

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

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

The provisions of this Concept Plan shall apply for 15 years from the date of approval by the Land Use Regulation Commission, with exception that the permanent conservation easement shall apply in perpetuity and will be implemented as described further in this plan.

Prior to expiration, the Concept Plan may be renewed and extended in accordance with Section 10.16, F 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 Concept Plan any modifications or variations from the rules or standards that otherwise would have applied or development occurring as a result of this 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 Concept Plan is terminated following the 15 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 Concept Plan shall lapse upon expiration of this Concept Plan.

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

### **C. Parties**

The parties to the lake Concept Plan:

1. Linkletter & Sons, Inc., a Maine corporation with offices in Athens, Maine; and
2. Small Woodlot Owners Association of Maine; and
3. State of Maine, Department of Conservation, Bureau of Parks and Lands

### **D. Area to be Included (see Map #5)**

The area to be included in the Concept Plan includes Linkletter & Sons, Inc. holdings in Kingsbury Plantation north of State Rte. 16. This property contains 11,920 +/- acres.

### **E. Existing Development in the Concept Plan Area**

There are five (5) camp lots located on Foss Pond, within the Concept Plan. The current lessees, lot size, and type of structure are as follows:

#### **Foss Pond** (Linkletter & Sons, Inc. owns the land)

<u>Lessee**</u>	<u>Lot No.</u>	<u>Acreage</u>	<u>Structure</u>
Harris, William	1-1-0-90	1.0 +/-	Single story camp
Dumont, Steven	1-1-0-91	1.0 +/-	Single story camp
Knowlton, Muriel & Stanley	1-1-0-92	1.0 +/-	Single story camp
Meatley, Richard & Alice	1-1-0-93	1.0 +/-	Single story camp
Jaeger, Gilbert	1-1-0-94	1.0 +/-	Single story camp

\*\* Information provided by Hamlin & Associates, Parkman, Maine

## **F. Proposed Development**

### **1. Summary**

#### *Forest Management, Mineral Extraction*

Linkletter & Sons, Inc. intends to manage the area for forestry practices, gravel extraction, and recreational purposes. The removal of forest products within 250 feet of Whetstone, Foss, and Hiltons Ponds is allowed within the Concept Plan, see Appendix 6, and the Conservation Easement. Gravel extraction for forest management road maintenance and new forest management roads is allowed within the Concept Plan, see Appendix 4.

#### *Whetstone Pond*

Linkletter & Sons, Inc. proposes twelve (12) fee lots on Whetstone Pond as follows: three (3) lots east of the camp access road and located greater 500 feet from Whetstone Pond, three (3) lots on the southeastern shore and six (6) lots on the southwestern shore. These lots are designated as seasonal. The area of development encompasses 25 +/- acres with 9 +/- acres common open green space.

The lots on the southeastern shore will have 200 feet of shorefront and have access to electrical power.

The three lots on the access road will be located adjacent to the shorefront development and have access to electrical power.

The lots on the southwestern shore are clustered into groups of three. Common open green space is placed between the clusters and behind the clustered lots. The shorefront requirement for each of these lots has been reduced to 150 feet, to provide clustering and to place developable shorefront into green space.

Deeded covenants shall establish 100 foot buffer setbacks from the pond, limits on width of clearing, the use of shared drives when practical, and restriction of building size, height, and color so as to blend in with the natural character of the surroundings. Each shore lot may have a seasonal, temporary boat dock. A portion of shoreline and the outlet of Whetstone Pond along with land on each side of Thorn Brook, an area representing approximately 315 +/- acres, shall be placed in permanent conservation.

#### *Foss Pond*

Linkletter & Sons, Inc. proposes seven (7) lots, arranged in two groups along the shorefront. The area of development encompasses 11 +/- acres. The developed lots are intended as leased recreational property. The lots will have 200 feet of shorefront. Deeded covenants shall establish 100 foot buffer setbacks from the pond, limits on width of clearing, the use of shared drives when practical, and restriction of building size, height, and color so as to blend in with the natural character of the surroundings. Each lot may have a seasonal, temporary boat dock. Foss Pond's remaining shoreline, and a section of land presently zoned Protection Subdistrict - Soils and Geology, and the area encompassing the Hilton Ponds, representing approximately 740 +/-

acres, shall be placed in permanent conservation easement. A majority of the area placed in permanent conservation extends back 500 feet from the shorelines. Shared drives are allowed through this permanent conservation area.

