



PAUL RICHARD LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
MAINE LAND USE PLANNING COMMISSION  
133 FYFE ROAD  
P.O. BOX 307  
WEST FARMINGTON, MAINE  
04992-0307

WALTER E. WHITCOMB  
COMMISSIONER

# PERMIT

## AMENDMENT O TO FINAL DEVELOPMENT PLAN PERMIT DP 4131

The staff of the Maine Land Use Planning Commission (hereafter, the Commission), after reviewing the application and supporting documents submitted by Saddleback Land & Timber Corporation and Saddleback, Inc. for Amendment O to Final Development Plan Permit DP 4131, finds the following facts:

1. Applicant: Saddleback Land & Timber Corporation  
Saddleback, Inc.  
Attn: Chris Farmer  
PO Box 490  
Rangeley, ME 04970
2. Date of Completed Application: December 19, 2013
3. Location of Proposal: Dallas Plantation, Franklin County  
Lot #2A on Tax Plan 01
4. Zoning: (D-PD) Planned Development Subdistrict
5. Lot Size: 8,087 acres (owned)

### Existing Development:

6. See Amendments R and S of Development Permit DP 4131 for complete lists of all approved development and activities associated with the Saddleback Ski Resort.

### Background

7. The Administrative History is provided in Appendix A

NICHOLAS LIVESAY, DIRECTOR

[www.maine.gov/acf/lupc](http://www.maine.gov/acf/lupc)  
PHONE: (207) 287-2631  
FAX: (207) 287-7439  
TTY: (888) 577-6690

### Proposal & Site Conditions

8. The applicant seeks approval to construct a 28-site Recreational Vehicle (RV) park within the (D-PD) Planned Development Subdistrict in Dallas Plantation. Preliminary development plan approval was granted for the RV park under Amendment B to Zoning Petition ZP 372, approved by the Commission in July of 2007 [reference: Section D.2,a,vii of Appendix B, Preliminary Development Plan July 11, 2007]. The proposed RV park would be located adjacent to the existing cross-country skiing facility, known as the “Rangeley Lakes Trail Center,” (RLTC) that was permitted under Amendment G to Final Development Plan DP 4131 and is located along the Saddleback Mountain Road.

The proposed RV park facility is as shown on a site plan submitted by the applicant as last revised December 9, 2013. The proposed facility would consist of an access road to the park, interior park roads, 12 foot by 70 foot gravel pads for parking RV’s at each proposed RV site, 10 foot by 10 foot gravel pads (“living areas”) at each site to accommodate a picnic table and fire ring, a dumping station, a 10 foot by 10 foot well house, an 8 foot by 17 foot restroom building and a 24 foot by 46 foot shower house. The existing 28 foot diameter yurt that serves as the lodge/office for the RLTC would also serve as the office for the proposed RV park. Each proposed RV site would have electric, sewer and water hook-ups.

9. Access to the proposed campground would be from the existing parking area at the cross-country ski center. The applicant proposes to construct an approximately 460 foot long, 22 foot wide access road from the parking area to a proposed loop road around the RV park with two internal access roads within the loop road. Proposed roads with two-way traffic flow would be 22 feet wide, and roads with one-way traffic flow would be 16 feet wide. The proposed roads would not cross streams, but culverts would be installed to provide for road drainage. Typical road cross sections for one- and two-way traffic flows, and the “rock sandwich” roadway design (for crossing wetlands) are shown on drawings A1 and B1, respectively, of Plan C3.3, dated October 26, 2010, of the application.
10. Stormwater runoff from the RV park would flow to two drainage culverts at the downslope side of the project site, with each drainage culvert discharging to stone berm level lip spreaders. The applicant submitted a phosphorus control plan for the proposed RV park, updated October 12, 2009. Phosphorus control would be implemented through the use of downslope buffer strips.
11. The proposed access road from the RLTC parking lot to the park loop road would impact 3,950 square feet of forested wetlands. The road crossing of the wetland would be constructed with a “rock sandwich” design as recommended by Maine State Soil Scientist under Finding of Fact #21 below, and as described under Finding of Fact #9 above.
12. Wastewater from the proposed dumping station and individual RV sites would be disposed of via six proposed sewage disposal systems. The applicant has submitted applications (HHE-200 forms) for each of the six proposed sewage disposal systems, all originally by Licensed Site Evaluator Darryl Brown dated 2009, and updated by Licensed Site Evaluator Scott R. Dixon on December 6, 2013.

13. Mr. Brown, also a Certified Soil Scientist, prepared a Class A high intensity soils map of the project site. Mr. Brown identified soils at the site as Chesuncook stony loam, Monarda extremely stony silt loam, Telos very stony loam, and Chesuncook stony loam. Slopes at the site range from 3 to 15 percent.
14. The applicant submitted an erosion and sedimentation control plan, last revised September 29, 2009, for the proposed development. The plan specifies measures for the installation of temporary erosion and sedimentation control structures (silt fencing, hay bale barriers and/or stump grindings berms), temporary seeding and mulching of areas of disturbed soils and topsoil stockpiles, and permanent erosion control measures. The plan also addresses culvert sizing and road ditch stabilization measures.

#### Review Criteria

15. Section 10.21,G, of the Commission's Land Use Districts and Standards specifies the purpose and procedures for establishing a (D-PD) Planned Development Subdistrict and the associated preliminary and final development plans. Section 10.21,G,9 specifies application requirements for a final development plan, and procedures for approving or denying a final development plan.
16. Under the provisions of Section 10.23,N,2,a(3) of the Commission's Land Use Districts and Standards, forested wetlands are designated P-WL3 wetlands. Under the provisions of Section 10.23,N,3,b(3) altering less than 4,300 square feet of a P-WL3 wetland is an allowed use without a permit subject to standards.

#### Review Agency Comments

17. The Maine Natural Areas Program stated that it has no records of any rare botanical features within the project site.
18. The Maine Appalachian Trail Club commented that it anticipates that the proposed RV park will not significantly increase impacts on the visual quality of the Appalachian Trail hiking experience.
19. Dallas Plantation Assessors indicated no concerns with the proposal.
20. The Maine Department of Health and Human Services, Subsurface Wastewater Unit, comments that the proposed sewage disposal systems for the proposed RV park, as described under Finding of Fact #12 above, meet the state's subsurface wastewater rules.
21. The Maine State Soil Scientist recommended that the entire length of the access road crossing of the wetland be constructed as a "rock sandwich," installed on top of the existing ground surface, and constructed of 3 to 6 inch stone. The applicant has incorporated these recommendations into the design of the road crossing of the wetland as discussed under Finding of Fact #9, above.
22. The Maine Department of Environmental Protection (MDEP) reviewed the applicant's original phosphorus plan and recommended changes to the road drainage and crowning, and re-orientation of some of the RV sites to parallel topographic contours so as to improve phosphorus control. The applicant has incorporated these recommendations into the site and road design.

23. The Maine Department of Inland Fisheries & Wildlife (MDIFW) initially expressed concerns that the proposal may impact state-endangered Roaring Brook Mayfly habitat, and recommended riparian buffers of at least 250 wide along streams. However, after MDIFW staff visited the project site in July of 2013, it determined that no Roaring Brook Mayfly habitat exists in or near the project site and indicated that it no longer has any concerns regarding the proposal.
24. The facts are otherwise as represented in to Development Permit Application DP 4131, Amendment Request O and supporting documents.

**Based on the above Finding, the Staff concludes that:**

1. The proposed RV campground is consistent with the Amended Preliminary Development Plan approved under Amendment B to Zoning Petition ZP 372 in that is an allowed use upon approval by the Commission as an amendment to the Final Development Plan under the provisions of Section 10.21,G,9 of the Commission's Land Use Districts and Standards.
2. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, Section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

**Therefore, the staff approves the application of Saddleback Land & Timber Corporation and Saddleback, Inc. for Amendment O to Final Development Plan Permit DP 4131, with the following conditions:**

1. Except for conditions of Final Development Plan Permit DP 4131 (as amended) that supersede the Revised Preliminary Development Plan (Zoning Petition ZP 372-B), all other provisions of the Revised Preliminary Development Plan shall remain in effect until final approval is granted for all activities listed in the Revised Preliminary Development Plan, or those activities are removed from the Plan.
2. The Standards for Noise and Lighting, Section 10.25,F of the Commission's Land Use Districts and Standards, a copy of which is attached.
3. The Standards for Vegetative Clearing, Section 10.27,B of the Commission's Land Use Districts and Standards, a copy of which is attached. Where wooded buffers between the facility and the road and between the facility and the stream are present, the buffers must be maintained. In buffer areas previously cleared, buffers must be allowed to naturally re-establish.
4. The Standards for Filling and Grading Section 10.27,F of the Commission's Land Use Districts and Standards, a copy of which is attached.
5. All signs must comply with Section 10.27,J of the Commission's Land Use Districts and Standards (ver. 09/04), a copy of which is attached.
6. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this

permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.

