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GOVERNOR

STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
LAND USE PLANNING COMMISSION  
22 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0022

WALTER E. WHITCOMB  
COMMISSIONER

NICHOLAS D. LIVESAY  
EXECUTIVE DIRECTOR

March 24, 2014

Perry Williams  
PO Box 1317  
Rangeley, ME 04970

Subject: ADVISORY RULING AR 14-01; Niboban Camps, Lot #5 on Rangeley Plantation Tax Map 06,  
Franklin County

Dear Mr. Williams:

Thank you for the information provided in your request for an Advisory Ruling. You have asked our opinion on some complex issues with respect to land use rules. We will attempt to provide our view on the matters as we understand them, pursuant to 5 M.R.S.A. 9001. I want to caution however, this is an informal response and not a legal determination. In providing our views on these matters, we have relied upon the facts as they have been presented to us, supplemented by information in our files for Development Permit DP 4526. It is our understanding that you are contemplating purchasing property located along South Shore Drive and Rangeley Lake in Rangeley Plantation, and currently owned by S.C. Noyes and Company (hereinafter referred to as "Noyes"). The subject property is developed with a commercial sporting camp operation known as "Niboban Camps." If you acquire the property, you propose to convert the existing sporting camp complex to condominiums and to construct additional cabins which would also be privately owned condominiums. Your proposal is described in more detail under "Proposal" below.

### **Background Information**

The subject property was originally developed with a commercial sporting camp in the 1800's. The sporting camp was operated into the 1980's, and then utilized as a private residence and farm until 1996 when the owner at the time passed away. Noyes acquired the subject lot in August of 1998, with the lot being approximately 59 acres at that time [reference: Book 1781, Page 289, Franklin County Registry of Deeds]. Noyes' acquisition was part of a larger land exchange involving the Maine Bureau of Parks and Lands (hereinafter "BPL"). As part of the land exchange Noyes entered into a 20-year agreement with BPL. The agreement included a prohibition against subdividing the lot or developing it for any purpose other than as a sporting camp, with a 15,000 square foot limit for structures, and a first option for the State of Maine should Noyes decide to transfer the property. It is our understanding from BPL staff that BPL's agreement with Noyes was rescinded in October of 2012, per its release filed in the Franklin County Registry of Deeds in Book 3490, Pages 47-50, and the aforementioned restrictions are no longer in effect.

Noyes razed all of the structures at the property in 1999 except for one small shed.

The current Niboban Camps facility was initially permitted by the Land Use Regulation Commission (now Land Use Planning Commission or "LUPC") under Development Permit DP 4526 issued to Noyes in February of 2000. The facility was permitted as a commercial sporting camp. The permitted development included a main lodge with attached garage, 13 cabins with porches, and four combined sewage disposal systems to serve the facility.

Amendments A through C to Development Permit DP 4526 were issued to Noyes from August of 2001 through May of 2003. The amendments authorized various changes to some of the previously permitted structures, and changes in vegetation management and storm water control. The amendments also authorized additional development including a gravel parking area, a canvas storage shed, and a permanent home with deck, porch and garage. Amendment D was issued to Noyes in September of 2012, authorizing the transfer of 8 acres out of the 59-acre parcel to Rangeley Lakes Heritage Trust. Noyes transferred the approximately 8 acre parcel to Rangeley Lakes Heritage Trust on October 25, 2012 by a deed recorded in the Franklin County Registry of Deeds in book 3490, page. 51.

I have enclosed copies of Development Permit DP 4526 and Amendments A through D for your reference. Please refer to item #6 on pages 1 and 2 of Amendment D for the current listing of all permitted structures at the facility.

### **Current Lot Configuration, Existing Development and Site Conditions**

With the land transfer authorized under Amendment D, the subject lot is now 50.7 acres in size with 2,498 feet of frontage along Rangeley Lake and 2,245 feet of frontage along South Shore Drive. A wetland bisects the sporting camp complex, crossing the subject lot from South Shore Road to Rangeley Lake. A stream flows through this wetland to Rangeley Lake.

