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

PAUL R. LEPAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

COMMISSION DECISION
IN THE MATTER OF

Maine Land Use Planning Commission

Findings of Fact and Decision

ZONING PETITION ZP 754

The Maine Land Use Planning Commission, at a meeting of the Commission held June 8, 2016, at Brewer, Maine, after reviewing the record materials associated with Zoning Petition ZP 754, and other related materials on file, pursuant to 12 M.R.S. Section 681 et seq. and the Commission's Standards and Rules, finds the following facts:

1. Petitioner: Land Use Planning Commission
   18 Elkins Lane, 22 State House Station
   Augusta, Maine 04330-0022

2. Landowner: Marianne McEnrue, d/b/a 4th Musquacook Camp

3. Date of Completed Petition: July 2, 2015

4. Location of Proposal: T10 R11 WELS, Piscataquis County
   Lot #2 on Plan 01, Map PI035

5. Present Zoning: (P-GP) Great Pond Protection Subdistrict
   (M-GN) General Management Subdistrict

6. Proposed Zoning: (D-RF) Recreation Facility Development Subdistrict

7. Size of Parcel to be Rezoned: 15 acres (Owned)

8. Affected Water Body: Fourth Musquacook Lake

   The Commission has identified Fourth Musquacook Lake as a management class 7, resource class 1B, accessible, undeveloped lake with the following resource ratings: significant fisheries resources, significant wildlife resources, significant scenic resources, significant cultural resources.

Administrative History:

9. The subject property was originally developed in 1969 with a commercial sporting camp facility consisting of a 32 foot by 54 foot lodge with an 8 foot by 54 foot porch, a 16 foot by 18 foot caretaker

camp with 8 foot by 12 foot porch, and a 10 foot by 10 foot generator shed. In 1989, the facility was converted into a seasonal camp. In 1991, Development Permit DP 4147 authorized use of the development as a commercial sporting camp again and after-the-fact construction of a 15 foot by 15 foot addition to the caretaker camp. In 1994, new owners Peter O. Crowell and Marianne McEnrue, received Building Permit BP 8702, approving a change of use of the structures back to residential, plus reconstruction of the generator shed and construction of a storage shed. Amendment A to Building Permit BP 8702 authorized a time extension of the original Building Permit and Amendment B to Building Permit BP 8702 authorized the generator shed and storage shed to be combined into one 36 foot by 38 foot structure.

10. In July of 2013, Amendment A to Development Permit DP 4147 by Special Exception authorized operation of the development as a commercial sporting camp, currently known as the 4th Musquacook Camp. The total occupancy of the facility is 12 people per night and two employees.

11. On August 5, 2013, Chapter 10 of the Commission's rules, Land Use Districts and Standards, were amended to incorporate the extensive revisions regarding recreational lodging facilities. Based on facility level determination factors in Table A of Section 10.27,Q, Recreational Lodging Facilities, the facility is classified as a Level D – Recreational Lodging Facility. Specifically, the facility currently includes activities that are only partially screened and that generate some noise or odor under the Commission's rules in place today (e.g., scenic airplane rides, small shooting range and motorized boat rentals for overnight guests). Each of these factors classifies the facility as a Level D – Recreational Lodging Facility. Level D – Recreational Lodging Facilities (outside the geographic allowance area) are not an allowed use within the P-GP or the M-GN Subdistricts. As a result of the 2013 recreational lodging rulemaking, this facility is now a legally existing nonconforming use.

12. Notice of Filing. Notice of the proposed zoning petition was properly made to appropriate parties and the public as required under Chapter 4 of the Commission's rules. One comment from the public was received. No requests for a public hearing were received.

Project Information:

13. Proposed Zoning. The Petitioner proposes to rezone the entire 15 acre parcel currently owned by Marianne McEnrue from Great Pond Protection Subdistrict (P-GP) and General Management Subdistrict (M-GN) to Recreation Facility Development Subdistrict (D-RF), which allows Level D Recreational Lodging Facilities.