7. The permitted restroom building, well house, shower house and gravel pads must be set back a minimum of 100 feet from the normal high water mark of all streams, 75 feet from Saddleback Mountain Road and 25 feet from other property boundary lines.
8. All structures must be constructed of materials that are earth-tone colors.
9. The permittee shall implement its erosion and sedimentation control plan. All major erosion and sedimentation control structures, such as ditches, culverts, sediment traps, settling basins, and silt fences, must be installed prior to commencement of construction. Once implemented or put in place, temporary and permanent erosion control devices and measures must be monitored and maintained to ensure proper functioning. Temporary erosion control structures must be removed promptly once permanent soil stabilization measures has been achieved.
10. Should any erosion or sedimentation occur during the construction activities, the permittees shall contact the Land Use Planning Commission immediately, notifying it of the problem and describing all proposed corrective measures.
11. All areas of disturbed soil must be stabilized and reseeded in accordance with the permittee's erosion and sedimentation control plan, and maintained in a vegetated state to prevent soil erosion. In areas where revegetation is not initially successful, additional measures to control erosion and sedimentation must be undertaken as often as necessary to be effective.
12. The six proposed sewage disposal systems must be installed in the location and according to the designs specified in the permittee's subsurface wastewater disposal system applications (Forms HHE-200) initially prepared by Licensed Site Evaluator Darryl N. Brown dated November 1, 2009, and reviewed and updated by Licensed Site Evaluator Scott R. Dixon on December 16, 2013. The systems must not be installed until Plumbing Permits have been obtained from the Local Plumbing Inspector. The permittee must obtain Certificates of Inspection from the Local Plumbing Inspector for the sewage disposal systems at the time of installation. Copies of these certificates must be submitted to the Commission.
13. Section D of the Final Development Plan in Amendment S to the Final Development Plan Permit DP 4131 is superseded by Section D of the Final Development Plan of this amendment (attached). All other conditions and provisions of Final Development Plan Permit DP 4131, as amended, shall remain in effect, except as noted in the conditions of this permit.
14. The permittee must obtain all required licenses, permits, and approvals, including, but not necessarily limited to, the Maine Department of Health and Human Services (DHHS) Health Inspection Program. The permittee shall provide a copy of its Health Inspection Program license for the permitted RV Park once it is obtained.

15. Once construction is complete, the permittee shall submit a self-certification form, notifying the Commission that all conditions of approval of this permit have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of this permit.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittee complies with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT WEST FARMINGTON, MAINE, THIS 21<sup>st</sup> DAY OF JANUARY, 2014.

By:   
for Nicholas Livesay, Director

## **Appendix A: Administrative History**

### *Development Existing Prior to the (D-PD) Planned Development Subdistrict*

1. Prior to September 23, 1971, the Saddleback Mountain ski resort was developed with two base lodges, a maintenance garage, two accessory structures, a snowmaking pump house, four ski lifts, and 18 ski trails. The first base lodge was constructed in 1959, and the second base lodge was constructed in 1968. After construction of the second base lodge, the older lodge building was used as an indoor resting, picnic, and locker area for skiers. An accessory structure in the base lodge area that housed the original sewage disposal system for the White Birch Condominiums is now used for storage.
2. After September 23, 1971, but prior to the establishment of the (D-PD) Planned Development Subdistrict, the Rock Pond I and the White Birch Condominium Complexes (Reference Development Permit DP 287 and Subdivision Permit SP 3123), and various expansions and modifications to existing ski area facilities were developed on the site. During this period the Maine Department of Environmental Protection also issued a Site Location permit for the facilities at the Saddleback ski resort. All 33 permitted Rock Pond I Condominiums, permitted under Subdivision Permit 3123 as amended, have been constructed and sold.

### *Development Authorized under Zoning Petition ZP 372, which established the (D-PD) Planned Development Subdistrict, and Final Development Plan Permit DP 4131*

3. In February of 1989 the Commission approved Zoning Petition ZP 372 and the associated Preliminary Development Plan. This decision established a (D-PD) Planned Development Subdistrict on 1960 acres of the 11,750 acres owned by Saddleback Mountain, Inc. and Franklin Timberlands, Inc. and approved a Preliminary Development Plan to create a "destination" ski resort. The Preliminary Development Plan granted preliminary approval for condominium and apartment development, and ski trail expansions with associated ski lifts and snowmaking facilities, subject to certain conditions and limitations.
4. In May of 1991, Saddleback Mountain, Inc. and Franklin Timberlands, Inc. sought approval for Amendment A to Zoning Petition ZP 372, to include certain natural resource management activities, a notification process for maintenance and operations activities, the existing uses and structures, and the expansion development requested under Zoning Petition ZP 372 within the Preliminary Development Plan.
5. In October of 1994 the Commission approved Amendment A to Zoning Petition ZP 372, authorizing additional land uses and development activities in the Preliminary Development Plan. Section VII of the Preliminary Development Plan authorized a time extension until April 30, 2004 for approval of the Final Development Plan.
6. Public hearings on Zoning Petition ZP 372 and Amendment A to Zoning Petition ZP 372 were held in August of 1988 and November of 1991, respectively. Intervenor status was granted to the Appalachian Mountain Club, Appalachian Trail Club, Appalachian Trail Conference, Maine Appalachian Trail Club, Maine Audubon Society, Natural Resources Council of Maine, and Wilderness Society. The National Park Service participated as a government agency.

7. In April of 1991, Saddleback Mountain, Inc. and Franklin Timberlands, Inc. submitted an application to the Commission for Final Development Plan Permit DP 4131 for final approval for the list of uses allowed within the (D-PD) Planned Development Subdistrict. At the same time Amendment A to Development Permit DP 4131 was submitted for the first phase of development. The request for Amendment A was withdrawn in February of 1995, but the request for the Final Development Plan Permit DP 4131 was subsequently put on hold, pending resolution of certain outstanding issues, including discussions with the National Park Service regarding the potential for impact to the Appalachian Trail and financial capacity.
8. In September of 2003, Saddleback Mountain Inc. and Franklin Timberlands, Inc. sold 8,087 acres of their 11,750 acre parcel to Saddleback Land and Timber Corporation, including the entire 1960 acre (D-PD) Planned Development Subdistrict.
9. In February of 2004, Saddleback Land and Timber Corporation and Saddleback, Inc. submitted a revised proposal for the first phase of the Final Development Plan Permit DP 4131. The proposal requested final plan approval for Sections VI,A,1,2, and 3; B;C; and D of the Preliminary Development Plan [‘Activities and Uses Allowed Without a Permit’, ‘Activities and Uses Allowed by Notification with Annual Reporting’, and ‘Existing Uses and Structures’]; clearing of the trees for six new trails; and an 18 month time extension to gain Final Development Plan approval. The request was approved by the Commission on March 31, 2004, with changes in the language to accommodate activities that could have the potential for an adverse impact on the Appalachian Trail, and activities approved under previous development permits that would expire.
10. On April 27, 2004 Amendment B to Final Development Plan Permit DP 4131 was issued to the applicants, authorizing the reconstruction and expansion of the existing base lodge (built in 1968 at elevation 2450 feet) at the same location. The existing Ski Patrol Building and existing original base lodge (built in 1959) were removed and those facilities were incorporated into the expanded lodge. The total increase in base lodge area buildings footprint was 5795 square feet. An assessment of the user capacity and water use of the base lodge was completed. The services offered by the base lodge remained the same but were expanded. The water use was estimated to be less than half the 93 gallons per minute combined capacity of the two wells serving the Rock Pond I Condominium Complex, and that an adequate water source was available if additional water was needed. However, the White Birch Spring has continued to have an adequate supply for the base lodge. The Division of Health Engineering approved the expanded base lodge’s interim use of the existing Rock Pond Condominium combined sewage disposal system until a new, large engineered system to serve the ski resort could be constructed.
11. On July 14, 2004, at the monthly Commission meeting in Eagle Lake, Amendment C to Final Development Plan Permit DP 4131 was issued to the applicants, authorizing an expansion of the snowmaking facilities, as follows: upgrade of existing above-ground piping along ski trails, installation of new above and below ground piping along ski trails; 12,600 linear feet of buried feeder pipe; pump house #2 near Saddleback Lake; and a water intake pipe into Saddleback Lake. In conjunction with the expanded snowmaking capacity, the Commission authorized the water withdrawal from Saddleback Lake as a snowmaking water source to replace the use of a small constructed pond near the base lodge and Rock Pond. The feeder pipe, pump house #2, and the intake pipe are located outside of the (D-PD) Planned Development Subdistrict boundaries.

