Duration of Plan**

The provisions of this Lake Concept Plan shall apply for 20 years from the date of approval by the Land Use Regulation Commission, with exception that the conservation easements shall apply in perpetuity and will be implemented as described in Section IV, Part B.

Prior to expiration, the concept plan may be renewed and extended in accordance with Land Use Districts and Standards, Chapter 10, Section 10.16, F 9 (Appendix 15) by the Land Use Regulation Commission and the landowner(s). The landowner(s) must provide the Commission with written notice of whether they intend to extend or renew the concept plan one year prior to the expiration of the concept plan. If the concept plan is proposed for renewal, the renewed concept plan must be submitted to the Commission six months prior to the current concept plan's expiration date. If the landowner(s) or the Commission do not wish to renew the concept plan, or cannot agree upon the terms of a renewal, the Commission will, in conformity with its Comprehensive Land Use Plan statutes and standards, designate appropriate zoning subdistricts for those areas encompassed by this concept plan to become effective upon expiration of the concept plan.

### **B. Limitation**

It is understood and agreed upon that by entering into this Lake Concept Plan any modifications or variations from the rules or standards that otherwise would have applied or development occurring as a result of this Lake Concept Plan may not be used to justify or support a subsequent rezoning, to meet adjacency requirements, or to otherwise change the zoning on property either within or outside the area subject to the concept plan either during or upon expiration of the concept plan.

In the event that this Lake Concept Plan is terminated following the 20 year period, all transactions initiated as a component of the concept plan, including without limitations, the granting of conservation easements or restrictive covenants on subdivided land will continue to apply to the extent that the transactions are covered by legal contract, deed, or deed covenants, permit or other legal requirements. Approval of any development for which corresponding easements have not been conveyed under the terms of this Lake Concept Plan shall lapse upon expiration of this concept plan.

### **C. Parties**

The parties to the Lake Concept Plan:

1. Moosehead Wildlands, Inc., a Maine corporation with offices in Rockwood, Maine;
2. Western Mountains Foundation;
3. Land Use Regulations Commission; and

#### 4. Maine Department of Conservation – Bureau of Parks and Lands

The Lake Concept Plan, including without limitation, conservation easements, restrictions and limitations resulting there from, shall be binding upon Moosehead Wildlands, Inc., its successors and assigns and upon the Maine Land Use Regulation Commission.

### **D. Area Included (See Map #6)**

The area included in the Lake Concept Plan includes Moosehead Wildlands, Inc.’s land holdings in Tomhegan Township (T1 R2 NBKP) on Brassua Lake’s east and west shoreline and Baker Pond’s shoreline. This Lake Concept Plan and the associated P-RP subdistrict does not include the outlots illustrated on Map 6. The Lake Concept Plan total acreage is 5,673 +/- acres.

### **E. Proposed Development**

#### **Summary**

Moosehead Wildlands, Inc. is proposing to develop seven areas within the Lake Concept Plan.

#### *Area A – Residential Area - 213 +/- Acres (40 acres as Common Open Space)*

Area A’s proposed development will consist of 52 lots that range in size from 1.5 to 7.5 acres each with 200 + feet of frontage; the lots will be accessible by an existing loop road, which will be upgraded in accordance with LURC guidelines. Each lot will be restricted to one residential dwelling. Restrictions on building setbacks and size are part of the concept plan and are described further in Appendix 1, Development Restrictions. Access to most of the lots will be by a shared drive.

Groups of lots will be divided between “commonly owned open spaces”. The “open spaces” will equal a combined three thousand feet of shorefront and encompass approximately 40 acres. The “open spaces” are to remain in a natural state in perpetuity; docks (permanent or temporary), structures, and lighting are prohibited.

Each lot owner will belong to the Poplar Hill Lot Owners Association.