    The purpose of the petition is to zone the property to a subdistrict that is more consistent with the historic and current surrounding uses and resources of the subject parcels and to accommodate the existing facility as an allowed use. The purpose of the D-RF Subdistrict is to allow for development of moderate intensity recreational facilities – which often rely on, and are compatible with, settings which are distant from existing patterns of development, but are relatively accessible to visitors – in locations that would not be suitable for other types of commercial development.

14. Current Conditions and Recreational Lodging Facility Factors. Information relevant to the categorization of 4th Musquacook Camp (Section *10.27,Q, Table A):*
    A. *On-site recreation activities, features, and/or services.* 4th Musquacook Camp is an existing commercial sporting camp with a main lodge, caretaker/guide camp and storage building. Customers stay at the facility primarily in order to hunt and fish in the area. In addition to dining and lodging, the facility also provides onsite water and boating activities such as swimming, canoeing, kayaking, sailing, motor boat fishing, and scenic airplane rides taking off from the lake.

Other onsite activities include: rental of motorized and non-motorized boats; horseshoes; volleyball; and 1 shooting range/skeet course for shooting with handgun, rifle, archery and sporting clay shooting with shotguns. The range is approximately 50 feet by 300 feet in size with 2 shooting stations and a small bench.

B. *Utilities.* The facility generates its own electricity and is not served by public utilities. The lodge provides flush toilets and showers for guests.

C. *Floor area of principal buildings.* The floor area of all principal buildings is approximately 2,910 square feet.

D. *Footprint of clearing within 250 feet of waterbodies.* The facility currently includes approximately 51,400 square feet of cleared area within 250 feet of Fourth Musquacook Lake.

E. *Retail.* The facility includes a retail display area of approximately 50 square feet.

F. *Dining Amenities.* On-site kitchen and dining area is available in the dining hall for overnight guests.

G. *Fuel Sales.* Fuel is available to overnight guests.

H. *Recreation amenities.* Amenities are available to overnight guests only.

I. *Overnight occupancy.* The facility has a maximum overnight occupancy of 14 persons (12 guests and two employees).

15. Site Location and Access:

A. *Vehicle Access:* Access to the facility is off Route 11, along the Garfield Road, a public road, and then along a series of privately owned roads, on which access is managed for the landowners by the North Maine Woods. Land management roads and interior facility roads provide general access within the parcel.

B. *Utility Access.* There are no public utilities extending to the site.

16. Soil Suitability and Mapping. Soils within the area proposed for rezoning have been identified by NRCS Soil Survey as Daigle-Aurelie association, 0-8% slope, very stony. These soils are somewhat poorly drained to poorly drained, have very low rating for septic, a high rating for dwellings, a medium rating for roads and a Low rating for development. Test pits submitted for the existing sewage disposal systems indicate that the soils near the existing development are suitable for septic systems.

17. Wastewater Disposal. The facility is currently served by on-site water and subsurface wastewater disposal systems.

18. Rivers, Lakes, Streams and Wetlands. The 15 acre parcel is located on the south shore of Fourth Musquacook Lake, and contains approximately 1,460 feet of shoreline frontage in a Great Pond (P-GP) Protection Subdistrict. The majority of the development within the facility is located within the P-GP with mainly the sewage disposal system and shooting range located within the M-GN Subdistrict.

19. Land Division History. The landowner submitted an outlined 20-year land division history as part of the application for Development Permit DP 4490 and indicated that no non-exempt divisions have occurred on their parcel in the past 20 years.

20. Existing Development in the Area. The subject property has historically been managed for outdoor recreation and commercial timber harvesting. The 4th Musquacook Camp is the only development on Fourth Musquacook Lake. Lands abutting the property include undeveloped woodlands and timber management uses. Recreational uses in the region include camping, hiking, wildlife viewing, fishing, hunting, snowmobiling, and boating. High value recreational areas include the Allagash Wilderness Waterway, located approximately 6.8 miles from the property. Several seasonal camp are located 2-2.5 miles away on Third Musquacook Lake. The closest campsite is located on Second Musquacook Lake, approximately 3.75 miles away and the closest non-residential development is an outpost cabin for another commercial sporting camp located approximately 4 miles from 4th Musquacook Camp on Clear Lake.

