

DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
MAINE LAND USE PLANNING COMMISSION

**Proposed Chapter 10 Rule Amendments to Maple Sugar Processing
Subdivisions as Required by Legislative Resolve**

—Public Comment DRAFT —
July 27, 2012

The following amendment proposes changes to Chapter 10, Land Use Districts and Standards for Areas within the Jurisdiction of the Maine Land Use Planning Commission. The corrections proposed below indicate additions in underline and deletions with a ~~striketrough~~.

**CHAPTER 10
LAND USE DISTRICTS AND STANDARDS**

Section 10.22,A MANAGEMENT SUBDISTRICTS

10.22,A,3,d Special Exceptions

(2)Maple Sugar Processing Subdivisions: Subdivisions containing lots created by lease for the purpose of establishing and operating commercial maple sugar processing operations provided that:

- The maximum number of leased lots shall be no more than one (1) per every 300 acres of the lot or parcel being subdivided¹;
- The maximum size of each leased lot shall be no more than 4 acres;
- Any two leased lots in a maple sugar subdivision may be located less than 1,000 feet from each other; these lots will be considered a set of lots for the purpose of determining leased lot separation.
- Each set of leased lots must be separated from any other leased lot or set of leased lots in the subdivision by a minimum of 1,000 feet, measured horizontally from the closest point between lots or sets of leased lots; and
- ~~Leased lots shall be separated by a distance, measured horizontally from the closest point between lots, of at least 1,000 feet and cannot be located within 1,000 feet of any public road, shoreline of great ponds and major flowing waters, or any other type of residential or commercial development; and~~
- Fee ownership in each of the leased lots shall only be transferred as part of a sale of the entire parcel originally so subdivided, or with a deed restriction requiring that the lot be used only for commercial maple syrup production unless the Commission, or its legal successor in function, releases the restriction and records such release in the registry of deeds.

¹ Calculated by dividing the total acreage of the lot or parcel being subdivided by 300 and rounding down to the nearest whole number.

Section 10.25,Q SUBDIVISION AND LOT CREATION

6. Subdivision Filing with Registry of Deeds and Sale of Lots.

- a. Filing requirements. Following the approval of any subdivision by the Commission, the applicant must file the subdivision plat signed by the Commission's Director with the County Registry of Deeds where the real estate is located.

A registrar of deeds shall not record a copy of conditions or any plat or plan purporting to subdivide real estate located within the unorganized and deorganized lands of the State, unless the Commission's approval is evidenced thereon. 12 M.R.S.A §685-B(6)

- b. Certificates of Compliance. The sale of lots in any subdivision approved by the Commission may not proceed until a certificate of compliance has been issued. A certificate of compliance requires that, among other things, proposed deeds and plats be reviewed and approved by the Commission to ensure that permit conditions have been fulfilled. 12 M.R.S.A. §685-B(8)
- c. The fee interest in lots in maple sugar processing subdivisions, shall not be offered for sale except as part of a sale of the entire parcel originally so subdivided, or with a deed restriction requiring that the lot be used only for commercial maple syrup production unless the Commission, or its legal successor in function, releases the restriction and records such release in the registry of deeds. The subdivision plat, and any deed for lots in subdivisions created by lease for the purpose of establishing and operating maple sugar processing operations, shall contain conditions setting out such restrictions.
- d. For maple sugar subdivisions created after the effective date of this rule, deeds for each leased lot in maple sugar processing subdivisions must be created with a deed restriction requiring that the lot be used only for commercial maple syrup production unless the Commission, or its legal successor in function, releases the restriction and records such release in the registry of deeds. The deeds for each leased lot in maple sugar processing subdivisions shall be recorded with the registry of deeds at the time the subdivision is created.