12. On August 17, 2004, staff issued Amendment D to Final Development Plan Permit DP 4131 to the applicants, authorizing a large engineered system to serve the base lodge and a new maintenance facility; an underground and above-ground utility line expansion; replacement and expansion of two ski lifts; completion of the six ski trails that were cleared under Development Plan Permit DP 4131; expansion of the Silver Doctor Ski Trail (Trail #9); a new maintenance facility; a gravel secondary road to access the new maintenance facility; and a parking area in the location of the old maintenance facility. The old maintenance facility is scheduled to be removed by fall of 2005, after which time the area will be converted to a parking lot.
13. On November 5, 2004, staff issued Amendment E to Final Development Plan Permit DP 4131 to the applicants, authorizing a privately owned and maintained, above-ground, 34.5 kVA, 3-phase electric utility line, extending 3.3 miles from Route 16 to a point at least 12 feet from pump house #2 near Saddleback Lake. Beyond the pump house, the utility line is underground and follows the route approved under Amendments C and D (also the route of the buried snowmaking intake pipe and gravity feed sewage disposal pipe).
14. Amendment F to Final Development Plan Permit DP 4131 was issued to the applicants on July 6, 2005, granting approval for:
  - A. The Rock Pond II Condominium Complex, consisting of thirty (30) condominium units, an access road, driveways and parking areas on an 8.36 acre parcel abutting the west side of the Rock Pond I Condominium Complex;
  - B. The South Branch Townhouse Apartments, consisting of twenty-four (24) condominium units, a driveway, and parking areas on a 3.11 acre parcel abutting the northwest side of the White Birch Condominium complex;
  - C. Two new downhill ski trails and relocation of a portion of an existing ski trail located within the area of the existing downhill ski trail system; and
  - D. Additional snowmaking capacity on four ski trails. The extent of the drawdown of Saddleback Lake for snowmaking would remain the same as the level approved under Amendment C.

All approved development would be located within the boundaries of the (D-PD) Planned Development Subdistrict, and set back more than 400 feet from the subdistrict boundary. For the condominium complexes, no more than 20,000 square feet (footprint) would be under construction at any one time.

15. Amendment G to Final Development Plan Permit DP 4131 was jointly issued to the Rangeley Lakes Cross Country Ski Club and the Saddleback Land & Timber Corporation on November 21, 2005. Amendment G authorized a cross-country ski facility, to be owned and operated by the Rangeley Lakes Cross Country Ski Club, which included a base lodge located along the Saddleback Mountain Road and a network of cross-country ski trails, some of which are in a P-MA Mountain Area Protection Subdistrict. Amendment G also authorized the addition of a 5 acre parcel to the D-PD Subdistrict to accommodate the facility. A public hearing was held on the proposal on October 4, 2005 in Sandy River Plantation.
16. Amendment H to Final Development Plan Permit DP 4131 was issued to the applicants on September 7, 2005. Amendment H granted an extension of the deadline to October 1, 2006 for

Final Development Plan approval of all components of the Preliminary Development Plan that were approved under Amendment A to Zoning Petition ZP 372 in 1994 (see #3 to #9, above). By October 1, 2006, the applicants are required to determine which of the activities approved in the Preliminary Plan under ZP 372-A would be included in the Final Development Plan, and which would be dropped.

17. Amendment I to Final Development Plan Permit DP 4131 was issued to the applicants on July 12, 2006. Amendment I authorized construction of five house lots and one timeshare condominium complex with associated utilities and wastewater disposal; expansion of the large engineered subsurface waste water disposal system located near Saddleback Lake; extension and relocation of two ski trails; and expansion of the snowmaking infrastructure, including increased water withdrawal.
18. Amendment J to Final Development Plan Permit DP 4131 was issued to the applicants on September 6, 2006. Amendment J granted a change in Condition #1 of Amendment H of the Final Development Plan to require the applicants to submit for processing an amended Preliminary Development Plan prior to October 1, 2006 as opposed to submittal of a Final Development Plan for ZP 372-A.
19. On July 11, 2007, Amendment B to Zoning Petition ZP 372 was issued to the applicants to amend the Preliminary Development Plan and rezone an additional 1,898 acres of the applicants' parcel from M-GN, P-GP, P-WL, P-MA, P-RR, and P-SL Subdistricts to D-PD Subdistrict. The revised plan provided a comprehensive 10- year schedule for expansion of the ski resort. Additional activities granted approval in the Revised Preliminary Development Plan included, but are not limited to: condominium development, house lot development, a number of facilities to provide amenities, and additional ski trails and ski lifts. The 10 year development plan was proposed to be constructed in at least four phases. A public hearing was held on the proposal on April 11, 2007 in Sandy River Plantation.
20. On April 2, 2008, the Commission granted approval to the applicants for Amendment K to Final Development Plan Permit DP 4131 for the East Magalloway Subdivision consisting of 22 privately owned house lots, and for the removal of Condition #36 of the Revised Preliminary Development Plan (ZP 372-B) which restricted construction to no more than 20,000 sf at any one time.
21. On May 8, 2008, the Commission granted approval to the applicants for Amendment L to Final Development Plan Permit DP 4131 for Group Two of the South Branch Townhouse Condominium Apartments, Group Two of the Mountain Brook Timeshare Condominium Complex, six new ski trails (3 False Peak and 3 Magalloway Trails), to cut the Magalloway Lift Line, and additional snowmaking pipe on two of the Magalloway Trails with the associated increase in water withdrawal. The Commission also granted approval for the applicants' wastewater disposal system monitoring plan; and surface water and groundwater use monitoring plans, with the condition that the applicants review their plans with the other two major users in the watershed, Nestle Waters North America, and the Rangeley Water District, and adjust the monitoring plans to best coordinate with these other users.
22. In August of 2008, staff granted approval to the applicants for Amendment M to Final Development Plan Permit DP 4131 to change the structure setback to streams for the house lots in

the East Magalloway Subdivision [reference Amendment K to Final Development Plan Permit DP 4131] from 100 ft. to 75 ft., the minimum setback for residential structures required by LURC in Section 10.26,D,1,a of the Commission's Land Use District and Standards.

23. In November of 2008, staff granted approval to the applicants for Amendment N to Final Development Plan Permit DP 4131 for the installation of snowmaking infrastructure and associated expanded water withdrawals from Saddleback Lake for snowmaking.
24. The applicants submitted Amendment Request O to Final Development Plan Permit DP 4131 in October of 2009 for a proposed 28 unit recreational vehicle park.
25. In October of 2009, staff granted approval to the applicants for Amendment P to Final Development Plan Permit DP 4131 for the construction of a yurt at the base of the Kennebago quad chair lift.
26. In February of 2012, Amendment Q to DP 4131 was issued to the applicants for a 30-acre timber harvest above 2,700 ft. in elevation.
27. In July of 2012, Amendment R to DP 4131 was issued to the applicants for construction of six condominium units at the Rock Pond I condominium complex.
28. In August of 2012, Amendment S to DP 4131 was issued to the applicants for a 51-acre timber harvest above 2,700 ft. in elevation on the north face of Saddleback Mountain in Sandy River Plantation.

## APPENDIX B

### FINAL DEVELOPMENT PLAN FOR LAND USE ACTIVITIES AND STRUCTURES ALLOWED IN THE SADDLEBACK MOUNTAIN (D-PD) PLANNED DEVELOPMENT SUBDISTRICT

#### FINAL DEVELOPMENT PLAN PERMIT DP 4131 AMENDMENT O JANUARY 21, 2014

All activities and uses allowed within this Final Development Plan are in accordance with the requirements of the Preliminary Development Plan; and with Sections 10.21,G, 10.25, 10.26, and 10.27 of the Commission's Land Use Districts and Standards. The following list specifies Land Use Activities and Structures that are granted Final Development Plan approval in the Saddleback (D-PD) Planned Development Subdistrict, including:

- A. Uses and activities allowed without a permit;
- B. Uses and activities requiring notification and annual reporting;
- C. Existing uses and structures, and improvements to existing structures that have been granted final permit approval; and
- D. New development and uses that have been granted final permit approval.

The list of Land Use Activities and Structures is subject to the conditions and limitations specified in this permit. All uses and activities must be undertaken in accordance with provisions of the Commission's Land Use Districts and Standards, except as specifically provided for in this Plan. Terms used herein shall have the meaning given to them as defined in Section 10.02 of the Commission's Land Use Districts and Standards, unless otherwise indicated.