You have submitted a site plan by Elizabeth Flynn, dated November 11, 2013 showing all the existing development on the subject lot, and the proposed development discussed below. Your request indicates that the area of existing clearing on the lot is 640,000 square feet and the existing lot coverage is 67,500 square feet. After reviewing aerial photos of the site we estimate that approximately 117,000 square feet has been cleared within 250 feet of Rangeley Lake on the subject lot. We also estimate that approximately 950 feet of shore frontage and 16.5 acres of land are currently developed. I have enclosed a copy of Ms. Flynn's site plan on which we have drawn the estimated location of the 250 foot setback line from Rangeley Lake.

Based upon your listing of the existing development, the permitted main lodge, nine cabins, and the permitted permanent home with attached garage have been constructed. In addition, there are three sheds, a gravel access road, gravel parking areas, gravel driveway and gravel footpaths. According to information in your request the existing lot coverage is 67,500 square feet.

## **Proposal**

You propose to convert the existing sporting camp to a condominium development by converting the existing nine cabins and home with attached garage to individual condominium units. You also propose to construct 16 new cabins (with porches) as additional condominium units, for a total of 26 condominium units on the subject property. In addition, you propose to construct a new gravel road and parking areas to serve the proposed new cabins. The existing and proposed home and cabins would be individually owned by private parties, and the land would be owned and maintained by a condominium or homeowners' association. The existing main lodge would be conveyed to the condominium or homeowners' association to become part of the common property.

Based upon Ms. Flynn's site plan, it appears that the proposed cabins, road and parking area would all be located at least 100 feet from the normal high water mark of Rangeley Lake, more than 75 feet from South Shore Drive and more than 15 feet from the nearest property boundary line. The proposed development would also include clearing vegetation from an approximately 52,000 square foot area but no new clearing within 100 feet of the lake, within 50 feet of the South Shore Road right-of-way or within 15 feet of any other property boundary lines. The proposed development would also increase lot coverage by 26,300 square feet to a total lot coverage of 93,800 square feet.

You have asked whether your proposal would be an allowed use within the (D-GN) General Development Subdistrict under Section 10.21,C,3 of the Commission's Land Use Districts and Standards and whether the proposal would meet the applicable dimensional requirements under Section 10.26 and the standards for cluster development under Section 10.25,R.

## **Relevant Statutes & Standards**

### *Permitting/licensing requirements:*

Under the provisions of 12 M.R.S.A. § 685-B(1-A) of the Commission's statutes, a structure or part of a structure may not be erected, changed, converted, or wholly or partly altered or enlarged in its use or structural form without a permit issued by the Commission unless the proposal is subject to the Site Law administered by the Maine Department of Environmental Protection (MDEP), as discussed below.

Under the provisions of 12 M.R.S.A. § 685-B,(1-A)(B-1) of the Commission's statutes, a permit from the Commission is not required for a development of state or regional significance that may substantially affect the environment as defined in Title 38, section 482, subsection 2 of the Site Law. A project meeting that definition is reviewed under Title 38, section 489-A-1. A person submitting a development proposal to the Department of Environmental Protection under Title 38, section 489-A-1 shall file a notice of the intent to develop and a map indicating the location of the proposed development with the commission prior to or concurrently with submission of a development application to the Department of Environmental Protection. The Department of Environmental Protection must receive certification from the commission that the proposed development is an allowed use within the subdistrict or subdistricts for which it is proposed and the proposed development meets any land use standard established by the commission that is not considered in the department's review under Title 38, section 489-A-1, subsection 1 before issuing a permit. Nothing in this subsection may be construed as

prohibiting the commission from enforcing the land use standards certified to the Department of Environmental Protection under this paragraph.

*Definition of a Subdivision:*

Section 10.02(197) of the Commission's Standards states that "except as provided in 12 M.R.S.A § 682-B, "subdivision" means a division of an existing parcel 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 under 12 M.R.S.A. §682(2-A) of the Commission's statutes.

*D-GN Zone Regulations:*

Under the provisions of Section 10.21,C,3,c(21) of the Commission's Land Use Districts and Standards (hereinafter "Commission's Standards"), residential subdivisions are an allowed use within a (D-GN) General Development Subdistrict upon issuance of a permit from the Commission. However, subdivisions on Management Class 4 Lakes must meet the requirements of Section 10.25,R, see Lake Classification below.

*Definition of a Recreational Lodging Facility:*

Under provisions of Section 10.02(168) of the Commission's Standards, the definition of a "recreational lodging facility" includes commercial sporting camps, such as Niboban Camps.