The purpose of the Poplar Hill Lot Owners Association is to govern the uses specified in the lot owners’ association rules and bylaws that include the ability to enforce any and all covenants, to fix assessments or common charges for maintenance and normal repair of the loop, spur and access road, to maintain and pay taxes of the “common open green areas”, and to pay for the removal of refuse from the transfer site at “Area B”.

Area A’s development will be scheduled in phases.

Phase I and Phase II will include 10-15 lots each. The remaining phases will incorporate the remaining available lots. The upgrade of the existing loop road will provide access to the saleable lots.

Area B – 11 +/- Acres - Limited Commercial Development Area with Private Trailered Boat Ramp

Area B's proposed limited commercial development area consist of two lots. The proposed shorefront lot (4 +/- acres) will consist of a private trailered boat ramp, a drive and parking area (approx. 100'x 40') to allow movement and parking of trailered vehicles, and an attendant's cabin. The attendant's cabin is not to be conveyed as a separated residence.

The proposed interior lot (7 +/- acres) will consist of storage buildings for recreational equipment (such as motorboats, canoes, kayaks, skis and bikes), a rental office, guest parking, and a waste transfer area (concrete pad and dumpsters). Area B's intent is to support Residential Area A and promote outdoor recreational use within the Lake Concept Plan area. Restrictions on building setbacks and size are part of the concept plan and are described further in Appendix 1, Development Restrictions.

Area C – 265 +/- Acres – Limited Development Commercial Area for Recreational Use

Area C's limited commercial development area will consist of an area that is limited to commercial recreational development. The owner's intention is to reserve the right to build one (1) lakefront dwelling for a recreational area attendant/manager, one (1) sporting lodge with ten (10) associated rental cabins, an outpost cabin and private boat launch. The sporting lodge area will occupy not more than 40 acres and will include three islands, with an outpost cabin proposed for one island, and approximately 3,300 feet of shorefront. Access to the lot will be by an existing road and new road traversing through the conservation area. Once the sporting camp and manager's residence site are selected and Area E (see below), the balance of the acreage will be divided so that approximately 193 acres will be managed as part of the Conservation Area, and the remaining 3,100 feet of shorefront, 500 feet deep, and approximately 32 acres will be added to the Permanent Conservation Easement Area. Restrictions on building setbacks and size are part of the concept plan and are described further in Appendix 1, Development Restrictions.

Area D – 7.5 +/- Acres – Residential Area for Owners Use

Area D's proposed development area will consist of an area that is limited to residential development. The lot is associated with The Birches and shall not be conveyed separately from The Birches. The lot will be restricted to one residential dwelling. The lot size will be 2 +/- acres and have 200 feet of shorefront. Once the site is selected the remaining acreage will become part of the permanent easement area. Access to the lot will be by a new road traversing through the permanent conservation area and conservation area. Restrictions on building setbacks and size are part of the concept plan and are described further in Appendix 1, Development Restrictions.

Area E – 2.0 +/- Acres – Residential Area for One Dwelling

Area E's proposed development area will consist of a single lot. The location of the lot will be within Area C. The lot will be restricted to one residential dwelling. The lot size will be 2 +/- acres and have 200 feet of shorefront. Access to the lot will be by existing and a new road

traversing through the conservation area. Restrictions on building setbacks and size are part of the concept plan and are described further in Appendix 1, Development Restrictions.

#### Area F – 54 +/- Acres – Residential Area for Owner's Use

Area F's proposed development will consist of a single lot. The lot will be restricted to two residential dwellings. The owner will retain the lot for family member use. Access will be by a new road through the Permanent Conservation Easement Area. Restrictions on building setbacks and size are part of the concept plan and are described further in Appendix 1, Development Restrictions.

#### Area G – 49 +/- Acres – Residential Area for Four Dwellings

Area G's proposed development will consist of five lots. Four lots will be restricted to one residential dwelling each. The applicant will retain the remaining lot in an undeveloped state for the term of the Concept Plan. Restrictions on building setbacks and size are part of the concept plan and are described further in Appendix 1, Development Restrictions.