- A. Uses and activities allowed in the Saddleback (D-PD) Planned Development Subdistrict without a permit
  1. Primitive recreational uses, including fishing, hiking, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snow shoeing;
  2. Motorized vehicular traffic on roads and trails;
  3. Snowmobile traffic off roads;
  4. Wildlife and fishery management practices;
  5. Service drops;
  6. Level-A mineral exploration activities, excluding associated access ways;
  7. Signs listed as exempt in Section 10.27,J, 1 of the Commission's Land Use Districts and Standards;

8. Surveying and other natural resource analysis;
9. Emergency operations conducted for the public health, safety or general welfare, such as natural resource protection, law enforcement, and search and rescue operations;
10. Agricultural management activities;
11. Forest management activities, provided that the construction and maintenance of timber harvesting, land management roads and water crossings, and other related activities are:
  - a. Carried out in accordance with a Forest Management Plan approved by the Commission;
  - b. Carried out more than 500 feet from any existing development, including ski trails, and residential and commercial structures; and
  - c. Not conducted above 2700 feet in elevation nor within alpine or sub-alpine vegetation zones below 2700 feet in elevation, and not within the viewshed of the Appalachian Trail.
12. The general management, operation, minor repair, and maintenance of on-mountain lodging, restaurant and lounge, nursery, ski school, ski racing activities, locker storage, parking lots, access roads, garage, shops, first aid and other related service facilities, but not including major renovations or substantial reconstruction of structures regardless of the cause;
13. The general management, operation, minor repair, and maintenance of ski lifts, excluding replacement, relocation or upgrading of structural units (e.g. towers, on and off ramps, lift terminals or lift operator stations);
14. The operation of vehicles, vehicular equipment on existing roads, service roadways, and ski trails;
15. The repair, and maintenance of vehicles, vehicular equipment, and other equipment in on-site maintenance garages and emergency repairs in on-site maintenance garages and other facilities including roads, service roadways, and ski trails;
16. The general management, operation, minor repair, and maintenance of existing snowmaking facilities including pipes, valves, compressed air, water, electric lines, pumps, snow guns, water replenishment and storage facilities and the temporary extensions of the system, provided that no erosion occurs;
17. The general management, operation, minor repair, and maintenance of existing ski trails, including seeding, haying, mowing, brush and removal of physical hazards, and erosion control or repair;
18. Minor re-contouring of existing ski trails to reduce surface erosion or wind exposure, improve drainage or skier safety and the installation of drainage culverts, provided such revisions do not increase the total cleared area of the ski trail or result in soil erosion;
19. The general management, operation, minor repair, and maintenance of existing cross-country skiing areas, including trail maintenance;

20. Cross-country and downhill ski competitions utilizing existing facilities, including the use of temporary shelters, course markings, and temporary poles and signs and the temporary extension of electrical lines directly related to these uses;
21. Live trapping of wild animals conducted for the public health, safety or general welfare; and
22. Hunting and trapping of wild animals, provided such hunting and trapping is conducted at least 500 feet away from existing development including ski trails, and residential and commercial structures.

**B. Uses and activities allowed in the Saddleback (D-PD) Planned Development Subdistrict upon submission of a Notice of Planned Activities and annual reporting to Commission staff**

1. The replacement and relocation of above ground snowmaking piping and related electrical elements existing or approved as part of a Final Development Plan provided that such relocation does not result in the removal of any trees larger than 2 inches in diameter at breast height, does not affect more than 2000 feet of piping or related electrical elements per year and provided that such relocated snowmaking piping and related electrical elements are not relocated further than 100 feet in any direction;
2. The extension of above ground snowmaking pipes and related electrical elements provided that such extension does not result in the removal of any trees larger than 2 inches in diameter at breast height, does not total more than 2000 feet of piping or related electrical elements per year;
3. The realignment or general widening of a ski trail, provided that such realignment or widening allowed under this section does not increase the total width by more than 50 feet and does not increase the total area of any one trail over any ten year period by more than one acre of land per trail;
4. The expansion of a building having more than 500 square feet in gross floor area existing or approved as part of a Final Development Plan, provided that such addition or additions do not exceed a total of 500 feet or 10 percent of the gross floor area of the building, whichever is less, or result in a greater than 10 percent total increase in use or capacity of the building, does not add uses to the building or change the use of the building;
5. The repair, replacement, upgrading and expansion of buildings having less than 500 square feet in gross floor area, existing or approved as part of a Final Development Plan, provided that such expansion or expansions do not exceed 10 percent of the gross floor area of the building, and such repairs, replacement upgrading or expansion does not add additional uses to the building or change the use of the building;
6. Timber harvesting activities, land management roads and water crossings conducted in accordance with an approved Forest Management Plan, when such timber harvesting, land management roads or water crossings are not conducted above 2,700 feet in elevation or within areas exhibiting alpine or protected sub-alpine vegetation below 2,700 feet in elevation, but are

located within 500 feet of any existing development, including ski trails and residential or commercial structures, or within the viewshed of the Appalachian Trail;

7. The repair, replacement, and general upgrading of lift towers and terminals in place, and the relocation of lift towers and terminals, and ski-related buildings and structures existing or approved as part of a Final Development Plan, provided that the structure is not proximate to the Appalachian Trail or within its viewshed (as identified on Exhibits #10 and #11, public hearing record of ZP 372/372-A), the structure is not within alpine or protected subalpine vegetation (as identified on Exhibit #15, public hearing record of ZP 372/372-A); and the replacement, upgrading or relocation of such structure(s) does not:
  - a. Relocate or extend the lift or related structure by a distance greater than 100 feet in any direction;
  - b. Result in a greater than 10 foot increase in height; and
  - c. Increase the amount of cleared area associated with such lifts or related structures by more than one acre in any 10 year period.
8. Minor modifications of the location or design of buildings and other structures approved pursuant to a Final Development Plan, which are made necessary or preferable to unforeseen conditions. Minor changes to be allowed under this section may include:
  - a. Relocation of exterior lighting within 50 feet of the location(s) shown on the approved plan;
  - b. Relocation or realignment of walkways within 50 feet of the location(s) or alignment(s) shown on the approved plan, provided that required erosion control systems are adjusted accordingly;
  - c. Relocation or realignment of roadways within 50 feet of the location(s) or alignment(s) shown on the approved plan, provided that required erosion control systems are adjusted accordingly;
  - d. Relocation of culvert(s) within 50 feet of the location(s) shown on the approved plan; and
  - e. Relocation of fire hydrant(s) within 50 feet of the location(s) shown on the approved plan.

C. Existing uses and structures allowed in the Saddleback (D-PD) Planned Development Subdistrict

The following list, which is a portion of Section VI,D,1 of the Preliminary Development Plan in Amendment A to Zoning Petition ZP 372, was updated as follows:

- The current ski trail and ski lift names (see Table 1, attached);
- The current status of condominiums authorized under Subdivision Permit SP 3123;
- Expansions and changes to the base lodge area approved under Amendment B to Final Development Plan Permit DP 4131;
- The expanded snow-making facilities approved under Amendment C;
- The expansion of the Silver Doctor Trail (#9), the relocation of a structure associated with the Rangeley Chair Lift to the new maintenance facility to be used as a storage building, the expansion and replacement of the Rangeley and South Branch Lifts, and the change of the parking area associated with the old maintenance building to a transient parking area, approved under Amendment D;
- The Governor Trail (#23), the relocation of a portion of the Lower Hudson Highway, and additional snowmaking capacity approved under Amendment F; and
- The expansion of the Doodlebug Trail (pre-Commission, no number); and a relocation of the Colonel Bates Trail (#3) approved under Amendment I.

1. Existing Base Area facilities including the following:
  - a. An expanded base lodge measuring approximately 100 feet by 210 feet with a 40 foot by 40 foot addition. [The previous 60 foot by 150 foot base lodge replaced by this building was constructed in 1968. The original base lodge building constructed in 1959, and a pre-Commission outbuilding used to house the Ski Patrol were removed and those uses were incorporated into the expanded base lodge.];
  - b. Three decks (15 feet by 69 feet; 23 feet by 60 feet; 12 feet by 65 feet);
  - c. Fuel storage tanks for operation of the base lodge area;
  - d. [to be removed after 2005] A 24 foot by 60 foot maintenance garage constructed prior to 1971, expanded to measure 36 feet by 60 feet in 1979 under Amendment A to Development Permit DP 3400;
  - e. Snowmaking pump house #1, constructed prior to 1971;
  - f. A pre-Commission sewer plant building now used as a storage building;
  - g. Two signs [2 feet by 8 feet, located on the turnaround in front of the base lodge; and 2 feet by 3 feet, located ½ mile from the base lodge on Saddleback Mountain Road];
  - h. A 21 foot by 37 foot storage building located at the new maintenance facility [the structure was previously a part of the Rangeley Chair Lift and has been relocated]; and
  - i. Above ground and underground electric utility lines. [The new above ground and underground electric utility lines approved under Amendments D, E, F, and I are listed under Section D, “New Uses and Structures”.]
  
2. Parking at the site consisting of individual parking spaces adjacent to the Rock Pond I and White Birch Condominiums, and four parking areas for transient use at the ski area. These parking areas measure approximately 75 feet by 525 feet, 75 feet by 500 feet and 60 feet by 550 feet, as scaled from engineered drawings;
  - a. An approximately 150 foot wide by 300 foot long transient use parking area approved in 2004 at the location of the old maintenance building [Amendment D to Final Development Permit DP 4131].
  