### Hilton Ponds

Linkletter & Sons, Inc. intends to place the entire shoreline in permanent conservation easement, The area placed in permanent conservation extends back 500 +/- feet from the shoreline.

### Woodland Lots

Linkletter & Sons, Inc. proposes eight (8) woodland lots. The area of development totals 20 +/- acres. The developed lots are intended as leased recreational property. Deeded covenants shall establish buffer setbacks from the road, and restrictions on building size, height, and color, so as to blend in with the natural character of the surroundings. The locations are as follows:

#### Happy Corner Road – North Parcel – 5 +/- Acres

The proposed development consists of two (2) wooded lots held as leased ownership. Each lot size is 2.5 +/- acres, each with frontage on Happy Corner Road. Each lot will be restricted to one dwelling. Access to the lots is via Happy Corner Road.

#### Happy Corner Road – South Parcel – 6 +/- Acres

The proposed development consists of two (2) wooded lots held as leased ownership. Each lot size is 3 +/- acres, each with frontage on Happy Corner Road. Each lot will be restricted to one dwelling. Access to the lots is via Happy Corner Road.

#### Happy Corner Road – West Parcel – 4 +/- Acres

The proposed development consists of two (2) wooded lots held as leased ownership. Each lot size is 2 +/- acres, each with frontage on Rte.16. Each lot will be restricted to one dwelling.

#### 300 Road – 2.5 +/- Acres

The areas proposed development consist of one (1) wooded lot held as leased ownership. The lot size is 2.5 +/- acres with frontage on the 300 Road. The lot will be restricted to one dwelling. Access is via a forest management road.

### Crockett Ridge – 2.5 +/- Acres

The areas proposed development consist of one (1) wooded lot held as leased ownership. The lot size is 2.5 +/- acres with frontage on an established forest management road. The lot will be restricted to one dwelling. Access is via forest management roads.

### Thorn Brook Lots

Linkletter & Sons, Inc. proposes eleven (11) stream side lots. Six (6) lots will be located on a section of Thorn Brook north of Foss Pond; five (5) lots will be located on a section of Thorn Brook south of Whetstone Pond. The area of development totals 30 +/- acres. The developed lots are intended as leased recreational property. Deeded covenants shall establish buffer setbacks from the road, Thorn Brook, and restrictions on building size, height, and color so as to blend in with the natural character of the surroundings. Access is via existing forest management roads and proposed drives.

### Roads & Drives

The Lake Concept Plan contains over 50 miles of gravel logging roads. Most roads are in excellent condition and provide access to the developed sites. Linkletter & Sons, Inc. is responsible for the normal maintenance and repair of the gravel access roads to the leased sites. Lot owners are responsible for the maintenance of their lot/camp access drive.

Linkletter & Sons, Inc. reserves the right to remove snow from any gravel access road within the Lake Concept Plan. Snow removal or snowplowing of access roads is not guaranteed.

A new road extension to Whetstone Pond's southwestern proposed development area is anticipated. This extension is approximately 1000 feet, is a continuation of a forest management road, and will be entirely on Linkletter & Son's land. Some upgrades of existing roads to Thorn Brook sites are anticipated. The road construction will be in accordance with Maine Land Use Guidelines and State Soil Scientist recommendations.

### New Camp Road Construction Guidelines:

The road will be 14 feet wide and will have 2:1 H/V side slopes or flatter. Cross slope grade shall be a uniform 3% +/- 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 or native till, followed by a layer of 12 inch MDOT Class B (4" minus) aggregate, and then a final layer of 6 inches 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. Road turnouts are to be used to allow circulation of traffic. Road turnouts will be located to take advantage of existing timber yards.

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. Stone lined ditch turnout level spreaders, if required, will be placed so that water will run through a buffer area prior to entering any pond.

### Whetstone Pond – Eastern Shore

Whetstone Pond’s eastern shore road is an established gravel road. The road is a combination of a county road, a camp owners association road and a private road owned by Linkletter & Son’s, Inc. A section of the private road may need to be upgraded to provide access to Thorn Brook lots. The upgrade would consist of an added gravel surface and normal maintenance and repair.

### Whetstone Pond – Western Shore

Whetstone Pond’s western shore road is accessible via an established gravel road. The road is a private forest management road owned by Linkletter & Son’s, Inc. The private road will require an extension to provide access to the western shore lots. The amount of extension would be approximately four hundred (400) feet in both the north and south direction along the westerly boundaries of the lots. The road will pass through the common open green space.

