

VII. Appendices

Appendix 1 – Development Restrictions

Development Restrictions

The following restrictions shall apply to all structures and uses on lots within land proposed for development, as illustrated on Map 6. Some restrictions, restated here, are also included within the Land Use Standards. (Appendices 2 to 8)

A. Restrictions for All Development Areas

1. No building or other construction may be undertaken on any lot without first obtaining an approved permit from the Maine Land Use Regulation Commission.
2. All structures and uses must meet the land use standards contained herein (in Appendices 2 to 8), including the dimensional and setback requirements and the clearing of vegetation requirements outlined herein.
3. Lots may only be used for single-family residential dwellings or a camp site.
4. Only one residential dwelling is allowed per lot or only one camping site is allowed per lot.
5. No commercial use will be allowed on the lot, except that rental of lot and structures thereon may be allowed.
6. The lots cannot be further subdivided.
7. Buildings, tent platform, motor home, travel trailer, or camper setback requirements are 100 feet from the normal high water mark, 15 feet from side lot line, and 50 feet from the access road, and must meet all dimensional requirements of Appendix 4.
8. One tent platform is allowed per lot, provided the tent only remains erected during the camping activity. The tent platform shall be considered an accessory structure and size shall not exceed 300 square feet.
9. All work that disturbs the natural soil conditions shall use current erosion control measures in accordance with LURC's Guidelines for Vegetative Stabilization (Appendix 8) and Maine's Erosion and Sediment Control

Handbook for Construction: Best Management Practices (Department of Environmental Protection, 2003).

10. Building height within 500 feet of Whetstone Pond shall be no higher than 25 feet. Notwithstanding the dimensional requirements of Appendix 4, building height greater than 500 feet from Whetstone Pond shall be no higher than 35 feet.
11. Building height along Foss Pond shall be no higher than 25 feet.
12. Building height within woodland areas shall be no higher than 35 feet.
13. Accessory Structure Height is limited to 16 feet.
14. Maximum lot coverage shall be 30% for all uses. The amount of clearing for development shall be limited to 22,500 square feet per lot. (For example: 140' x 140' area including a 10' x 200' access drive).
15. Exterior lighting on the pond side of the structure shall be limited to 100 watts in aggregate, screened from lake view (full cut off fixture) and directed towards the ground and/or the structure.
16. Subsurface wastewater disposal systems are permitted, pursuant to approved septic design and soil suitability in accordance with the State of Maine Plumbing Code. If an outhouse (privy) is utilized, it must be located behind the camp, at least 100 feet away from the normal high water mark of the shoreline, and screened from view from the shoreline.
17. Wells are permitted, in accordance with the State of Maine Plumbing Code. However, Whetstone Pond, Foss Pond and Thorn Brook Stream water shall only be procured by hand carry or by hand pump.
18. If generators are used, some form of noise protection must be employed, including but not limited to, enclosure of the generator in a shed. All generators must be equipped with spark arrestor units. The noise levels produced by generator use shall be no more than allowed in Appendix 3,E.
19. Driveways shall be constructed, when site conditions allow, so that two adjacent lots share a common entry (egress) point from (to) the access road.
20. The property lines shall be kept free and open. No fences, hedges, or walls shall be allowed thereon.
21. Leased Lots:

Permanent foundations, wells and subsurface septic systems are permitted with landowner permission. The landowner or his representative shall inspect and approve the location and construction of the permanent foundation, well or subsurface septic system prior to placing in service. For the purposes of this definition, “sono tubes” or posts installed with augers are not considered permanent foundations.

B. Additional Restriction for Whetstone and Foss Pond

1. The total building footprint for the principal structures:

Whetstone Pond: 1,800 square feet
Foss Pond: 1,400 square feet

2. No trailered ramps are to be constructed on individual lots.
3. Permanent docks are prohibited.
4. One temporary (seasonal) dock is allowed on each lot. The dock shall be removed from the pond by Dec 15th.
5. Dock lighting usage shall be limited to loading and unloading boats, and shall not be in continuous nightly use.

Clearing

The amount of clearing on any lot between 100 ft. and 250 ft. from the high water mark of Foss Pond or Whetstone Pond is limited to 10,000 sq. ft. (For example: 100' x 100' area including access drive)

No clearing will be allowed within the 15 ft. setback area along the side property lines, except for shared drives and deeded right of ways.

To limit the amount of shoreline clearing and to maintain natural areas between lots, the allowed width of vegetation clearing on each lot between the normal high water mark and the 100-foot setback from the normal high water mark shall be limited to a 100-foot wide area. The amount of allowed clearing within this area will be in accordance with Appendix 5, B.

C. Additional Restrictions for Woodland and Stream Lots

1. The total building footprint for the principal structures:

Woodland Lots: 1,800 square feet

D. Restrictions for Road Projects

Roads are the responsibility of the Lake Concept Plan landowner.

1. Road
 - a. The landowner is responsible for upgrading or building roads to provide access to the lots in accordance with Appendix 3, C.
 - b. Traffic movement around the forest management roads will be governed by the Lake Concept Plan landowner and at a posted speed limit. The location of the turnouts will be spaced such as the use of the clearings produced from previous logging operations might be used.
2. Individual Lot Roads
 - a. Road maintenance and normal repair of individual lot drives shall be the responsibility of the lot owner(s).