3. Existing roads at the site:
  - a. The main access road, consisting of the 4.5 mile long Saddleback Mountain Road [Approximately 3.6 miles is on the property. The Saddleback Mountain Road in Sandy River Plantation and Dallas Plantation is both within the D-PD Subdistrict and outside of it, and was repaved in 2004 under a state plan providing aid for improvements to ski resort access roads.] Saddleback Mountain Road is accessed by the Dallas Hill Road and State Route #4, both of which are off the site and are paved;
  - b. 1,200 linear feet of gravel road approved in 1973 pursuant to Development Permit DP 287 for the purpose of accessing the condominiums also approved by that permit (White Birch Condominiums);
  - c. 1,200 linear feet of gravel road approved in 1979 pursuant to Development Permit DP 3400 for the purpose of providing an exit road from the transient parking lots. This road has not yet been constructed, but if the road would be constructed it would be done in accordance with the conditions of Development Permit DP 3400, as amended;
  - d. 1,700 linear feet of roads approved in 1985 pursuant to Subdivision Permit SP 3123 for the purpose of providing access to condominiums also approved by that permit (Rock Pond I Condominiums); and

- e. A land management road (reference EC 01-141, resolved).
4. Existing ski lifts including the following (Table 1):
    - a. "Cupsuptic", a 2700 foot long T-bar lift installed in 1959;
    - b. "Rangeley", a 5100 foot long double chair lift installed in 1961, and reconstructed in 2004 (Amendment D);
    - c. "Sandy", a 1400 foot long double chair lift installed in 1969;
    - d. "South Branch", a 1100 foot long T-bar relocated in 1969, and replaced with a 3045 foot long chair lift in 2004 (Amendment D); and
    - e. "Kennebago", a 3000 foot long T-bar installed in 1979 pursuant to Development Permit DP 3400.
  5. Existing condominium development including the following:
    - a. White Birch Condominium Complex: Twenty (20) existing condominium units and associated facilities approved in 1973 under Development Permit DP 287 [Lot #3, Plan 03, Sandy River Plantation];
    - b. A combined sewage disposal system approved under Development Permit DP 287 to serves the 20 White Birch condominium units. Said system consists of a subsurface sewer disposal system approved by the Maine Department of Human Services, Division of Health Engineering;
    - c. Rock Pond I Condominium Complex: Thirty-three (33) existing condominium units and associated facilities approved under Subdivision Permit SP 3123 (as amended) in September of 1985 [Lot #2, Plan 02, Sandy River Plantation];
    - d. A combined sewage disposal system approved in 1985 under Subdivision Permit SP 3123 to serve a portion of the Rock Pond I condominium units. Said system consists of two 1,500 gallon septic tanks, one 2,500 gallon septic tank, two 5,000 gallon septic tanks, one 6,000 gallon septic tank, one 7,000 gallon septic tank, and ten disposal areas:
      - (1) Six 24 foot by 88 foot chamber beds,
      - (2) Two beds consisting of seven rows of 16 infiltrators each,
      - (3) One bed consisting of 20 rows of 17 infiltrators each, and
      - (4) One bed consisting of 16 rows of 14 infiltrators each.
    - e. All sewage disposal systems have been approved by the Maine Department of Health and Human Services, Division of Health Engineering.
  6. Twenty-nine existing downhill ski trails consisting of (Table 1):
    - a. Trails #1 through #18, constructed before 1971. Trail #1 was widened in 1979 under Development Permit DP 3400. Amendment B to Development Permit DP 3400, approved in 1983, authorized the widening of Trail #3 (Colonel Bates Trail). Amendment I approved the relocation of Trail #3 [2,800 linear feet];
    - b. Trail #9 (Silver Doctor Trail), widened under Amendment D to Final Development Permit DP 4131 in 2004;
    - c. Trail #11 (Lower Hudson Highway Trail): A 1,200 foot long portion of this trail was relocated under Amendment F to DP 4131 in 2005. Said portion is 50 feet wide, starts at 2,730 feet in elevation, and is 150 feet higher than the original trail;
    - d. Trails #19, #20 and #21, constructed in 1973 under Development Permit DP 471;
    - e. Trails #22 and #23 were originally authorized in 1979 under Amendment A to Development Permit DP 3400. Trail #23 was approved under Amendment F to DP 4131 in 2005, and is

named the "Governor Trail". Trail #23 is 1,800 feet long by 70 feet wide, and starts at 3,985 feet in elevation. Trail #22 has not yet been constructed. If, and when Trail #22 is built, all conditions of Amendment A to Development Permit DP 3400 would be met, and the permittees would submit for staff review and approval pertinent soils, viewshed, and vegetation information required by the Preliminary Development Plan for ski trail development before construction;

- f. Trails #24 and #25, constructed in 1979 under Development Permit DP 3400;
  - g. Trail #26, constructed in 1979 under Amendment A to Development Permit DP 3400;
  - h. Trail # 27, constructed in 1979 under Development Permit DP 3400, and extended in 1983 under Amendment B to Development Permit DP 3400;
  - j. Trails #28 and #29, constructed in 1981; and
  - k. The Doodlebug Trail, a narrow pre-Commission trail with no number, was extended under Amendment I. The extended portion of the trail is 1,800 feet long by 70 feet wide.
7. Approximately 17,700 linear feet of existing snowmaking piping and related facilities, permitted in 1979 pursuant to Development Permit DP 3400 and other permits, including:
- a. A 5,600 foot long snowmaking piping and related facilities immediately adjacent to the "Rangeley" double chair lift and the Royal Coachman Trail (Trail #5) [5,200 feet of the original six inch piping was replaced with 4 inch, 6 inch, and 8 inch piping under Amendment C];
  - b. A 1,200 foot long four inch snowmaking line going from the aforementioned line at the 3,600 foot elevation level to the top of the "Cupsuptic" T-bar lift;
  - c. A 5,400 foot long snowmaking line going from the top of the "Rangeley" chair lift along the side of the "Green Weaver" ski trail (Trail #1) [4,700 feet of the original 3 inch and 4 inch piping was replaced with 4 inch, 6 inch, and 8 inch piping under Amendment C]; and
  - d. A 5,500 foot long snowmaking line from the top of the "Rangeley" ski lift to the top of the "Kennebago" ski lift and along side Trail #27 near the summit of Saddleback Mountain [5,500 feet of four inch and six inch piping along the Grey Ghost Trail (Trail #7 and #12) was replaced with 10 inch piping under Amendment C].
8. All other uses existing prior to 1971, which have remained in continuous use, and all other structures existing prior to 1971. All uses and structures allowed under permits other than Final Development Plan Permit DP 4131, as amended, from the Commission since 1971.

D. New uses and structures related to downhill skiing and other mountain-related recreational facilities

1. Ski trails (Table 1) and lifts

- a. Ski trails #04-1 through #04-6. The trails are approximately 60 feet wide, for a total cleared area of 23.11 acres. Trail #04-1 extends no more than 3,063 feet in elevation, and Trail #04-2 extends no more than 2,770 feet in elevation. Trails #04-3 to #04-6 are below 2,700 feet elevation [Amendment D]
- b. The Red Devil Trail (Trail #05-1): 70 feet wide by 2,400 feet long; extends to 3,250 feet in elevation [Amendment F]
- c. Three (3) False Peak Trails F1, F2, and F3; and three (3) Magalloway Trails M1, M3, and M4; 75 feet wide; all above 2,700 ft. in elevation [Amendment L]
- d. Clearing for the Magalloway Lift Line [Amendment L]
- e. New ski trails must not be located in areas of protected subalpine or alpine vegetation.

2. Snowmaking facilities: New snowmaking piping and related facilities (pump houses, hydrants, utility lines to supply power to the snowmaking equipment), including:
  - a. 2,300 linear feet of 8-inch above ground snowmaking pipe along the Hudson Highway [Amendment C]
  - b. 2,500 linear feet of 4-inch and 6-inch above ground snowmaking pipe along the Silver Doctor Trail [Amendment C]
  - c. 3,200 linear feet of 4-inch and 6-inch above ground snowmaking pipe along the Blue Devil Trail [Amendment C]
  - d. 4,600 linear feet of 4-inch, 6-inch, and 8 inch above ground snowmaking pipe along the Peachy's Peril Trail [Amendment C]
  - e. 2,100 linear feet of 10-inch buried snowmaking pipe along Trails #04-4, #04-5, and #04-6 [Amendment C]
  - f. 12,600 linear feet of buried 12-inch feeder pipe to connect the upper pump house to the lower pump house and Saddleback Lake [Amendment C]
  - g. A 20 foot by 30 foot pump house set back at least 150 feet from Saddleback Lake with a 1,500 foot long, 18 foot wide gravel access road [Amendment C]
  - h. 1,800 linear feet of 4-inch and 6-inch above ground snowmaking pipe along the Governor Trail (Trail #23) [Amendment F]
  - i. 2,400 linear feet of 4-inch and 6-inch above ground snowmaking pipe along the Red Devil Trail (Trail #05-1) [Amendment F]
  - j. 2,500 linear feet of 4-inch and 6-inch above ground snowmaking pipe along the Warden's Worry Trail (#19) [Amendment F]
  - k. 2,100 linear feet of 4-inch and 6-inch above ground snowmaking pipe along the Dusty Miller Trail (#16) [Amendment F]
  - l. A 36-inch diameter water intake pipe, buried no more than 50 feet below the normal high water mark of Saddleback Lake, and extending on the lake bottom only far enough into the lake to allow 7 feet of water over the pipe [Amendment C]
  - m. 130 hydrants, 18 of which are buried [Amendment D]
  - n. Underground electric utility lines and associated support equipment to provide power to the snowmaking facilities [Amendment C]
  - o. Two fire hydrants for fire protection near the base lodge
  - p. 4,000 linear feet of above-ground snow-making pipe along the Upper and Lower Professor Trail [Amendment I]  
[A portion of the feeder pipe, pump house #2, and the above and below-ground utility line that provides power to the snowmaking system are located near Saddleback Lake and outside of the D-PD Subdistrict boundaries (Amendments C and E)]
  - q. 7,530 ft of above-ground snowmaking pipe and 4,315 feet of below-ground pipe for Trails M3 and M4 of the Magalloway Trails [Amendment L]
  - r. 3,600 ft. of above-ground snowmaking pipe, associated hydrants and utility lines along the America Trail (#26) [Amendment N] (Figure 1)
3. A maintenance facility located at the base of the South Branch Chair Lift consisting of a 100 foot by 100 foot garage, a 24 foot by 24 foot office building connected to the garage by an 8 foot long hallway, and a 330 gallon fuel tank housed within the garage [Amendment D]