21. Anticipated Impacts on Existing Uses and Resources.

    A. *Traffic.* There is no anticipated significant impact to traffic on the access roads, which are regularly used by recreational users and land management staff.

    B. *Noise.* Noise was considered in the Classification of the facility as a Level D – Recreational Lodging Facility. Small boat motors and scenic airplane rides for overnight guests are considered as "Some noise" under Section 10.02, 167 of the Commission's Land Use Districts and Standards. In addition, there is a sporting clay shooting range on site that can generate some noise at certain times of year. This range is only available for overnight guests and is used only during daylight hours. It can accommodate up to 2 shooters at a time and contains a small bench. Due to the remote nature of the site, the lack of recreational use on Fourth Musquacook Lake, existing vegetative buffers and the large size of the parcel, some noise from these uses, which traditionally have been associated with sporting camps in the North Maine Woods, is not anticipated to reach levels inconsistent with the Commission's Standards.

    C. *Economic.* Guests of the facility that travel by automobile are likely to contribute to the local economy in the Ashland area, including the purchase of fuel, food, and convenience items.

    D. *Fish and Wildlife.* A review of maps on file indicates that there no significant wildlife habitats near the proposed rezone area. The Maine Department of Inlands Fish & Wildlife has reviewed the rezone project and state that they have no concerns.

    E. *Unusual Natural Areas.* The Maine Natural Areas Program reviewed the proposal and searched the Natural Areas Program's Biological and Conservation Data System files for rare or unique botanical features in the vicinity of the proposed site and indicates that according to their current information there are no rare botanical features that would be disturbed within the project site.

Commission Review Criteria:

22. Under 12 M.R.S. § 685-A(8-A) of the Commission's statutes and Section 10.08 of the Commission's Land Use Districts and Standards, a land use district boundary may not be adopted or amended unless there is substantial evidence that:

A. The proposed land use district is consistent with the standards for district boundaries in effect at the time, the Comprehensive Land Use Plan and the purpose, intent and provisions of this chapter; and

B. The proposed land use district has no undue adverse impact on existing uses or resources or a new district designation is more appropriate for the protection and management of existing uses and resources within the affected area.

23. A proposed rezoning must be consistent with the Comprehensive Land Use Plan. 12 M.R.S. § 685-A(8-A)(A). The Commission's 2010 Comprehensive Land Use Plan (the CLUP) includes policies that speak to the protection of recreational resources and the development of recreational facilities and uses:

A. Protect the values of the jurisdiction that provide residents and visitors with a unique array of recreational experiences, especially high-value natural resources and remoteness where they exist.

B. Encourage diverse, non-intensive and nonexclusive use of recreational resources and protect primitive recreational opportunities in certain locations.

C. Accommodate a range of recreational uses and facilities in appropriate locations, based on the level of use, size, scale and compatibility with existing recreational and non-recreational uses.

D. Consider traditional sporting camps as recreational and cultural resources, worthy of protection from incompatible development and land uses, and give special consideration to sporting camps in the Commission's development standards and in its review of rezoning petitions and development proposals within the immediate vicinity of a sporting camp.

E. Discourage the conversion or expansion of sporting camps located in remote locations to facilities or uses that would unreasonably impact the jurisdiction's natural resources or remote values.

F. Promote respect for and responsible use of private lands.

(CLUP Section 1.2, p. 17.)

24. Pursuant to Section 10.21,J,1 of the Commission's Land Use Districts and Standards the purpose of the D-RF subdistrict is "to allow for development of moderate intensity recreation facilities in locations that would not be suitable for other types of commercial development. Moderate intensity recreation facilities often rely on, and are compatible with, settings which are distant from existing patterns of development, but are relatively accessible to visitors. Such development may be appropriate in locations that provide access to recreational opportunities that are not overly sensitive to increased public use but are not present in developed areas. The D-RF Subdistrict is designed to allow for the location of moderate intensity recreation facilities in areas that are distant from other development, but where the location of such a facility would; not unreasonably interfere with existing uses such as forestry and agriculture activities, fish and wildlife habitat or other recreation opportunities; and will not substantially increase the demand for public services in areas that are distant from existing patterns of development."