#### Islands

All the islands except for four (4) are placed in the Permanent Conservation Easement Area. The conservation easement area islands are proposed as primitive recreational areas, as has been the tradition in the past. No development is proposed for these islands except for development associated with primitive campsites.

Three islands are associated with Area C (See Map #6). These islands are proposed as primitive recreational areas. No development is proposed for these islands except for one outpost cabin.

One island designated Area H (See Map #6) is included as part of the 20-year conservation area.

#### Recreational Use Trail and Cabin System

It is the owner's intention of providing a trail and cabin system throughout the Permanent Conservation Easement Area on both sides of Brassua Lake. The trail system is a continuation of the present trail system located on the property. The trail system will consist of a 14' wide corridor (to allow trail groomers room to maneuver) with low vegetation. A trail (walking path) will be located within the 14' corridor.

The use of the trail system will be free to the public except during the cross-country ski season.

The use of the trail system during cross-country ski season will be fee based to cover construction cost, grooming, and upkeep of the trails.

The trail system allows 9 primitive cabins with up to 6 primitive cabins located within the Permanent Conservation Easement Area. The primitive cabins on Poplar Hill (2) and the western peninsula (1) shall be at least 500 feet from the shoreline and screened from view. There will be a fee for use of the cabins to cover normal maintenance and repair.

The trail system may be located throughout the Permanent Conservation Easement Area and The Conservation Area on each side of Brassua Lake (See Map #6 for approximate location of existing trails and proposed trails). Restrictions on size of primitive cabins and clearings are part of the Lake Concept Plan and are described further in Appendix 1, Development Restrictions.

The public will have access to both the Permanent Conservation Easement Area and the Conservation Area for non-motorized traditional recreational use. Existing snowmobile access will be continued in the Conservation Area and crossings will be provided across the Permanent Conservation Easement Area to provide snowmobile access to Brassua Lake.

### Public Hand Carry Boat Launch

A Public Hand Carry Boat Launch Site is proposed in the conservation area. Its location is shown on Map #6. The access to the Public Hand Carry Boat Launch is from the Rockwood-Pittston Road. The construction of the boat launch is the responsibility of the applicant. The boat launch construction shall be completed within 2 years of the acceptance of the Lake Concept Plan. A parking area/turnout area will be constructed adjacent to the access road, near but outside of the permanent conservation area.

### Gravel Removal Area

Moosehead Wildlands, Inc. reserves the right to remove gravel (mineral deposits) from a designated area within the conservation area. Mineral Extraction will be in accordance with Appendix 4.

### Roads

The Lake Concept Plan contains over 8 miles of gravel forest management roads. Most roads are in good condition and provide access near to the proposed developed sites.

- East Side of Brassua Lake

There is one major access road and two spur roads. The major access road leads to a loop road around Poplar Hill and provides access to the concept plan. Minimal upgrade is required for the major access road. Significant upgrade is required for the loop road, which services Area A and B. The road upgrade is proposed in phases to match those of the development phases.

Area D's access road will traverse through the permanent conservation area.

- West Side of Brassua Lake

Roads shall be constructed in accordance with Appendix 5 of the Lake Concept Plan. Area F's road will traverse through the permanent conservation area.

- Public Hand-Carry Boat Launch Road

An existing road leading west then north from the major access road will provide access to a "Hand Carry" Public Boat Launch (See Map #6). The road will require

minimum upgrade for public use. A new section of the road (within the 20-year conservation area) will be built leading to the permanent conservation area boundary. A new parking area will be built outside the permanent conservation area. A walking path will be constructed through the permanent conservation area to allow the public to hand carry boats to Brassua Lake.

#### Reserved Right

Moosehead Wildlands, Inc. reserves the right to build a new road from the Rockwood-Pittston Road to the Public Hand-Carry Boat Launch site in the corridor shown on Map #6.