4. Secondary access roads
  - a. A 5,150 foot long by 20 foot wide secondary gravel road to access the new maintenance facility [Amendment D]
  - b. A 950 foot long by 18 foot wide secondary gravel loop road to access the Rock Pond II Condominium Complex [Amendment F]
  - c. A 1,500 foot long gravel access road to Pump House #2 [Amendment C]
  - d. Two roads to access the Mountain Brook Timeshare Condominiums - Caddis Lane (450 feet long) and Cahill Lane (1300 feet long) [Amendment I]
  - e. A 550 foot extension of the Rock Pond Road to access the Saddleback Estates house lots [Amendment I]
  - f. 3,900 feet of access roads (Magalloway Loop and Adams Wulff Lane) to access the East Magalloway Subdivision house lots [Amendment K]
  - g. 950 feet of new access road for the Mountain Brook Timeshare Condominiums (Irresistible Lane and Midge Lane) [Amendment L]
  
5. Engineered sewage disposal system [Amendment D] and expansions  
[Note: Portions of the engineered subsurface wastewater disposal system (gravity feed pipe, the pump station, the force main pipe, the disposal fields, and the associated above-ground and underground utility line) are located near Saddleback Lake and outside of the D-PD Subdistrict boundaries.]
  - a. Two septic tanks (16,000 gallon and 8,000 gallon) with a 7,500 gallon in-line grease trap to serve the Base Lodge [Amendment B]
  - b. A 12,600 foot long gravity feed pipe [Amendment D]
  - c. A 2,400 foot long force main pipe connecting the pump station to the disposal fields [Amendment D];
  - d. Four (4) 200 foot long by 45 foot wide disposal fields [Amendment D]
  - e. Underground sewer pipes connecting the South Branch Townhouse Apartments to the gravity feed line, two 5000 gallon septic tanks [Amendment F]
  - f. Eight (8) septic tanks (seven 2,000 gallon and one 1,500 gallon) to serve the Rock Pond II Condominium Complex, and underground sewer lines connecting the tanks to the gravity feed pipe and to the existing Rock Pond I Condominiums disposal field [Amendment F]
  - g. Expansion of the engineered subsurface waste water disposal beds located near Saddleback Lake (25,664 sq. ft.) [Amendment I]
  - h. Five (5) 1000 gallon septic tanks serving the five Saddleback Estates house lots, and underground pipes to connect the septic tanks to the existing combined systems and engineered system [Amendment I]
  - i. Three (3) 2,000 gallon septic tanks to serve three Mountain Brook Timeshare Condominium buildings, and associated underground pipes connecting the tanks to the engineered system [Amendment I]
  - j. Twenty-two (22) septic tanks serving the East Magalloway Subdivision house lots and underground pipes to connect the septic tanks to the existing engineered system [Amendment K]
  - k. Seven (7) 2,000 gallon septic tanks to serve three Mountain Brook Timeshare Condominium buildings, and associated underground pipes connecting the tanks to the engineered system [Amendment L] [Figure 2]

- l. Two 5,000 gallon septic tanks to serve the South Branch Townhouse Condominiums, and associated underground pipes connecting the tanks to the engineered system [Amendment L]
  - m. Three (3) 2,000 gallon septic tanks to serve the six additional condominiums added to the Rock Pond I Condominium Complex, and associated underground pipes to connect the tanks to the engineered system [Amendment R]
6. Above and below-ground power lines, including:
- a. A 3.3 mile long, above-ground 3-phase power line extending from Route 16 to snow-making pump house #2, with transformer mounted on a pad near the pump house [Amendment E]
  - b. Underground power lines to serve the new maintenance facility, the snowmaking facilities, the engineered subsurface wastewater disposal system (reference #2 and #5, above), and the Rock Pond II and South Branch Condominiums [Amendments D, E, and F]  
[Note: The above-ground 3-phase power line approved under Amendment E is located outside of the D-PD Subdistrict boundaries, and in part is located on land not owned by the applicant. The above-ground line serving the Mountain Brook Timeshare Condominiums in part is owned by Central Maine Power.]
  - c. Extensions of existing underground and above-ground lines to serve the Saddleback Estates house lots and the Mountain Brook Timeshare Condominiums [Amendment I]
  - d. Extensions of existing above- and below-ground lines to serve the East Magalloway Subdivision house lots [Amendment K]
  - e. Extensions of existing above- and below-ground lines to serve the Mountain Brook Timeshare Condominiums and the South branch Townhouse Condominiums [Amendment L]
7. Rock Pond I Condominium Complex [Amendment R]
- a. Addition of 3 duplex buildings to the existing 33 unit complex, for a total of 6 additional condominiums
  - b. Hendrickson Drive (dead-end) to access two of the duplex buildings
  - c. One driveway to access one of the duplex buildings
  - c. Six parking areas
8. Rock Pond II Condominium Complex [Amendment F]
- a. 30 three-bedroom units, for a total of 90 bedrooms
  - b. Two units per foundation, for a total of 15 duplexes arranged in 4 groups
  - c. Each unit has a maximum 832 square foot footprint
  - d. Four driveways (one per group of condominiums) and 15 parking areas (one per duplex)
9. South Branch Townhouse condominium apartments [Amendments F and L]:
- a. Amendment F (Buildings A/B and C/D)
    - (1) 24 units (12 one-bedroom, 12 two-bedroom apartments), for a total of 36 bedrooms
    - (2) Arranged in 12 units on two foundations
    - (3) Each foundation is 2,818 square feet
    - (4) Two 60 foot by 100 foot parking areas
    - (5) A 400-foot long gravel driveway to access the apartments
  - b. Amendment L (Buildings E/F and G/H)
    - (1) 24 units (12 one-bedroom, 12 two-bedroom apartments), for a total of 36 bedrooms

- (2) Each irregularly shaped building is approx. 75 ft by 175 ft.
- (3) Two 75 foot by 200 foot parking areas
- (4) 300-feet of additional driveway to access the apartments

10. Saddleback Estates house lots

- a. 5 privately owned house lots (0.62 acre to 0.69 acre) [Amendment I]
- b. East Magalloway Subdivision house lots [Amendment K]
  - (1) Twenty-two (22) privately owned house lots (0.5 acre to 4.5 acres)
  - (2) Two access roads (Magalloway Loop and Adams Wulff Lane)
  - (3) Extensions of existing engineered subsurface wastewater system, water lines, and electric lines.

11. Mountain Brook Timeshare Condominiums [Amendments I and L]

- a. Amendment I (Buildings A, B, and C)
  - (1) 18 units in 3 buildings (6 units per building)
  - (2) Each unit from 1 to 3 bedrooms (total of 54 bedrooms)
  - (3) Each foundation: approximately 125 feet by 50 feet
  - (4) Each parking area: approximately 125 feet by 50 feet
- b. Amendment L (Buildings D to I)
  - (1) 42 units in 7 buildings (6 units per building)
  - (2) Each unit from 1 to 3 bedrooms (total of 84 bedrooms)
  - (3) Each foundation: approximately 120 feet by 50 feet
  - (4) Each parking area: approximately 80 feet by 20 feet

12. Water storage building (18 feet by 44 feet) [Amendment I]

13. Timber Harvesting Above 2700 feet in elevation\*:

- a. Thirty-acre harvest on the north face of Saddleback Mountain in Sandy River Plantation [Amendment Q].
- b. Fifty-one acre harvest on the north face of Saddleback Mountain in Sandy River Plantation [Amendment S].

\*{*Reference*: Section VI.A,3,d, Revised Preliminary Development Plan, Amendment A to Zoning Petition ZP 372, 10/20/94}.

14. Recreational Vehicle (RV) Park [Amendment O]

**TABLE 1: SKI TRAILS, SNOWMAKING, and SKI LIFTS: NAME CHANGES**

The following table lists all ski trails, trails with snow-making infrastructure, and ski lifts, and name changes, and is provided for reference. Final Development Plan Permit DP 4131 (as amended), and Amendments A and B to Zoning Petition ZP 372 may refer to trails and lifts both by number, or by old or new names. Permits issued prior to ZP 372-A used both numbers and the old names. Various trails have been renamed over the years. Trails with snowmaking facilities are noted in the right-hand column.  
 U = underground piping used.