*Conversion of a Recreational Lodging Facility:*

Under the provisions of 12 M.R.S.A. § 685-B(1)(A) and Section 10.27,Q,6 of the Commission's Standards, recreational lodging facilities may not be converted to another use without a permit issued by the Commission. I have enclosed a copy of Section 10.27,Q for your reference. Conversion may be permitted under the provisions of Section 10.27,Q,6 provided the proposed use is allowed within the subdistrict and complies with 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; and
- 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 subdivision standards in Section 10.25,Q and Section 10.25,R.
- d. However, notwithstanding Section 10.27,Q,6,c, if the subdivision of the facility into individual lots would not meet the necessary subdivision design standards of Section 10.25,Q or Section 10.25,R, or the minimum lot standards, the Commission may permit the conversion of use 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;
- (2) the conversion and related division shall meet the subdivision design standards to the greatest extent practicable; and
- (4) in no case shall less than three (3) principal structures be located on a commonly owned lot.

*Standards for Subdivisions, Cluster Development and Open Space:*

Section 10.25,Q of the Commission's Standards governs the division of lots and the creation of subdivisions, and contains design criteria for subdivisions under subsection #3. Sections 10.25,R and 10.25,S of the Commission's Standards specify requirements and standards for cluster development and open space, respectively. I have enclosed copies of Sections 10.25,Q, R and S for your reference.

Section 10.25,R,2,a specifies that cluster subdivisions shall reserve no more than 50% of net developable land for development, and within shorefront subdivisions, shall reserve no more than 50% of net developable shore frontage for development. Section 10.25,R,2,c requires that open space within a cluster subdivision be preserved and maintained in accordance with Section 10.25,S. Under the provisions of Section 10.25,R,2,e the Commission may waive dimensional requirements by not more than 50% in the aggregate if the following conditions are met:

- (a) Site conditions are suitable for more concentrated development on some portions of a site and such concentrated development will not adversely affect resources; and
- (b) The specific benefits afforded by the cluster approach will prevent the loss of or enhance the conservation of important natural features.

Section 10.25,R,2,d and e allows for limited reduction in dimensional requirements.

- d. The Commission may reduce lot size, road frontage, or shore frontage for individual dwellings or lots in a cluster development, provided that, in the aggregate, dimensional requirements are met within the development.
- 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.

*Dimensional Requirements:*

Section 10.26 of the Commission's Standards specifies minimum dimensional requirements for commercial and residential uses. Under the provisions of this section, the minimum required lot size per single family dwelling unit is 40,000 square feet, the minimum required shoreline frontage on Rangeley Lake is 200 feet per dwelling unit, and the minimum required frontage on South Shore Road is 100 feet per dwelling unit. Accordingly, the total required lot size, shoreline frontage and road frontage for 26 dwelling units would be 1,040,000 square feet (23.9 acres) minimum lot size; 5,200 feet minimum of shoreline frontage and 2,600 feet minimum of road frontage.

Under the provisions of Section 10.26 of the Commission's Standards, the minimum required setbacks for residential structures are 100 feet from the normal high water mark of Rangeley Lake, 75 feet from the normal high water mark of streams draining less than 50 square miles, 75 feet from the upland edge of (P-WL1) wetlands, 50 feet from South Shore Road and 15 feet from other property boundary lines.

Under the provisions of Section 10.26,E of the Commission's Standards, the maximum allowed lot coverage for residential or commercial uses is 30 percent.

Under the provisions of Section 10.26,F,2 of the Commission's Standards, the maximum allowed height for structures within 500 feet of a great pond such as Rangeley Lake is 30 feet. Under Section 10.26,F,4 of the Commission's Standards, the maximum allowed height for structures more than 500 feet from a great pond within a D-GN zone in a prospectively zoned area is 35 feet.

*Prospectively Zoned Areas:*

Under the provisions of Section 10.08,C,2 of the Commission's Standards, Rangeley Plantation is a prospectively zoned area.

*Lake Classification:*

Under the provisions of Appendix C of the Commission's Standards, Rangeley Lake is classified as a Management Class 4 Lake, meaning a high value, developed lake.