25. Pursuant to Section 10.08,B of the Commission's Land Use Districts and Standards, the review standards listed in Section 10.25,A must be considered in applying the statutory zoning criteria in 12 M.R.S. § 685-A(8-A) to proposed changes in subdistrict boundaries adjacent to lakes. Section 10.25, A of the Commission's Land Use Districts and Standards provides:

The standards set forth below must be met for all subdivisions and commercial, industrial, and other nonresidential structures and uses proposed on land adjacent to lakes. These standards must also be considered in applying the criteria for adoption or amendment of land use district boundaries, as provided in Section 10.08, to proposed changes in subdistrict boundaries adjacent to lakes.

In applying the standards set forth below, the Commission shall consider all relevant information available including the Maine Wildlands Lake Assessment Findings (Appendix C of this chapter), and relevant provisions of the Comprehensive Land Use Plan.

A. **Natural and cultural resource values.** The proposal will not adversely affect natural and cultural resource values identified as significant or outstanding in the Wildland Lakes Assessment (Appendix C of this chapter)[;]

B. **Water quality.** The proposal will not have an undue adverse impact on water quality;

C. **Traditional uses.** The proposal will not have an undue adverse impact on traditional uses, including without limitation, non-intensive public recreation, sporting camp operations, timber harvesting, and agriculture;

D. **Regional diversity.** The proposal will not substantially alter the diversity of lake-related uses afforded within the region in which the activity is proposed;

E. **Natural character.** Adequate provision has been made to maintain the natural character of shoreland;

F. **Lake management goals.** The proposal is consistent with the management intent of the affected lake's classification; and

G. **Landowner equity.** Where future development on a lake may be limited for water quality or other reasons, proposed development on each landownership does not exceed its proportionate share of total allowable development.

Public Comments

26. The Natural Resources Council of Maine (NRCM) commented on an earlier version of the zoning petition that did not include information about the existing sport shooting range because the Commission was not initially aware of this activity. NRCM's initial comments state that this zoning petition exposes a deficiency in the new rules. NRCM therefore disapproves of the application and requests that LUPC staff the Commission take note of the issue for future rule revisions. Specifically, NRCM notes that, absent the plane rides, 4th Musquacook Camp would be classified as a Level B recreational lodging facility (with an allowance for a clearing size that exceeds a Level B for facilities in existence prior to July 1, 2013). NRCM suggests that rezoning the existing facility to a Level D because it provides scenic airplane rides to overnight guests represents poor policy and a deficiency in the rules. NRCM recommends that the area remain zoned as a P-GP subdistrict, that the facility be categorized without considering the airplane rides, and that the airplane rides be deemed a nonconforming use.

    When NRCM was given information regarding the existing sport shooting range, their representative submitted the following: "Unfortunately, I have competing priorities at this time and will not be able to thoroughly review the new information and potentially amend our comments. Please let the record show that the Land Use Planning Commission alerted NRCM to the new information in a timely manner and that our comments on the applications do not reflect knowledge of the new information."

27. The facts are otherwise represented in Zoning Petition ZP 754 and supporting documents.

Based upon the above Findings and the following analysis, the Commission Concludes:

<u>Consistency with the Standards for District Boundaries</u>

1. According to 12 M.R.S. § 685-A(8-A)(A) of the Commission's statute, a proposed rezoning must be consistent with the Standards for district boundaries in effect at the time.

   A. Section 10.21,J,1 of the Commission's Standards establishes the purpose of the D-RF Subdistrict is to allow for development of moderate intensity recreational facilities in locations that would not be suitable for other types of commercial development. Moderate intensity recreation facilities often rely on, and are compatible with, settings which are distant from existing patterns of development, but are relatively accessible to visitors. (See, Finding #24).