- Road Maintenance

#### Main Access Road, Loop Road and Spur Road

Maintenance and repair is the responsibility of the Poplar Hill Lot Owners Association.

#### Public-Hand-Carry Boat Launch Road

Maintenance and repair is the responsibility of the landowner.

#### Area D, E, C, F, and G

Maintenance and repair of these access roads is the responsibility of the lot owner(s).

Snow removal of all roads by Moosehead Wildlands, Inc. is optional.

- New Road or Upgraded Road Construction

New and upgraded roads shall be built in accordance with Appendix 5 of the Lake Concept Plan and the following guidelines.

The road width will be 14 feet wide and have 2:1 H/V slopes or flatter. Cross slope grade shall be a uniform 3-5% slope to allow drainage to the down hill side. The road shall be constructed in a layer system that includes layering geo-textile fabric directly on the old road, followed by a layer of 12 inch MDOT Class B (4" minus) aggregate, and then a final layer of 6 inch MDOT Class A (2" minus) aggregate. In wet areas and wetland areas an additional layer of geo textile fabric shall be used between the 12 inch and 6 inch layer. Ditches shall be minimized and existing ditches may require stone or geo-textile fabric to reduce erosion and promote vegetation growth. Existing drainage structures will need to be evaluated for size and condition. Stoned lined ditch turnouts will be placed so that water will run through a buffer area prior to entering the lake. Turnouts will be used to allow circulation of traffic.

## Utilities

- **Septic**  
Each site will have its on septic disposal bed or privy. The septic disposal bed will be designed by a licensed state site evaluator and be constructed in accordance with Maine’s Plumbing Code. Gray water shall be discharged into a disposal bed.
- **Water**  
Water will be provided by individual lot wells or from Brassua Lake. Brassua Lake water will only be procured by hand carry or by hand pump. Wells will be constructed in accordance with Maine’s Plumbing Code.
- **Electrical/Telecommunication Lines**

### Area A, B, C, D, E, F and G

Generators or solar power systems or equivalent alternative systems may supply electrical power. Generator use must meet noise requirements. There is no provision for telecommunication infrastructure. Overhead utility lines are allowed from structure to structure on the same lot.

### Reserved Rights

Moosehead Wildlands, Inc. reserves the right to supply power and telecommunications to Areas A and B from an underwater (submarine) cable that would originate at the Brassua Lake Dam, provided all permits are obtained before construction begins. A suitable location for exit at the site (Area A) needs to be determined. The cable would access and exit the water through underground conduits. The conduit installation would take into consideration the fluctuating water levels of Brassua Lake. Permitting will be coordinated between the responsible government agencies, FERC, and Brassua Water Power Company.

Moosehead Wildlands, Inc. reserves the right to provide underground power to all proposed developed areas utilizing existing and proposed roadway corridors when “practicable”. (See Definition)

- **Generators**  
  
Generators may be used on each site provided the Development Restrictions in Appendix 1 on noise and location are met.

The lake frontage and acreage is summarized in the following table:

Table 1 – Summary of Brassua Lake Frontage in **Tomhegan Township excluding islands**

<b>Existing Condition</b>	<b>Feet</b>	<b>% of Total</b>
Brassua Lake in Tomhegan Township <sup>(1)</sup>	90,397 +/-	100.0
Moosehead Wildlands, Inc. Ownership	78,689 +/-	87.0
Other Ownership non Moosehead Wildlands, Inc.	11,708 +/-	13.0

<sup>(1)</sup> Information from GIS map, State of Maine

Table 2 – Summary of Moosehead Wildlands, Inc.’s **Brassua Lake Frontage excluding islands**