### Foss Pond – Shore Lots

Foss Pond has established gravel roads (900 & 1100 & 1130 Road) along the proposed development area. The roads are private forest management roads owned by Linkletter & Son’s, Inc. Traffic flow is inbound on the “1100” Road and outbound on the “900” Road. No upgrades are proposed for these roads.

Eastern shore lots (4): A new drive to these lots would be approximately twelve hundred (1200) feet from the 900 Road.

Western shore lots (3): New drives to these lots would be approximately five hundred (500) feet from the 1130 Road.

To reduce road and drive steepness, new road and drives will be place linearly along the terrain contours as much as practicable.

### Thorn Brook Lots

Thorn Brook lots have established gravel roads along the proposed development areas. The roads are private forest management roads owned by Linkletter & Son’s, Inc.. Some roads will require upgrade for access to the lots. New drives will need to be constructed to these sites.

### Happy Corner Road Lots

The four (4) wooded lease lots are accessible via Happy Corner Road. Minimal upgrade is planned for this road.

## Rte. 16 Lots

The two (2) wooded lease lots are accessible along Rte. 16. Driveway permits from MDOT may be required for these lot drives.

## 300 Road Lot

The wooded lease lot is accessible via the “300” Road. The access road is an existing forest management road. No upgrade is planned for this road.

## Crockett Ridge Lot

The wooded lease lot is accessible via either the Old Mountain Road or several gravel forest management roads connected to the “900” or “1100” Road. No upgrades are planned for these roads.

## Utilities

### Septic

Each site may have its own septic disposal bed or privy, pursuant to approved septic design and soil suitability, and in accordance with the State of Maine Plumbing Code. A licensed state site evaluator will design the septic disposal bed. Gray water shall be discharged into a disposal bed. All septic disposal beds shall be located greater than one hundred (100) feet from the high water mark of any pond or stream.

### Water

Water may be procured by individual lot wells in accordance with State of Maine Plumbing Code. Whetstone and Foss Pond water will only be procured by hand carry or by hand pump. Limitations will be imposed on the amount of pond water stored on each lot.

### Electrical

Whetstone Pond’s eastern shore has access to electrical power. Overhead power lines exist to the first proposed lot. Overhead power lines are proposed to continue along the access road. Development restrictions allow underground power across the individual lots.

Whetstone Pond’s western shore does not have electrical power, however it is conceivable that in the future that electrical power may be available from the shoreline development to the north. Develop restrictions allow underground power within the green space abutting these lots and across these lots.

Foss Pond has no electrical power. At this time, electrical power for Foss Pond does not seem likely, as State Rte. 16 does not have electrical power. Provisions within the

concept plan have been made to allow for overhead power along the forest management road and underground power along camp access roads and drives.

#### Garbage and Debris

On site garbage and debris shall be disposed of in closable containers. At the end of each activity period the garbage and debris shall be removed and disposed at the current Kingsbury Plantation contracted transfer station. At this time those services are provided by Brighton Plantation.

## Summary of pond frontage and land acreage within the Lake Concept Plan

Table 1 – Summary of Whetstone Pond Shorefrontage

<b>Existing Conditions</b>	<b>Feet</b>	<b>% of Total</b>
Whetstone Pond	16,300 +/-	100.0
Whetstone Pond in Kingsbury Plantation***	3,910 +/-	24.0
Linkletter & Sons, Inc., ownership	2,820 +/-	17.3
Others, ownership	1,090 +/-	6.7

\*\*\*Does not include outlet stream boundary or small finger of shoreline within wetland area in southwestern corner

Table 2 – Summary of Foss Pond Shorefrontage

<b>Existing Conditions</b>	<b>Feet</b>	<b>% of Total</b>
Foss Pond	11,900 +/-	100.0
Linkletter & Sons, Inc. ownership, not developed	10,840 +/-	91.1
Linkletter & Sons, Inc. ownership, leased lots	1,060 +/-	8.9

Table 3 – Summary of Hilton Ponds Shorefrontage

<b>Existing Conditions</b>	<b>Feet</b>	<b>% of Total</b>
Hilton Ponds	6,900 +/-	100.0
Linkletter & Sons, Inc. ownership, not developed	6,900 +/-	100.0

Table 4 – Summary of Linkletter & Sons, Inc. Pond Shorefront Ownership and Proposed Shorefront Development within the Lake Concept Plan