Under the provisions of Section 10.21,C,3,h of the Commission's Standards proposals within 250 feet of a Management Class 4 Lake are subject to the applicable requirements of Section 10.21,C,3,h. Under the provisions of this section, when reviewing proposals 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.

*Wetland zoning:*

Under the provisions of Section 10.23,N,2a(1)(c)(vi) of the Commission's Standards, wetlands within 25 feet of a stream channel are designated P-WL1 wetlands.

*Clearing & Vegetative Buffering Standards:*

Section 10.27,B of the Commission's Standards specifies standards for clearing of vegetation on lots used for residential or commercial development. Section 10.27,B establishes requirements for vegetated buffers within 100 feet of Rangeley Lake and within 50 feet of the right-of-way of South Shore Road, and includes other restrictions on clearing of vegetation within 250 feet of Rangeley Lake. In addition, Section 10.25,B of the Commission's Standards, which pertains to prospectively zoned areas such as Rangeley Plantation, requires vegetative buffers along roads and also along property boundary lines. I have enclosed copies of Sections 10.27,B and 10.25,B for your reference.

**Interpretation**

*Permitting/licensing requirements:*

Based upon the information you have provided the conversion of the nine existing cabins at Niboban Camps to private single family dwellings, and the construction of 16 new cabins for single family dwellings constitutes a "subdivision" under Section 10.02(197), requiring subdivision permit approval from the Commission under Section 10.21,C,3(16) for (D-GN) General Development Subdistricts, unless the MDEP determines that the proposal is subject to the Site Law.

LUPC Regional Representative Sara Brusila spoke with Jim Beyer at the MDEP's Bangor office regarding your proposal. It is our understanding from information that you provided that your proposed development, combined with the existing development, would create less than three acres of cleared area not to be revegetated. Mr. Beyer indicated that the proposed development activity would therefore not trigger Site Law. Mr. Beyer also indicated to Ms. Brusila that the proposed use of the existing and proposed cabins as single family dwellings would not trigger Site Law so long as no new lots are created.

In the event that the MDEP determines that a proposal is subject to the Site Law the applicant would be required to obtain a license from the MDEP rather than a permit from the Commission for that proposal. However, the proposal would still be required to meet the Commission's applicable standards not covered by the MDEP, and comply with the Commission's zoning regulations. The Commission would need to certify such compliance prior to MDEP issuing a license for the proposal.

*Standards for Conversion of a Recreational Lodging Facility to a Residential Subdivision:*

The proposed conversion of the existing cabins to use as single-family dwellings is subject to the provisions of Section 10.27,Q,6 of the Commission's Standards regarding conversions to a residential use, as referenced above. The existing cabins, and to a lesser extent the office/recreation building, appear consistent with the provisions of Section 10.27,Q,6,c and Section 10.25,R. Specifically, the site and existing cabins reserve (use) no more than 50% of the net developable land and no more than 50% of the net developable shore frontage for development. The site includes the necessary lot size, road frontage, and shore frontage requirements, in the aggregate, of Section 10.26.

*Conformance with dimensional requirements:*

Based upon Ms. Flynn's site plan, it appears that the existing residence and existing and proposed cabins meet the Commission's minimum setback requirements for residential structures with the possible exception of Cedar Lake Camp XII which appears to be set back less than 75 feet from the P-WL1 wetland associated with the stream that bisects the property. However, our records indicate that this cabin was permitted as built under Amendment A to Development Permit DP 4526 in September of 2001 (see Finding of Fact #15.A.d). As such, it would be a legally existing nonconforming structure in regards to the wetland setback requirement.

The proposal would conform to the maximum allowed lot coverage under Section 10.26,E of the Commission's Standards, in that it would result in a total lot coverage of approximately 4 percent, well below the maximum allowed 30 percent.

According to the information presented in your request all existing and proposed structures conform to the maximum allowed structure height under Section 10.26,F of the Commission's Standards, in that all structures are listed as having a height of 30 feet or less.

Under the provisions of Section 10.26, the total required lot size, shoreline frontage and road frontage for the proposed 26 dwelling units would be 1,040,000 square feet (23.9 acres) minimum lot size; 5,200 feet minimum of shoreline frontage and 2,600 feet minimum of road frontage. The condominium common lot would have sufficient area and road frontage to meet the minimum required road frontage and lot size requirements, in the aggregate, for 26 condominium units. However, the lot does not meet the minimum shore frontage requirement for the proposed development of 26 dwelling units under Section 10.26,B,2,a as discussed below.