<b>Proposed Conditions</b>	<b>Feet</b>	<b>% of Total</b>
Moosehead Wildlands, Inc. Ownership	78,689 +/-	100.0
Permanent Conservation (includes 3,330 ft. from Area C)	49,425 +/-	63.0
Area A – Proposed Residential Development	14,735 +/-	18.8
Area A – Green Space	3,000 +/-	3.8
Area B – Proposed Limited Commercial Development	240 +/-	0.3
Area C – Proposed Limited Commercial Development	3,300 +/-	4.2
Area E – Proposed Residential Development	200 +/-	0.3
Area F – Proposed Residential Development	6,263 +/-	8.0
Area G – Proposed Residential Development	1,306 +/-	1.6

Table 3 – Summary of Moosehead Wildlands, Inc.’s **Baker Pond Frontage**

<b>Proposed Conditions</b>	<b>Feet</b>	<b>% of Total</b>
Moosehead Wildlands, Inc. Ownership	8,405 +/-	100.0
Permanent Conservation	8,205 +/-	97.6
Area D – Proposed Residential Development	200 +/-	2.4

Table 4 – Summary of Moosehead Wildlands, Inc.’s **Land Holdings within the Lake Concept Plan excluding islands**

<b>Proposed Conditions</b>	<b>Acres</b>	<b>% of Total</b>
<b>Moosehead Wildlands, Inc. Ownership</b>	5,673 +/-	100.0
<b>Permanent Conservation Acres</b>	<b>1,150 +/- (1,185 +/-)<sup>(2)</sup></b>	<b>20.3</b>
Conservation Area	3,924 +/- (4,117 +/-) <sup>(2)</sup>	69.2
Area A – Green Space (not to be developed)	40 +/-	0.7
<b>Total Conservation Acres</b>	<b>5,112 +/-</b>	<b>90.1</b>
Area A – Proposed Residential Development	173 +/-	3.1
Area B – Proposed Limited Development	11 +/-	0.2
Area C – Proposed Limited Development	265 +/- (40) <sup>(1)</sup>	4.7
Area D – Proposed Residential Development	7.5 +/- (2) <sup>(1)</sup>	0.1
Area E – Proposed Residential Development	2 +/-	0.0
Area F – Proposed Residential Development	54 +/-	0.9
Area G – Proposed Residential Development	49 +/-	0.9
<b>Total Development Acres</b>	<b>561 +/-<sup>(1)</sup></b>	<b>9.9<sup>(1)</sup></b>

(1) Total Development Acres will be adjusted to 331 +/- acres and 6% after sites in Area C and Area D are selected.

(2) Conservation Acres will increase from adjustments to Area C and Area D.

## **F. Proposed Conservation (see Map #6)**

Moosehead Wildlands, Inc. is proposing to conserve in perpetuity certain areas within the Brassua Lake parcel. These areas 1,185 +/- acres are shown on Map #6 and consist of the area within 500 feet of the shorelines of Brassua Lake and Baker Pond, the peninsula on the western side of Brassua Lake, and the interior woodland section of Poplar Hill. These areas are designated as “Permanent Conservation”. The amount of shoreline placed in permanent conservation exceeds 10.9 miles.

A summary of acreage and shoreline is shown in the chart below.

Table 5 – Summary of Permanent Conservation Areas

<b>Proposed Conditions</b>	<b>Location</b>	<b>Shoreline Length (ft.)</b>	<b>Setback</b>	<b>Acreage</b>
Brassua Lake East side	Shoreline	17,385 +/-	500 +/- feet from shoreline	198 +/-
Poplar Hill	Interior Land			330 +/-
Brassua Lake West side	Shoreline & Interior Land	28,910 +/-		512 +/-
Baker Pond	Shoreline	7,740 +/-	500 +/- feet from shoreline	108 +/-
<b>SubTotal</b>		<b>53,835 +/-</b>		<b>1,148 +/-</b>
Area D (balanced not used)	Shoreline	465 +/-	500 +/- feet from shoreline	5 +/-
Area C (Balanced not used)	Shoreline	3,130 +/-	500 +/- feet from shoreline	32 +/-
<b>Total</b>		<b>57,630 +/-</b>		<b>1,185 +/-</b>

The remaining land, 3,924 +/- acres, not designated for any residential dwellings or permanent conservation is to be placed in a Conservation Area. Timber harvesting and mineral extraction shall be allowed within the boundaries of this area.