   B. The existing Level D, Recreational Lodging Facility would be located within the 15 acre area proposed for rezoning and would be a moderate intensity recreational facility. It would be designed to serve 12 guests and have a staff of 2 and would be open to the public year round.

      While this location would not be suitable for most types of commercial development, the facility would be compatible with this setting which is distant from existing patterns of development. The facility would rely on this relatively remote and natural setting to attract customers. The site is relatively accessible to visitors and in a location that provides access to numerous recreational opportunities such as hiking, fishing, boating, hunting, camping, and snowmobiling. The recreational resources in this area are not overly sensitive to increased public use and are not present in a similar scale or quality in nearby developed areas, thus making this location, away from developed area, appropriate for the proposed facility.

      The location of the proposed facility would not unreasonably interfere with existing uses or other recreation opportunities. The lands surrounding the site are managed for commercial forestry.

   C. Most rezonings in which a development subdistrict is proposed, result in rezoning only so much land as is necessary to accommodate the proposed development and ensure good design and environmental performance. However, the recreational lodging rules in general, and the D-RF in particular, are intended to accommodate a fair amount of change and expansion to recreational lodging facilities without requiring further rezoning until the next "threshold" of intensity and scale is crossed. Also if possible, it is preferable to have all the elements of a recreational lodging facility in one subdistrict.

      The D-RF excludes all other potentially incompatible uses (unlike, for instance, the D-GN which allows recreational lodging but also many other potentially incompatible commercial uses), and limits the amount of development and activity to a Level D facility regardless of the amount of land that is in the D-RF. Therefore, the intensity of use, size of the development, and ultimately the impact from the facility and its use, is not tied closely to the size of the D-RF zone. No matter how big the D-RF zone, any one facility can only fill it up with the amount of development allowed by a Level D facility.

      Therefore, petitioners rezoning to a D-RF may include an area that is sufficient for intended development and uses, for good design including adequate setbacks, for variations at the development phase due to unanticipated changes, and also for reasonable future expansion needs or changes in uses.

For a D-RF it is generally acceptable to include more land than is required for the intended development unless there is some specific reason not to do so.

The D-RF boundaries should be drawn so that the boundaries limit development in, on or near existing resources and uses likely to be affected by the development such as water bodies, wildlife habitat, and areas for primitive or traditional recreation. Ideally, the boundaries should be readily identifiable on the ground because they coincide with natural features, roads, parcel lines or other permanent measurable locations.

D. The size and boundaries of the proposed D-RF are consistent with the standard for D-RF district boundaries because it extends along the shoreline only so far as is needed to reasonably accommodate the proposed development, is bounded by shorelines and roadways where possible, and extends inland from the lake shorelines to include land sufficient for the proposed development, for good design, and to accommodate needed variations from the conceptual site plan due to unanticipated site features.

While the easterly portion of the proposed zoning area includes a fair amount of land that does not appear to need to be included to fit the proposed development, that land may be included because it is readily identifiable (it follows parcel lines and water bodies), includes some elements of the facility such as a portion of the access drive, and may accommodate future uses related to, and a part of, the recreational lodging facility. By including this land in the D-RF, the rezoning recognizes that the D-RF differs from many LUPC development zones by recognizing that recreational lodging development often requires a dispersed network of development on the site and flexibility to evolve as needs and demands change thereby requiring more land.

E. The D-RF is not intended to tightly constrain development or create dense development. It is intended to protect the resources and existing uses in the area but to do so while providing significant flexibility to the recreational lodging facility. Therefore, for the purposes of rezoning, the proposed D-RF subdistrict is consistent with the standard for district boundaries in effect at the time and is of a size that would accommodate the proposed Facility.

<u>Consistency with the Comprehensive Land Use Plan</u>

2. According to 12 M.R.S. § 685-A(8-A)(A) of the Commission's statute, a proposed rezoning must be consistent with the Comprehensive Land Use Plan. The Commission's 2010 CLUP contains goals and policies pertaining to the protection of recreational resources and the development of recreational facilities and uses that "provide residents and visitors with a unique array of recreational experiences," "encourage diverse, non-intensive and nonexclusive use of recreational resources," "accommodate a range of recreational uses and facilities in appropriate locations," accommodate less intensive, nonexclusive recreational uses and facilities in other appropriate locations where such uses and facilities will not adversely affect existing uses and resource," "give special consideration to sporting camps in the Commission's development standards and in its review of rezoning petitions."