Section 10.25,R,2,e allows for limited reduction in dimensional requirements.

*Cluster Development Requirements:*

This analysis is based on, and limited by, the available data; site conditions (e.g., soils and wetlands) are critical to the cluster development requirements. The following analysis presumes the whole site constitutes “net developable land”; any reduction in the net developable land will result in a reduction of the allowed development.

The subject lot has 2,498 feet of shore frontage which, under Section 10.26, would allow for up to a total of 12 dwelling units on the property, or two new dwelling units in addition to the ten existing structures (permanent home plus nine cabins) as single family dwelling units.

The subdivision proposal would also have to comply with Section 10.25,R of the Commission’s standards regarding cluster development since the proposal would be located at least partly within 250 feet of Rangeley Lake which is a management class 4 lake.

Section 10.25,R may also allow for additional dwelling units beyond what would be normally allowed under Section 10.26 as discussed above. If the proposal satisfies the three additional standards of 10.25,R,2,e, then the Commission may waive the minimum shore frontage requirement per dwelling unit by up to 50 percent. As a result, and provided the above described caveats are met, it is possible that a maximum of 24 dwelling units could be allowed.

Section 10.25,R,2,a requires that cluster developments shall reserve not more than 50% of net developable land for development. The site currently utilizes 640,000 sf (29%) of net developable land, leaving 464,246 sf (21%) net developable land available for proposed development. While additional units may be allowed, the configuration and location of the units as indicated on the conceptual site plan may need to change to meet this requirement.

Section 10.25,R,2,a requires that cluster developments shall reserve not more than 50% of net developable shorefront for development. In this context, shorefront includes areas within 250 feet of the normal high water mark. The site currently utilizes 950 feet (38%) of net developable shorefront, leaving 299 feet (12%) net developable shorefront available for proposed development. While additional units may be allowed, the configuration and location of the units as indicated on the conceptual site plan may need to change to meet this requirement.

The following tables, on the next page, consider each standard in isolation of any other requirements. However, any conclusions must consider the “Allowed Density” collectively; the number of allowed units must meet each of the standards.

**Section 10.25,R,2,a:**

<b>Standard</b>	<b>Minimum Requirement</b>	<b>Site</b>
Net developable land [10.25,R,2,a]	Reserve not less than 50% (1,104,246 sf)	<ul style="list-style-type: none"> <li>• Currently developed: 640,000 sf (29%)</li> <li>• Available: 464,246 sf (21%)</li> <li>• Total at site: 2,208,492 sf</li> </ul>
Net developable shorefront [10.25,R,2,a]	Reserve not less than 50% (1,249')	<ul style="list-style-type: none"> <li>• Currently developed: 950' (38%)</li> <li>• Available: 299' (12%)</li> <li>• Total at site: 2,498'</li> </ul>

NOTE: The figures presented in the “Site” column assume that the entire subject lot is “developable” under Section 10.25,R,2,a. Commission staff have not determined which portions of the lot constitute “developable” land, therefore these figures are subject to change, along with the figures in the “Allowed Density, With Waiver” column in the following table.

**Section 10.26,A—C:**

<b>Standard</b>	<b>Minimum Requirement</b>	<b>Site</b>	<b>Allowed Density</b> <i>(10.25,R and 10.26) (in units)</i>	
			<b>Without Waiver</b> <i>(10.26)</i>	<b>With Waiver</b> <i>(10.25,R,2,e)</i>
Lot size [10.26,A]	40,000 sf per dwelling	<ul style="list-style-type: none"> <li>• Total at site: 2,208,492 sf</li> </ul>	55	110
Shoreline Frontage [10.26,B,2]	200' per dwelling	<ul style="list-style-type: none"> <li>• Total at site: 2,498'</li> </ul>	12	24
Road Frontage [10.26,C]	100' per dwelling	<ul style="list-style-type: none"> <li>• Total at site: 2,244'</li> </ul>	22	44

NOTE: “With Waiver” considers Section 10.25,R,2,e – “the Commission may waive dimensional requirements... where the following conditions are met.”; this column contemplates the outcome *if* the applicant were to successfully satisfy the requirements.