A large lot land division comprised of 10 lots exists on 416 acres within the interior ownership of Moosehead Wildlands, Inc. As part of this Concept Plan, 8 of the 10 lots (334 +/- acres) will be eliminated and included into the 20-year conservation easement area. The remaining 2 lots (82 acres +/-) are not part of this concept plan and will not be rezoned. These lots are illustrated as outlots on Map 6. Allowed uses on the remaining 2 lots will be in accordance with LURC’s Districts and Standards effective at the time of conveyance of the lots.

Following approval of this concept plan and in accordance with the Phasing of Development and Conservation section of this plan (Section IV, Part B) Moosehead Wildlands, Inc. will grant a conservation easement to the easement holder. Further details as to the allowed uses of the easement area are explained in Section IV, Part D, Land Use Standards and Section VI, Concept Plan Conservation Easement.

Other conservation measures include Moosehead Wildlands, Inc. restriction on lot usage, lot coverage, and shoreline development in the limited development areas.

### **G. Access**

The Conservation Areas will be open to the public for traditional, non-motorized and non-destructive recreational use as well as the continuation of snowmobiling, except that access to and use of the Permanent Conservation Area located on the Poplar Hill Peninsula is by landowner permission only. A snowmobile trail will cross the Permanent Conservation Easement Area to provide access to Brassua Lake. Moosehead Wildlands, Inc. reserves the right to establish reasonable rules and regulations for use consistent with the intent to protect the natural values of the area while providing full public access.

### **H. Amendments**

Upon mutual agreements of Moosehead Wildlands, Inc. and the Commission, this Lake Concept Plan may be amended from time to time due to unforeseen circumstances. It is expected, however, that this concept plan will provide for the long-term protection and management of the plan area. Should unforeseen circumstances arise, amendments may be proposed which the Commission determines are warranted and are in keeping with the purposes and intent of this Lake Concept Plan. Amendments may be proposed by those parties authorized to do so by law, including Moosehead Wildlands, Inc. Proposed amendments shall be made in writing to the Commission and shall be subject to the Commission review and approval in accordance with the Commission's concept plan provisions in its Comprehensive Plan and Land Use Districts and Standards. Amendments to this Lake Concept Plan shall be promptly filed in the Somerset County Registry of Deeds. Notice to abutters and the general public is required if amendments are proposed that would change the extent of development or the extent and placement of conservation measures. The conservation easements and any amendments to the easements within the concept plan area shall also require Commission approval.

### **I. Proposed Easement Holder**

Western Mountains Foundation of Carrabassett Valley, Maine, is the proposed holder of the Conservation Easement within this concept plan. The Western Mountains Foundation, a state certified non-profit organization, has agreed to accept the Conservation Easements with the limitations, terms, and conditions. Any changes in the holder of these easements shall require the approval of the Commission.

Department of Conservation – Bureau of Parks and Lands is the proposed third party of the Conservation Easement.

### **J. Severability**

The provisions of this plan are not severable. If a section of this Lake Concept Plan is adjudged by a court of competent jurisdiction to be invalid and such decision is no longer subject to appeal, such decision shall invalidate the remaining sections of this plan; provided that any

conservation easements, similar recorded restrictions on use, or approved developments shall be permanent in accordance with their terms.

**K. Effective Date of Concept Plan**

This Lake Concept Plan shall take effect following approval by the Maine Land Use Regulation Commission. Within thirty (30) days of the effective date of this Lake Concept Plan, the landowner or his representative will file a copy of the approved Lake Concept Plan at the Somerset County Registry of Deeds. Upon the conveyance of a lot that is included within the Lake Concept Plan, the landowner shall reference the existence of this Lake Concept Plan and any amendments thereto in the deed conveying the lot.