A. The proposed rezoning is intended to accommodate the existing development and potential expansion of the 4th Musquacook Camp, a traditional sporting camp originally built in the 1969 with a main lodge, caretaker/guide camp and storage building. Recreational lodging facilities such as this are identified in policy as a cultural and recreational resource worthy of special consideration in the Commission's development standards and in its review of rezoning petitions. This proposed rezoning and subsequent development would provide a unique array of recreational experiences and encourage diverse, non-intensive and nonexclusive use of recreational resources in appropriate locations. The

facility would be relatively accessible to guests and is in a location that provides access to numerous non-intensive recreational opportunities such as wildlife viewing, hiking, fishing, boating, hunting, camping, and snowmobiling. As described in conclusion #1 this relatively remote and natural setting for the proposed D-RF subdistrict would be an appropriate location for a Level D recreational facility and the recreational resources in the area are not overly sensitive to increased use by guests at the facility.

Consistency with Chapter 206-A

3. According to 12 M.R.S. § 685-A(8-A)(A) of the Commission's statute, a land use district boundary may not be adopted or amended unless the proposed land use district is consistent with the purpose, intent and provisions of Chapter 206.

   A. Title 12 Section 685-A(1) establishes the Commission zoning authority: "The commission, acting on principles of sound land use planning and development, shall determine the boundaries of areas within the unorganized and deorganized areas of the State that shall fall into land use districts and designate each area in one of the following major district classifications: protection, management and development." Section 681 states the Legislature "finds that it is desirable to extend principles of sound planning, zoning and development to the unorganized and deorganized townships of the State" to, among other things, "encourage appropriate residential, recreational, commercial and industrial land uses."

   B. The Commission evaluated the petition with respect to consistency with Chapter 206-A and principles of sound planning, zoning, and development. Having considered the location of the Level D Recreational Lodging Facility, the surrounding uses and resources, the type and intensity of the development the rezoning is intended to foster, the review of agency comments, and the record as a whole, the Commission concludes approval of the petition would be an act of sound land use planning. Therefore, the Commission concludes the proposed rezoning is consistent with the purpose, intent and provisions of Chapter 206-A, which cumulatively are designed to promote sound planning.

Impacts on Existing Uses and Resources

4. According to 12 M.R.S. § 685-A(8-A)(B) of the Commission's statute, the proposed land use district can have no undue adverse impact on existing uses or resources.

   A. The location of the facility would not unreasonably interfere with existing uses or other recreation opportunities. The lands surrounding the site are managed for commercial forestry. There is no other development on Fourth Musquacook Lake, therefore, the lake is generally only used by guests of 4th Musquacook Camp. The Commission concludes the proposed rezoning and subsequent development of a level D recreational lodging facility in the proposed D-RF subdistrict, would not have an undue adverse impact on existing uses.

   B. The proposed rezoning would not have an undue adverse impact on existing resources. The compatibility with existing forest and recreational resources, particularly Fourth Musquacook Lake, is discussed above. With regard to existing natural resources, no rare botanical resources would be disturbed within the project site. IF&W noted that there are no significant wildlife or wildlife habitat concerns anticipated on the site. Soils near the existing development are shown to be suitable for the type of existing development. Therefore, the Commission concludes rezoning to D-RF would not have an undue adverse impact on existing resources.