*Subdivision Application Requirements:*

I have enclosed a subdivision permit application for your use should you decide to pursue permit approval for the proposed conversion of the existing cabins to single family residences, and construction of additional cabins on the lot based on this advisory ruling.

*Required 10-year plan of future development:*

If you decide to file an application for your subdivision proposal, you will need to include with your application a 10-year plan of future development at the subject lot in accordance with Section 10.21,C,3(1) of the Commission’s standards since the proposal would be located at least partly within 250 feet of Rangeley Lake, a management class 4 lake.

*Summary Points*

- Residential subdivisions are an allowed use within a (D-GN) General Development Subdistrict upon issuance of a permit from the Commission. However, subdivisions on Management Class 4 Lakes must meet the cluster requirements of Section 10.25,R.

- All existing and proposed structures appear to meet the Commission's applicable current minimum setback requirements for residential structures from South Shore Road, Rangeley Lake, the unnamed stream, P-WL1 wetland and nearest property boundary lines, with the possible exception of Cedar Lane Camp XII. This camp, which was permitted as built, would be considered a legally existing nonconforming structure.
- Your current subdivision proposal for 26 dwelling units does not meet the minimum shore frontage requirements for residential development under Section 10.26. In order to meet the minimum dimensional requirements for residential development the number of proposed new units would need to be reduced to just two new units; or the proposed subdivision would need to be designed to meet the standards for cluster development under Section 10.25,R (with particular dependence upon satisfying the requirements of Section 10.25,R,2,e), as discussed above. Even if the proposal were to meet the standards of Section 10.25,R, the maximum allowed number of dwelling units would be 24.

This advisory ruling represents only a general assessment of the development potential of the subject lot based upon limited information currently available to Commission staff. The development potential of the lot may also be affected by other site specific conditions and limitations unknown to Commission staff at this time. Whether or not you would be able to develop the subject lot as desired would only be known once the Commission has received and reviewed a complete application for the proposed development, and rendered a decision on such application.

Lastly, should you decide to enter into an agreement to acquire the subject property, and wish to pursue Commission approval for your subdivision proposal, we strongly recommend that you schedule a pre-application meeting with the Commission staff early in your planning process, before finalizing your proposal and investing significant time and money completing the requisite application. Please also note that should you submit an application to the Commission seeking approval for your proposal, the Commission will be reviewing many other aspects of your proposal in light of applicable standards, in addition to the standards and statutes discussed in this advising ruling, prior to making a decision on whether to approve or deny your proposal.

Should you have any further questions or to schedule a pre-application meeting, please contact Ms. Brusila at our West Farmington Office at (207) 670-7493 or via e-mail at: [sara.brusila@maine.gov](mailto:sara.brusila@maine.gov) .

Sincerely,



Jean A. Flannery, Permitting and Compliance Manager  
Department of Agriculture, Conservation & Forestry  
Land Use Planning Commission

JF/slb

Enclosures: DP 4526 & Amendments A – D  
Sections 10.27,B,  
Section 10.25,B, Q, R & S  
SP Application Form