<b>Proposed Conditions</b>	<b>Feet</b>	<b>% of Total</b>
<i>Whetstone Pond</i>	2,820 +/-	100.0
Permanently Protected	980 +/-	34.8
Green Space	300 +/-	10.6
East shore – 3 lots	640 +/-	22.7
West shore – 6 lots	900 +/-	31.9
<i>Foss Pond</i>	11,900 +/-	100.0
Permanently Protected	9,420 +/-	79.2
East shore – 4 lots	610 +/-	5.1
West shore – 3 lots	810 +/-	6.8
Existing leased lots	1,060 +/-	8.9
<i>Hilton Pond #1 and #2</i>	6,900 +/-	100.0
Permanently Protected	6,900 +/-	100.0

Table 5 – Summary of Linkletter & Sons, Inc. Land Holdings and proposed development within the Lake Concept Plan

<b>Proposed Conditions</b>	<b>Acres</b>	<b>% of Total</b>
Linkletter & Sons, Inc. Ownership	11,920 +/-	100.0
Permanent Conservation	1,055 +/-	8.9
15 year Conservation (Ponds and Land)	10,765 +/-	90.3
Whetstone Pond – Development	25 +/-	0.23
Whetstone Pond – Common Open Green Space	9 +/-	0.08
Foss Pond – Development (Proposed)	11 +/-	0.09
Foss Pond – Development (Existing)	5 +/-	0.04
Happy Corner Rd. North Parcel – Development	5 +/-	0.04
Happy Corner Rd. South Parcel - Development	6 +/-	0.05
Happy Corner Rd. West Parcel – Development	4 +/-	0.03
Thorn Brook – Development	30 +/-	0.25
300 Road - Development	2.5 +/-	0.02
Crockett Ridge – Development	2.5 +/-	0.02

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

Linkletter & Sons, Inc. is proposing to conserve in perpetuity certain areas within the Kingsbury Plantation parcel. These areas (1,055 +/- acres) are shown on Map #6 and consist of the area within 500 +/- feet of the shorelines of Whetstone Pond outlet, Foss Pond, Hilton Ponds, 250 feet on each side on a portion of Thorn Brook. These areas are designated as “Preserved From any Future Development”.

Table 6 – Summary of Permanent Conservation Areas

<b>Proposed Area</b>	<b>Frontage</b>	<b>Length</b>	<b>Setback</b>	<b>Acreage</b>
Whetstone Pond	Shoreline	980' +/-	500 +/- feet from shoreline	315 +/-
Thorn Brook	Shoreline	6,600' +/-	250 +/- feet each side	(included above)
Foss Pond	Shoreline	9,420 +/-	500 +/- feet form shoreline	740 +/-
Hilton Ponds	Shoreline	6,900' +/-	500 +/- feet from shoreline	(included above)
<b>Total</b>		<b>23,900' +/-</b>		<b>1,055 +/-</b>

The remaining land, **10,765 +/- acres**, not designated for development or permanent conservation is to be placed in a 15-year “no-development” conservation area. Timber harvesting, mineral extraction at existing sites, and primitive traditional recreational activities shall be allowed within the boundaries of this area.

Following approval of this Concept Plan and in accordance with the Phasing of Development and Conservation section of this plan (Section IV) Linkletter & Sons, Inc. will grant a conservation easement to the easement holder.

Other conservation measures include Linkletter & Sons, Inc. restriction on lot usage, lot coverage, and shoreline development in the development areas.

In order to protect the forest lands, the ecosystems therein, and preserve the quality of the experience of the northern Maine woods, Linkletter & Sons, Inc. will allow the continuance of private and public access to their land for hunting, trapping, fishing, ATVing, snowmobiling, hiking, camping, and other primitive outdoor recreation activities, however Linkletter & Sons, Inc. reserves the right to restrict access around operational forest management areas and to those who do not respect the conservation values of the Concept Plan Area.

## **H. Amendments**

Upon mutual agreements of Linkletter & Sons, Inc. and the Commission, this 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 that the Commission determines are warranted and are in keeping with the purposes and intent of this Concept Plan. Those parties authorized to do so by law, including Linkletter & Sons, Inc, may propose amendments. 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 the Concept Plan shall be promptly filed in the Piscataquis 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**

The Small Woodlot Owners Association of Maine, SWOAM, 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.

## **J. Severability**

The provisions of this plan are not severable. If a section of this 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 Concept Plan shall take effect following approval by the Maine Land Use Regulation Commission. Within thirty (30) days of the effective date of this Concept Plan, the applicant or their agent will file a copy of the approved Concept Plan at the Piscataquis County Registry of Deeds. Upon the conveyance of a lot (sale or lease) that is included within the Concept Plan, the landowner shall reference the existence of this Concept Plan and any amendments thereto in the deed conveying the lot.