	<b>Old name/Western Motif</b>	<b>Current name/Fly-fishing Motif</b>	<b>Snowmaking</b>
<b>Trails</b>	1 Upper & Lower White Stallion	Upper & Lower Green Weaver	Y
	2 Gunslinger	Upper & Lower Peachy's Peril	Y
	3 Sidewinder	Colonel Bates (relocated under Amendment I)	
	4 Silver Bullet & Stampede	Upper, Lower Professor & Wading Pool	Y
	5 Upper & Lower El Hombre	Upper & Lower Royal Coachman	Y
	6 Rough Rider	Golden Smelt	
	7 Haymaker & Wrangler's Run	Upper Grey Ghost, Muddler & Squirrel's Tale	Y
	8 Sneaky Pete	Sneaky Pete	
	9 Desperado	Silver Doctor	Y
	10 Wildfire & Rolling Bear	Blue Devil & Jitter Bug	Y
	11 Upper and Lower Lazy River & Rock Pond	Upper and Lower Hudson Highways & Rock Pond [Amendment I]	Y
	12 Panhandler	Lower Grey Ghost	Y
	13 Gold Rush	Wheeler Slope	
	14 Boothill	Montreal	
	15 Bubbling Brook	Gnat	
	16 Jolly Jamboree	Dusty Miller [Amendment F]	Y-U
	17 Cow Poke's Cruise	Candlestick Maker	
	18 Whispering Pines	Little Inky Boy	
	19 Powder Keg	Warden's Worry [Amendment F]	Y
	20 Bronco Buster	Tight Line	
	21 Rustler's Revenge	Supervisor	
	22 Not yet built	Not yet built	
	23 No Name	Governor [Amendment F]	Y
	24 Nightmare Glade	Nightmare Glade	
	25 Cliffhanger & Outlaw	Tricolor & Mickey Finn	
	26 Sundance	America	Y
	27 Eagles Ledge, Muleskinner, Ride Out	Dazzler, Muleskinner, Nymph	
	28 Klondike	Firefly	
	29 No name, Trail #29 was built as a service trail to move equipment and is not used as a ski trail		
05-1 El Hombre Ski Lift Trail	Red Devil [Amendment F]	Y	
04-1 to 6 No old name	Six trails [Amendment D]	Y-U on 4, 5 & 6	
No old name	Magalloway Trails M1, M3, M4 [Amendment L]	Y on M3/4	
No old name	False Peak Trails F1, F2, F3 [Amendment L]		
The Pass is approximately 4 feet wide and is used to go laterally from trail to trail			
Doodlebug is a narrow skidder trail from the 1960's – Trail extended under Amendment I			
<b>Lifts</b>	1 Pony Express T-bar	Cupsuptic T-bar	
	2 Stage Coach double chair	Rangeley double chair	
	3 Surry double chair	Sandy double chair	
	4 Buggy T-bar	South branch T-bar	
	5 Wells Fargo T-bar	Kennebago T-bar	
	6 No old name	Magalloway lift line [Amendment L]	

---

**F. NOISE AND LIGHTING**


---

**1. Noise.**

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

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

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

- b.** The following activities are exempt from the requirements of Section 10.25,F,1,a:
- (1) Sounds emanating from construction-related activities conducted between 7:00 A.M. and 7:00 P.M.;
  - (2) Sounds emanating from safety signals, warning devices, emergency pressure relief valves, and other emergency activities; and
  - (3) Sounds emanating from traffic on roadways or other transportation facilities:
- c.** Control of noise for a wind energy development as defined in Title 35-A, Section 3451, subsection 11, with a generating capacity greater than 100 kilowatts is not governed by this section and instead is governed solely by the provisions of 12 M.R.S.A. §685-B(4-B)(A).

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

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

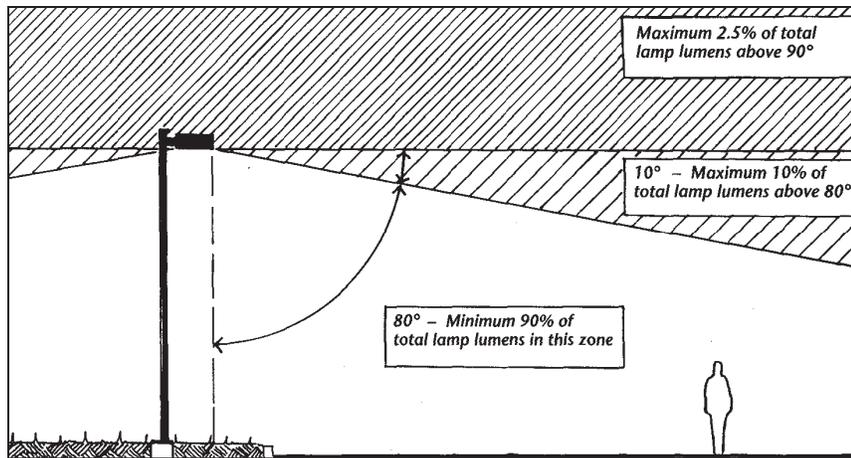


Figure 10.25,F-1. Cut-off fixture as defined by IESNA.

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

- b. All exterior lighting shall be designed, located, installed and directed in such a manner as to illuminate only the target area, to the extent practicable. No activity shall produce a strong, dazzling light or reflection of that light beyond lot lines onto neighboring properties, onto any water bodies with a significant or outstanding scenic resource rating, or onto any roadway so as to impair the vision of the driver of any vehicle upon that roadway or to create nuisance conditions.
- c. For commercial, industrial and other non-residential development, all non-essential lighting shall be turned off after business hours, leaving only the minimal necessary lighting for site security. The term “non-essential” applies, without limitation, to display, aesthetic and parking lighting.
- d. In addition to the lighting standards in Section 10.25,F,2, lighted signs shall also comply with the standards in Section 10.27,J.
- e. The following activities are exempt from the lighting standards of Section 10.25,F,2,a through d:
  - (1) Roadway and airport lighting, and lighting required by the Federal Aviation Administration for air traffic safety;
  - (2) Temporary fair, event, or civic uses;
  - (3) Emergency lighting, provided it is temporary and is discontinued upon termination of the work;
  - (4) Lighting that is activated by motion-sensors; and
  - (5) Lighting that was in place on April 1, 2004.

---

## B. VEGETATION CLEARING

---

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

The following requirements shall apply to vegetation clearing activities for any purpose other than road construction, road reconstruction and maintenance, wildlife or fishery management, forest management, agricultural management, public trailered ramps or hand-carry launches:

1. A vegetative buffer strip shall be retained within:
  - a. 50 feet of the right-of-way or similar boundary of any public roadway,
  - b. 75 feet of the normal high water mark of any body of standing water less than 10 acres in size, or any tidal water or flowing water draining less than 50 square miles, and
  - c. 100 feet of the normal high water mark of a body of standing water 10 acres or greater in size or flowing water draining 50 square miles or more.
2. Within this buffer strip, vegetation shall be maintained as follows:
  - a. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath is permitted, provided it does not exceed six (6) feet in width as measured between tree trunks, and, has at least one bend in its path to divert channelized runoff.
  - b. Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other natural vegetation is maintained.

For the purposes of this section a “well-distributed stand of trees” adjacent to a body of standing water 10 acres or greater in size shall be defined as maintaining a rating score of 24 or more in a 25-foot by 50-foot rectangular area as determined by the following rating system.

Near other water bodies, tributary streams and public roadways a “well-distributed stand of trees” shall be defined as maintaining a rating score of 16 or more per 25-foot by 50-foot (1250 square feet) rectangular area as determined by the following rating system.

<b>Diameter of Tree at 4-1/2 feet Above Ground Level (inches)</b>	<b>Points</b>
2.0 to < 4.0	1
4.0 to < 8.0	2
8.0 to < 12.0	4
12.0 +	8

Table 10.27,B-1. Rating system for a well-distributed stand of trees.

The following shall govern in applying this rating system:

- (1) The 25-foot x 50-foot rectangular plots shall be established where the landowner or lessee proposes clearing within the required buffer;
- (2) Each successive plot shall be adjacent to but not overlap a previous plot;
- (3) Any plot not containing the required points shall have no vegetation removed except as otherwise allowed by these rules;
- (4) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by these rules; and
- (5) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of this section, “other natural vegetation” is defined as retaining existing vegetation under 3 feet in height and other ground cover and retaining at least 5 saplings less than 2 inches in diameter at 4½ feet above ground level for each 25-foot by 50-foot rectangular area. If 5 saplings do not exist, the landowner or lessee may not remove any woody stems less than 2 inches in diameter until 5 saplings have been recruited into the plot. In addition, the soil shall not be disturbed, except to provide for a footpath or other permitted use.