Consideration of Section 10.25,A

5. Section 10.25,A of the Commission's Standards must be considered in applying the criteria for proposed changes to subdistrict boundaries adjacent to lakes. The Commission has done so and the conclusions above remain unaltered. Further, the Commission concludes the proposed rezoning is consistent with the provisions of Section 10.25,A. Specifically:

   A. The proposal is consistent with Section 10.25,A,1 in that proposed rezoning would not adversely affect the significant fisheries, wildlife, scenic, and cultural resource values of Fourth Musquacook Lake as described in Appendix C of the Commission's Land Use Districts and Standards. Fourth Musquacook Lake has no outstanding resource ratings. The proposed rezoning to a D-RF subdistrict would allow the existing level D recreational lodging development to be re-designated as a conforming use. Future development on the property, in accordance with applicable permitting standards would not adversely affect the lake's resource values. As noted above, the proposed rezoning will not have an undue adverse effect on existing uses or resources; this directly relates to the protection of the natural and cultural resource values of the lake.

   B. There has been no evidence that the water quality of Fourth Musquacook lake has been impacted by the existing development on the lake, which is currently limited to the 4th Musquacook Camp, therefore the commission concludes that the proposed rezoning is consistent with Section 10.25,A,2 and will not have an undue adverse impact on water quality.

   C. The Commission considered the potential impacts of the proposed rezoning on all existing uses, including traditional uses, in the vicinity of the property in applying the statutory review criteria discussed above. The proposal is consistent with Section 10.25,A,3 in that it would not have an undue adverse impact on the traditional uses in the area.

   D. The proposal is consistent with Section 10.25,A,4 in that the proposed rezoning would not alter the diversity of lake-related uses on Fourth Musquacook Lake. The same range of recreational opportunities that exist today will continue to exist after the rezoning.

   E. Future development on the site would require permit review and be subject to various standards, such as clearing standards, intended to address potential effects of development on the natural character of the shoreland. The proposed rezoning is consistent with Section 10.25,A,5.

   F. Fourth Musquacook Lake is a Management Class 7 lake, a lake "not otherwise classified." The Commission manages Class 7 lakes for multiple uses, giving specific consideration to identified resource values when evaluating the merits of lake-related rezonings and permit applications. As noted above in the discussion 10.25,A,1, the proposed rezoning will not have an adverse effect on Fourth Musquacook Lake's resource values. The Commission concludes the proposed rezoning is consistent with the management classification for the lake and with Section 10.25,A,6.

   G. The lands surrounding Fourth Musquacook Lake are undeveloped and privately managed for commercial forestry. The Commission concludes development on Fourth Musquacook Lake would not be further limited by the proposed rezoning and thus the landowner equity concerns Section 10.25,A,7 is intended to address are not implicated by the petition.

   Therefore, the Commission concludes that the zoning petition is consistent with Section 10.25,A of the Commission's Land Use Districts and Standards.

Final Conclusions

6. In summary, and for reasons explained above, the Commission concludes that the proposed rezoning of 15 acres for the existing and potential expansion of a Level D, Recreational Lodging Facility:
   A. Is consistent with the standards for district boundaries in effect at the time;
   B. Is consistent with the Commission's 2010 Comprehensive Land Use Plan;
   C. Is consistent with the purpose, intent and provision of Title 12, Chapter 206-A;
   D. Will not have an undue adverse impact on existing uses or resources; and
   E. Is consistent with the provisions of Section 10.25,A of the Commission's Land Use Districts and Standards.

Therefore, the Commission approves the petition of the staff of the Maine Land Use Planning Commission to rezone 15 acres owned by Marianne McEnrue in T10 R11 WELS from (P-GP) Great Pond Protection Subdistrict and (M-GN) General Management Subdistrict to (D-RF) Recreation Facility Development Subdistrict per the attached map

Pursuant to 5 M.R.S. § 11002 and Maine Rule of Civil Procedure 80C, this decision by the Commission may be appealed to Superior Court within 30 days after receipt of notice of the decision by a party to this proceeding, or within 40 days from the date of the decision by any other aggrieved person. In addition, where this decision has been made without a public hearing, any aggrieved person may request a hearing by filing a request in writing with the Commission within 30 days of the date of the decision.

DONE AND DATED AT BREWER, MAINE, THIS 8TH DAY OF JUNE, 2016.

By: _____
Nicholas D. Livesay, Executive Director

This change in Subdistrict designation is effective on June 23, 2016.