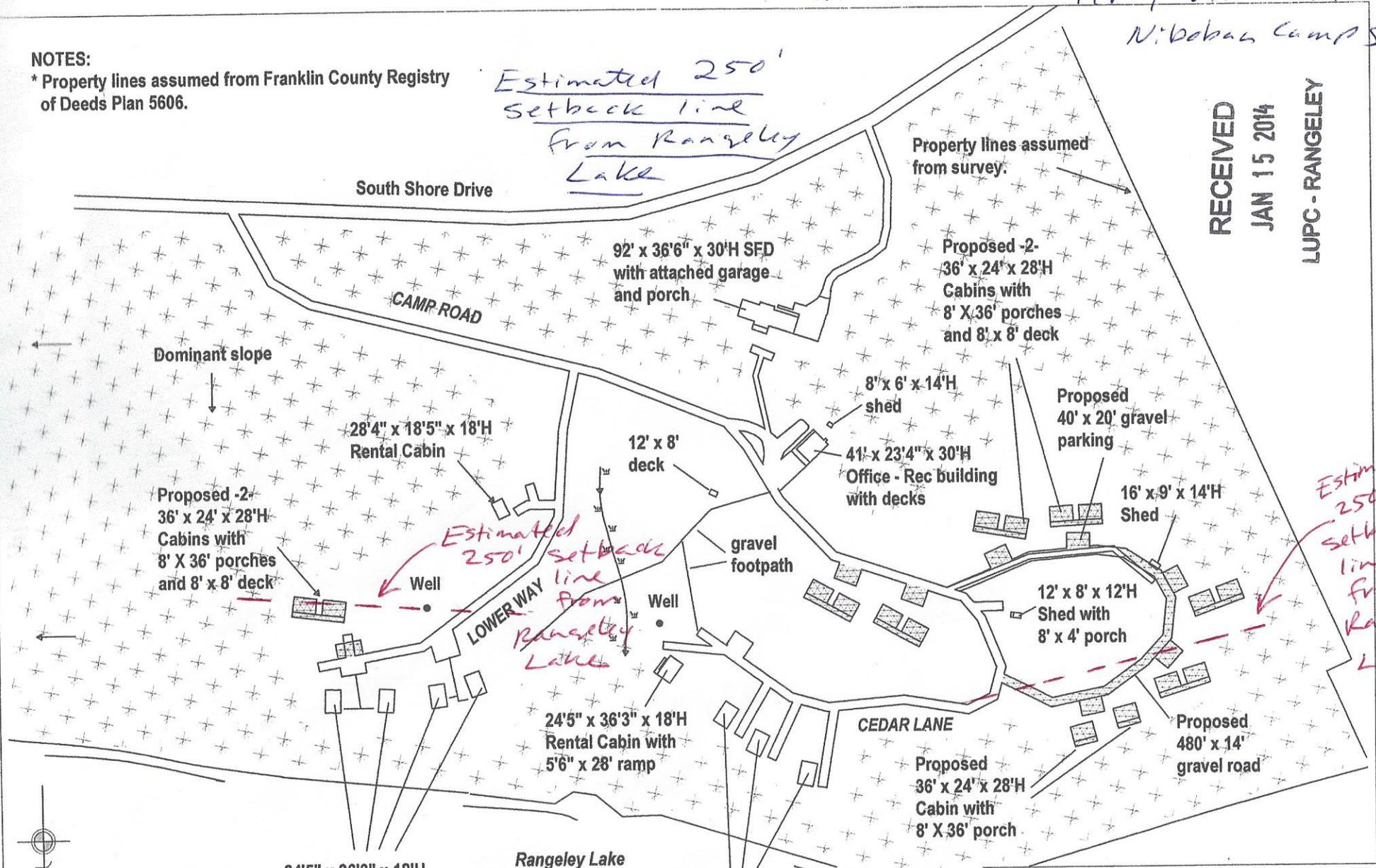
Copy of Niboban Camps Site Plan, E. Flynn, 11/11/13 w/est. 250' lake setback line

xc: Geo File, Rangeley Plantation  
DP 4526 File  
Rangeley Plantation  
David Rodrigues, Maine Bureau of Parks & Lands (via e-mail, w/attachments)  
Dawn Hallowell, MDEP(via e-mail, w/attachments)  
Brad Smith, Bean & Smith Real Estate (via e-mail, w/attachments)  
Eben Adams, Pierce Atwood LLP(via e-mail, w/attachments)

**NOTES:**  
\* Property lines assumed from Franklin County Registry of Deeds Plan 5606.

*Estimated 250'  
Setback line  
from Rangeley  
Lake*

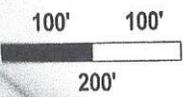
**RECEIVED  
JAN 15 2014  
LUPC - RANGELEY**



*Estimated 250'  
setback  
line  
from  
Rangeley  
Lake*



MAP IS NOT A SURVEY



Lot size: 50.7 +/- acres  
Shore frontage: 2498' +/- (tie line)  
Road frontage: 2244' +/-  
Existing clearing: 640,000 SF +/-  
Proposed clearing: 52000 SF +/-

24'5" x 36'3" x 18'H  
Rental Cabins

24'5" x 36'3" x 18'H  
Rental Cabins

Niboban Camps, 747 South Shore Drive Rangeley Plantation	
Site Plan - Concept 1	
Scale : 1" = 200'	
North Country Soil Services Rangeley, Maine	
Date: 11 - 11 - 13	Drawn by: EAF