- c. In addition to Section 10.27,B,2,b above, no more than 40% of the total basal area of trees 4.0 inches or more in diameter, measured at 4½ feet above ground level, may be removed in any ten (10) year period.
  - d. Pruning of live tree branches is prohibited, except on the bottom 1/3 of the tree provided that tree vitality will not be adversely affected.
  - e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings in excess of 250 square feet, these openings shall be established with native tree species.
3. At distances greater than one hundred (100) feet, horizontal distance, from the normal high water mark of a body of standing water greater than 10 acres, no more than 40% of the total basal area of trees four inches or more in diameter, measured at 4½ feet above ground level, may be removed in any ten (10) year period. In no instance shall cleared openings exceed, in the aggregate, 10,000 square feet, including land previously cleared. These provisions apply to areas within 250 feet of all bodies of standing water greater than ten (10) acres, and to the full depth of the P-AL zone. This requirement does not apply to the development of uses allowed by permit.
  4. Cleared openings legally in existence as of June 7, 1990 may be maintained, but shall not be enlarged except as permitted by these regulations.

In all subdistricts where natural vegetation is removed within the required vegetative buffer strip of a flowing water, body of standing water, tidal water, or public roadway, it shall be replaced by other vegetation (except where the area cleared is built upon) that is effective in preventing erosion and retaining natural beauty.

---

**F. FILLING AND GRADING**


---

The following requirements for filling and grading shall apply in all subdistricts except as otherwise provided herein.

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

These standards do not apply to filling or grading activities which constitute forest or agricultural management activities, the construction, reconstruction and maintenance of roads, or the construction of public trailered ramps, hand-carry launches, or driveways. Such activities are separately regulated.

1. Within 250 feet of water bodies and wetlands, the maximum size of a filled or graded area, on any single lot or parcel, shall be 5,000 square feet. This shall include all areas of mineral soil disturbed by the filling or grading activity; and
2. Beyond 250 feet from water bodies, the maximum size of filled or graded areas, as described above, shall be 20,000 square feet, except that there shall be no limit to the size of filled or graded areas in M-GN subdistricts which are greater than 250 feet from water bodies and wetlands. In such M-GN subdistrict areas, the provisions of Section 10.27,F,4 and 6 shall apply; and
3. Clearing of areas to be filled or graded is subject to the clearing standards of Section 10.27,B; and
4. Imported fill material to be placed within 250 feet of water bodies shall not contain debris, trash, rubbish or hazardous or toxic materials. All fill, regardless of where placed, shall be free of hazardous or toxic materials; and
5. Where filled or graded areas are in the vicinity of water bodies or wetlands such filled or graded areas shall not extend closer to the normal high water mark of a flowing water, a body of standing water, tidal water, or upland edge of wetlands identified as P-WL1 subdistrict than the distance indicated in the following table:

<b>Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark or Upland Edge (Percent)</b>	<b>Width of Strip Between Exposed Mineral Soil and Normal High Water Mark or Upland Edge (Feet Along Surface of the Ground)</b>
10 or less	100
20	130
30	170
40	210
50	250
60	290
70	330

Table 10.27,F-1. Unscarified filter strip width requirements for exposed mineral soil created by filling and grading.

6. All filled or graded areas shall be promptly stabilized to prevent erosion and sedimentation.

Filled or graded areas, including all areas of disturbed soil, within 250 feet of water bodies and wetlands, shall be stabilized according to the Guidelines for Vegetative Stabilization contained in Appendix B of this chapter.

---

## J. SIGNS

---

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

### 1. Signs Not Requiring a Permit.

The following signs do not require a permit from the Commission, provided such signs are in conformance with the requirements of Section 10.27,J,1 and 2, below. The following limitations may be exceeded only under the provisions of a permit from the Commission:

- a. Signs identifying stops or fare zone limits of common carriers;
- b. Signs erected and maintained outside the highway right-of-way, by a governmental body, showing places of interest (other than commercial establishments), the place and time of services or meetings of churches and civic organizations. Not more than two such signs may be erected and maintained which are readable by traffic proceeding in any one direction on any one highway in any one township;
- c. Residential directional signs, each of which does not exceed 4 square feet in area, along roadways other than limited access highways;
- d. Traffic control signs or devices;
- e. Signs displayed for the direction, instruction or convenience of the public, including signs which identify rest rooms, freight entrances, posted areas, property boundaries, trails, fire precautions, campsites, or the like, with a total surface area not exceeding 12 square feet. This exemption shall not apply to signs visible from any public roadway promoting or advertising commercial enterprises;
- f. Signs to be maintained for not more than six weeks announcing an auction, public supper, lawn sale, campaign drive or other like event of a public, civic, philanthropic or religious organization;
- g. Memorial signs or tablets;
- h. Signs erected by county fairs and expositions for a period not to exceed six weeks;
- i. Directional signs visible from a public roadway with a total surface area not to exceed 4 square feet providing directions to places of business offering for sale agricultural products harvested or produced on the premises where the sale is taking place;
- j. Signs displayed in building windows, provided that the aggregate area of such signs does not exceed 25% of the area of the window; and
- k. Official business directional signs as defined and authorized by 23 M.R.S.A. §21.
- l. Sign kiosks near trail intersections that do not exceed 128 square feet of surface area used for the placement of multiple individual signs including those advertising a place of business. No more than one sign kiosk may be located near any trail intersection and

individual signs (other than maps) on such kiosks shall not exceed 4 square feet in size. No other signs advertising a place of business shall be located at such intersections. Such kiosks shall not be visible from a public roadway.

- m. Signs containing only a symbol or design identifying gas, food or lodging services and the distance and/or direction to such services at trail intersections without a sign kiosk. Such signs are not to exceed 4 square feet in size.
- n. Signs identifying a particular place of business offering gas, food, or lodging at the intersection of a local feeder trail leading directly to that place of business. Such signs are not to exceed 4 square feet in size and shall not be visible from a public roadway.
- o. **On-Premise Signs.** Owners or occupants of real property may erect and maintain on-premise signs, except roof signs, advertising the sale or lease thereof or activities being conducted thereon. Such signs shall be subject to the following requirements and the regulations set forth in Section 10.27,J,2 below:

- (1) On-premise signs shall not exceed in size the area limitations set forth below:

Subdistricts	Maximum Size for Each Individual Sign (square feet)	Maximum Aggregate Area of all Signs for Facility Being Advertised (square feet)
D-CI, D-ES, D-GN, D-GN2, D-GN3, D-MT, D-PD, M-GN, M-HP	32	64
D-RS, D-RS2, D-RS3, M-NC and All Protection Subdistricts	8	16

Table 10.27,J-1. Size limitations for on-premise signs.

- (2) On-premise signs shall not be located more than 1,000 feet from the building or other particular site at which the activity advertised is conducted;
- (3) Signs advertising the sale or lease of real estate by the owner or his agent shall not have an area of more than 6 square feet, except signs advertising a subdivision which shall be limited in size as provided by Section 10.27,J,1,o,(1);
- (4) On-premise signs, other than wall or projecting signs, shall not extend more than 15 feet above ground level, and shall not have a supporting structure which extends more than two feet above such sign;
- (5) Projecting signs must be at least 9 feet above pedestrian level and may project no more than 2 feet from the building; and
- (6) Signs attached to a wall shall not extend above the top of the wall.

On-premise signs which are not in conformance with the preceding requirements and all roof signs may be allowed only under the provisions of a permit from the Commission.

## 2. Regulations Applying to All Signs.

Notwithstanding any other provisions of this chapter, no sign may be erected or maintained which:

- a. Interferes with, imitates or resembles any official traffic control sign, signal or device, or attempts or appears to attempt, to direct the movement of traffic;
- b. Prevents the driver of a motor vehicle from having a clear and unobstructed view of official traffic control signs and approaching or merging traffic;
- c. Contains, includes, or is illuminated by any flashing, intermittent or moving light, moves or has any animated or moving parts, except that this restriction shall not apply to a traffic control sign;
- d. Has any lighting, unless such lighting is shielded so as to effectively prevent beams or rays of light from being directed at any portion of the main traveled way of a roadway, or is of such low intensity or brilliance as not to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with the operation thereof;
- e. Is in violation of, or at variance with, any federal law or regulation, including, but not limited to, one containing or providing for conditions to, or affecting the allocation of federal highway or other funds to, or for the benefit of, the State or any political subdivision thereof;
- f. Is in violation of, or at variance with, any other applicable State law or regulation;
- g. Advertises activities which are illegal under any state or federal law applicable at the location of the sign or of the activities;
- h. Is not clean or in good repair; or
- i. Is not securely affixed to a substantial structure.

Any sign which is a combination of exempt and/or non-exempt signs shall be regulated by the most protective standards applicable.

## 3. Criteria for Sign Approval.

In approving, conditionally approving, or denying any application for a sign permit, the Commission shall require that the applicant demonstrate that the proposed sign complies with those criteria set forth in 12 M.R.S.A. §685-B(4) as well as the following:

- a. That the sign is compatible with the overall design of the building height, color, bulk, materials and other design and occupancy elements;
- b. That the color, configuration, height, size, and other design elements of the sign will fit harmoniously into the surrounding natural and man-made environment;
- c. That the sign will not constitute a hazard to the flow of traffic; and
- d. That the applicant sufficiently demonstrates the need for any non-conformity with the size, height, and other limitations set forth in Section 10.27,J,1.