E. Restrictions for Utility Lines

1. Overhead utility lines shall only be allowed along the road accessing the southeast side of Whetstone Pond and the forest management road accessing Foss Pond.
2. Underground utility lines shall be allowed to areas proposed for development and shall use existing and proposed roadways and drive corridors where practicable.
3. Underground utility lines are allowed between main structure and accessory structures.
4. The Lake Concept Plan owner reserves the right to place one trench of underground utility lines across the green space on the western shore of Whetstone Pond to the access road serving the camps. This utility line is to be placed in the straightest and shortest distance in order to minimize disturbance to the Green Space. This reservation is made in the foreseeable future the abutting shorefront property in Blanchard Township may have power.

F. Additional Restrictions for Area A

“Area A” is a large land area whose intent is to provide for forest management practices, mineral extraction for road maintenance purposes and primitive recreational activities, while remaining as a “no-development” area for the life of the Concept Plan.

All uses that are consistent with the P-RP subdistrict zoning land use standards contained herein are allowed except as reserved or restricted below:

Transfer Reservations

“Area A” may not be divided, subdivided, or partitioned, or otherwise separated into parcels or lots, however Area A may be transferred provided the terms and restriction of the Concept Plan herein are made as part of the recorded transaction.

“Area A” may be transferred as follows:

- (1) “Area A” may be sold or leased in its entirety; or
- (2) “Area A” may be transferred by inheritance provided the person is related to the donor by blood, marriage, or adoption; or
- (3) “Area A” may be transferred by bona fide gift, without consideration paid or received, to a spouse, parent, grandparent, child, grandchild or sibling of the donor.

Structures

Structural development, commercial and residential, industrial, energy generation, quarrying, mining, landfill, and waste disposal activities are prohibited within “Area A” during the life of the Concept Plan unless expressly stated to the contrary herein.

Roads & Surface Alterations

Surface alterations and road type and road construction shall be in compliance with P-RP zoning and section 10.27.

Vehicles

Motorized vehicles, all-terrain vehicles, motorcycles, and snowmobiles are permitted within “Area A” on designated forest management roads and trails.

Landowner(s) reserves the right to limit road and trail use.

Forest Management

Landowner(s) reserves the right to conduct commercial timber harvesting activities and forest management pursuant to a forest management plan, prepared by a registered professional Maine Forester and designed to preserve the scenic and wildlife habitat quality and to provide a sustainable yield of forest products in accordance with applicable laws and regulations; and shall be in compliance with P-RP subdistrict zoning and Land Use Standards herein.

Wildlife and Water Quality Protection

Overboard discharge or direct discharge of treated or untreated black or gray water waste into fresh surface water on or about "Area A" is strictly prohibited.

It is forbidden to dispose of or store rubbish, garbage, debris, abandoned vehicles or equipment, parts thereof, or other unsightly, offensive, hazardous or toxic waste material on or about "Area A".

Recreational Access

Landowner(s) agrees to take no action to prohibit or discourage the non-motorized and non-destructive public use of "Area A"

Landowner(s) has the right to make reasonable rules and regulations for different types of public use, and to control, limit or prohibit, by posting and other means, any of the following: night use, camping, loud activities, open fires, use of motorized vehicle and equipment, access by domesticated animal or pets, bicycles, hunting, and trapping.

Landowner(s) claims all rights and immunities against liability for injury to the public to the fullest extent of the law under Title 14 M.R.S.A. Section 159-A, et. seq. as amended and successor provision thereof (Maine Recreational Use Statute), and under any other applicable provisions of law and equity.

Reserved Rights

Landowner(s) reserves to itself, and to its personal representatives, successors, and assigns, all rights accruing from ownership of "Area A", including the right to engage in, or permit or invite others to engage in, all uses of "Area A" that are not expressly prohibited herein.

The right of landowner, its guest, employees and invitees, to use "Area A" for primitive recreational purposes which may include hiking, skiing, snowshoeing, picnicking, bird watching, camping, tenting, hunting, fishing, and trapping.

The right to advertise the Property for sale and to convey the Property, always subject to the conditions of these terms and restrictions.

Deed Covenants

The development restrictions outlined in Appendix 1, above, shall be included as deed covenants for lots within land proposed for development, as appropriate. In addition, the following deed covenants shall apply to all lots within land proposed for development:

1. The lot and dwelling there on shall not satisfy any residency requirements for a period of fifteen (15) years from the date of approval of the Concept Plan.
2. The exterior of the main building or an accessory structure are to be finished within one year from start of construction.
3. All buildings and lots shall be maintained in a neat and attractive manner, and in good repair.
4. All chimneys must be of brick, stone, tile construction, or stovepipe installed and maintained under the applicable building fire codes.
5. All exterior roofing material must be made of non-combustible material and be a dark, natural looking color: Dark Green, black, brown, and charcoal gray are preferred.
6. All exterior materials, including window frames, trims, chimneys and screen doors are to be unobtrusive in color and texture, shall be a dark color, and shall be non-reflective.
7. All buildings must have traditional exteriors. Appearances should blend with the surroundings, i.e. wood siding (shingles, log siding, logs) or colored vinyl such as a green or brown shade, and shall be non-reflective. No exterior surfaces shall be white, brightly colored or reflective.
8. No mobile homes are allowed.
9. Trash, garbage, or other waste shall be kept in sanitary containers, and the site shall not be used as a dumping ground for waste disposal. All trash, garbage, or other waste shall be removed at the end of each period of use or more often, if necessary, and transported to the contracted service provide for Kingsbury Plantation.
10. The following are not permitted: Outside storage or placement of machines or equipment, which are not in useable condition; and metal, vinyl or plastic siding for structures.